

## Planning Commission Staff Report

July 10, 2013  
Item 6.b.

- SUBJECT:** PUD-87, P13-1981, P13-2065
- APPLICANT:** John Pringle for E&S Ring Management
- PROPERTY OWNERS:** Frank Auf der Maur and Konrad Rickenbach
- PURPOSE:** Applications for: (1) Planned Unit Development (PUD) Development Plan approval to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements on an approximately 16-acre site located at 3150 Bernal Avenue (southeast corner of Bernal Avenue and Stanley Boulevard); (2) Development Agreement; (3) Affordable Housing Agreement; and (4) Growth Management Approval.
- GENERAL PLAN:** High-Density Residential and Retail, Highway, Service Commercial, Business and Professional Offices
- ZONING:** Planned Unit Development – High Density Residential (PUD-HDR) and Planned Unit Development – Commercial (PUD-C) Districts
- LOCATION:** 3150 Bernal Avenue
- EXHIBITS:**
- A. Draft Conditions of Approval
  - B. Proposed Plans, Green Point Checklist, LEED Checklist, Arborist Report, Noise Assessment Study, Traffic Study, Health Risk Analysis and Air Pollutant Emissions Assessment, Climate Action Plan Checklist, Evaluation of Electric and Magnetic Fields Report, Development Agreement, Growth Management Agreement, and Affordable Housing Agreement
  - C. Minutes of the December 12, 2012, Planning Commission Work Session Meeting
  - D. June 20, 2013 Housing Commission Staff Report (with only Attachment 2)
  - E. Addendum to Supplemental Environmental Impact Report
  - F. Ordinance 2032, Rezoning the Subject Site
  - G. Public Comment
  - H. Location and Noticing Maps

## I. BACKGROUND

E & S Ring Management, on behalf of Frank Auf der Maur and Konrad Rickenbach (property owners), has submitted for a Planned Unit Development (PUD) application for the development of the approximately 16-acre subject site. The site is one of the nine sites rezoned in January 2012 for high-density multifamily development in order to meet the City's share of the regional housing need, (please see Ordinance 2032 attached to this report as Exhibit F for the rezoning).

The site is subject to the *Housing Site Development Standards and Design Guidelines* (hereafter referred to as *Design Guidelines*), adopted by City Council on September 4, 2012. The site is identified as Site #6 in the *Design Guidelines*, and has a minimum and maximum density of 30 units per acre, which results in 345 units on the approximately 11.5-acre site.

The proposed applications are subject to review and approval by the City Council, following review and recommendation by the Housing Commission (regarding the affordable housing) and the Planning Commission. The Planning and Housing Commissions' recommendations on the proposed applications will be forwarded to the City Council for review and final decision.

### **December 12, 2012 Planning Commission Workshop**

The project was reviewed and discussed at a workshop with the Planning Commission held on December 12, 2012. Outlined below are the topics discussed at the workshop (the minutes from the workshop regarding this item are attached to this report as Exhibit C).

A. *Would the Planning Commission support the requested exceptions if the project were to move forward as proposed?*

All Commissioners indicated they were supportive of the exceptions outlined for the workshop, including some flexibility for the 2-foot recess required for garage doors.

B. *Are the on-site circulation, parking layout, and positioning of the buildings acceptable?*

All Commissioners indicated they were supportive of the on-site circulation, parking layout, and positioning of buildings.

C. *Are the proposed on-site recreation facilities and amenities acceptable?*

All Commissioners indicated they found the on-site recreation facilities and amenities acceptable and that they were glad to see a large open green space for outdoor activities.

D. *Is the treatment of the corner of Bernal Avenue and Stanley Boulevard (four stone pilasters and a low-profile stone sign wall arranged in a curve, with two ornamental trees behind the pilasters and sign wall) adequate?*

Many of the Commissioners members indicated they found the corner treatment to be generally acceptable, but would like to see additional features or details to make the corner "more dramatic" or distinguished.

E. *Are the residential building designs, colors and materials, and heights acceptable?*

The commission generally felt the design was acceptable but that the rooflines and arches on the buildings could be better varied. One member of the Commission

commented that high quality graphics would better serve to provide perspective of the proposed project.

*F. Are the commercial building designs, colors and materials, and heights acceptable?*

The Commission indicated the design felt somewhat “flat,” but that could be attributed to the plans not being fully detailed. Several members of the commission indicated they were fine with it.

*G. Does the Planning Commission have any comments on the uses proposed in Exhibit A?*

The Commission found the list of uses to be acceptable. Two Commissioners commented that health clubs can sometimes have a more intense parking demand and thus it should be a conditional use. Another Commissioner commented that being too restrictive can lead to vacancies in commercial developments, and thus he is fine with the use list as proposed.

Work Session Public Comment

Bob Russman, representing Congregation Beth Emek across Nevada Court, commented that the applicant should not be required provide access from the subject property to the trail along the Arroyo del Valle since the synagogue had problems with parking and vandalism on their property when they were required to provide such access. Mr. Russman also commented that the driveway from the project site onto Nevada Court should be oriented such that vehicles do not shine headlights into the congregation’s building. Mr. Russman further commented that the use of the proposed driveway on Nevada Court by residents would impact pick-up and drop-off for the congregation, and thus the driveway from Nevada Court should be one-way (going out) only.

In response to a question from the Planning Commission, City Traffic Engineer Mike Tassano indicated that there will be bicycle lanes on Stanley Boulevard, Bernal Avenue, and Tawny Drive, and that cyclists will use the roadways on the internal streets within the development.

## II. SITE DESCRIPTION

The subject property is located southeast of the intersection of Stanley Boulevard and Bernal Avenue. The site is approximately 16-acres total; the zoning designation for the residential portion of the site (11.5-acres) is PUD-HDR and the remaining 4.5 acres are zoned PUD-C. Figure 1 provides a vicinity map of the area.



**FIGURE 1:** Vicinity Map

Figure 2a shows an aerial photograph of the site and provides identifiers for surrounding land uses (shown in yellow letters “a” through “h”) that correspond to Figure 2b and blue arrows with letters “i” through “l” that correspond to photos of the site shown in Figures 2c and 2d.



**FIGURE 2a:** Aerial Photograph

a. McDonald's Restaurant



b. ARCO Service Station and Convenience Market



c. Diablo Valley Auto Body



d. Bernal Retail Center



e. Quality Auto Craft/Performance Auto Repair



f. Livermore-Pleasanton Fire Station #1



g. Congregation Beth Emek



h. PG&E Substation



**FIGURE 2b:** Photographs of Surrounding Land Uses

i. View of Site Looking South (photograph taken in April of 2012)



j. View of Site Looking Northwest (photograph taken in September of 2012)



**FIGURE 2c:** Photographs of Subject Site



**FIGURE 2d:** Photographs of Areas along Street-Side Property Lines

As seen in Figures 1, 2a and 2b, the site is bound by Pleasanton Self Storage across Stanley Boulevard to the north, McDonald’s restaurant, ARCO service station and convenience market, Bernal Retail Center, and Quality Auto Craft/Performance Auto Repair across Bernal Avenue to the west, Congregation Beth Emek across Nevada Court to the south, and a PG&E substation directly to the east. The site is relatively flat (as seen in Figure 2c), but the grade near the northwestern corner (adjacent to the Bernal Avenue and Stanley Boulevard intersection) is higher than the adjacent sidewalk. Elevation points in this area range between 353-feet adjacent to the sidewalk to a high point of 359-feet. Elevation points range from 358-feet near the southern property boundary adjacent to Nevada Court to 357-feet near the eastern property line, to 357-feet near the western property line adjacent to Bernal Avenue, and to 359-feet near the northern property boundary adjacent to Stanley Boulevard.

Since the site is currently vacant, no driveways exist on Nevada Court, Bernal Avenue, or Stanley Boulevard. The site is fenced with chain link fencing around the perimeter. No mature trees are located on the property, with the exception of those located in the landscaping area between the sidewalk and Stanley Boulevard.

**III. PROJECT DESCRIPTION**

The applicant proposes to construct 345-residential units on approximately 11.5-acres and up to approximately 38,781-square-feet of commercial space on approximately 4.5-acres of the total 16-acre project site. The project characteristics are outlined below Figure 3.



**FIGURE 3:** Proposed Site Plan

- A total of 345 residential apartments units are proposed and would be dispersed between three clusters: Cluster 1 will be located near the northeastern portion of the property and will consist of 94 apartment units (Buildings B1, B2, C1, C2, D1, D2, E1, and E2), Cluster 2 will be located near the southeastern portion of the property and will consist of 160 apartment units in a podium style building (Building A), and Cluster 3 (Buildings B3, B4, D3, D4, E3, E4, F1, and F2) will be located near the southwestern corner of the property and will consist of 91 units. The density of the residential portion of the project is 30 units per acre (345 units on 11.5 acres).
- Residential units include 19 junior one-bedroom units (approximately 650-gross square feet), 142 one-bedroom units (755-gross-square-feet), 20 one-bedroom with den units (880-gross-square-feet), 29 two-bedroom units (1,075-gross-square-feet), 65 two-bedroom-split master units (between 1,115-1,132-gross-square-feet), 14 two-bedroom plus den (1,230-gross-square feet), 8 two-bedroom carriage units (1,205-gross-square-feet), 26 two-bedroom “townhome” units (1308-1390-gross-square-feet), 18 three-bedroom units (1,250-1,510-gross-square-feet), and 4 three-bedroom with den units (approximately 1,440-gross-square feet). A full breakdown of unit mix is provided on the second page (Sheet ii) of the plan set.
- A total of 611 parking spaces are proposed for the residential portion of the project (at a ratio of 1.8 parking spaces per dwelling unit). The 611 parking spaces consist of: 54 spaces in carports, 153 spaces in private garages, 191 spaces in a parking garage in Cluster 2, and 213 surface parking spaces. If reviewed by cluster, Cluster 1 has a total



of 151 spaces (92 private garages and 59 surface spaces), Cluster 2 has a total of 314 spaces (191 garage and 123 surface spaces), and Cluster 3 has a total of 146 spaces (54 carports, 61 private garages, and 31 surface spaces).

- The commercial buildings are clustered alongside Drives A and B as shown on the overall site plan (Sheet 03). Surface parking is located in front of all of the buildings and along the northern side of the Major tenant space.
- The commercial portion of the project will be divided into two parcels; the dividing line will be between the Major 1 tenant and through the surface parking area (shown on several sheets, but most clearly on Sheet C-02).
- The commercial portion of the project consists of a total of four buildings. Two different options are shown on - Sheets RA-03 and RA 04 of the project plans. The first option (shown in Figure 3 and on Sheet RA-03) would be a total of 35,169 square feet and would consist of: Pad 1 approximately 3,165-square-feet in size, two retail shop buildings totaling 17,356-square feet, and a major tenant consisting of 14,648-square-feet with drive-through for a possible pharmacy. The second option (shown on Sheet RA-04) would be a total of 38,781 square feet and would consist of: Pad 1 approximately 3,165-square-feet in size, two retail shops totaling 15,216-square-feet, and a major tenant consisting of 20,400-square-feet for a possible grocery store.
- The first option (shown on Sheet RA-03) includes a total of 171 parking spaces for the commercial portion of the project (at a ratio of 5.0 spaces per 1,000-square-feet, or 1 parking space for 200-square-feet). The second option (shown on Sheet RA-04) includes a total of 186 parking spaces for the commercial portion of the project (at a ratio of 4.7 spaces per 1,000-square-feet, or 1 parking space for 213-square-feet).
- The commercial area includes an outdoor plaza with dining, seating, and fountain in the area between Retail Shops 1 and Retail Shops 2. An outdoor dining area is also proposed between Major 1 and Retail Shops 1 in both options.
- An enlarged elevation and material palette for the commercial buildings is shown on Sheet RA-09 of the plans. The commercial buildings will feature cement plaster walls accented with brick and stone veneers, clear glazing, and a standing seam metal roof in areas where the roof is sloped. A flat parapet with cornice detailing is proposed in some areas as well.
- The heights of the commercial buildings vary between approximately 26-feet for the building on Pad 1 to a height of approximately 30-feet for the retail shop buildings and the Major 1 tenant space.
- The residential buildings vary in height. In Cluster 1, the shortest buildings are Buildings C1 and C2, proposed at 29-feet in height. The tallest buildings in Cluster 1 are E1 and E2, proposed at 35-feet. In Cluster 2, the shortest building is the commons building, proposed at a height of 20-feet and the tallest building is the residential unit

building, proposed at a height of 51-feet. The shortest buildings in Cluster 3 are Buildings F1 and F2, proposed at a height of 28-feet and the tallest building is Building E3, proposed at 37-feet in height. Increasing the massing of the Cluster 2 residential building allows for the portions of Cluster 3 adjacent to Bernal Avenue to be two-story.

- Private open space is provided by patios and balconies and group open space is distributed on the site by means of outdoor gathering areas in-between buildings within a cluster and a community swimming pool located directly east of the leasing and business center. Community gathering areas include amenities such as outdoor fireplaces, outdoor barbeque areas, fountains, and seating areas. Two tot lots are proposed: one in the center area of Cluster 1 and another near the southeastern area of the site (near Cluster 2). An Open Space Diagram provided on Sheet 04 shows a calculation of the open space for the project and details of group open space are shown on Sheets L-03 through L-06 of the project plans. Sheet L-10 of the plans show photographs of the types of details proposed in the common space areas.
- Landscape lighting is shown on Sheet L-16 and includes a variety of wall lighting, pole lighting, step lighting, and up-lighting.
- Pedestrian access to unit entries is provided via internal corridors or stairways that lead to the particular unit. Many of the ground-floor units (with some exceptions such as those units with private open space directly adjacent to public open space) have access from their private open space areas.
- A second-floor and third-floor pedestrian bridge between some buildings is proposed (e.g. a connection between Buildings D1 and E1, D2 and E2 in Cluster 1).
- Access to the site is proposed from Bernal Avenue via a three-lane drive (Drive A, one lane going into the property and two-lanes exiting onto Bernal Avenue). This drive turns into Drive B, which provides one lane in each direction for vehicular ingress and egress onto Stanley Boulevard. Drive C provides access (one lane in each direction) from Drive A, Drive B, or Drive D to Nevada Street. A second two-way driveway from Stanley Boulevard provides access to Drive E, which consists of parking areas.
- As shown on Sheet C-02, a median break on Stanley Boulevard is proposed to allow westbound vehicular traffic to make a left turn into the property (to Drive B).
- A separated sidewalk is proposed along Stanley Boulevard and the southern half of the property's frontage on Bernal Avenue. A monolithic sidewalk is proposed along the northern half of the property's frontage on Bernal Avenue.
- A total of three bus stops are proposed, one each along northbound Bernal Avenue and eastbound Stanley Boulevard, and the third approximately 400-feet west of the Stanley Boulevard – Bernal Avenue – Valley Avenue intersection along Stanley Boulevard. This stop provides an additional westbound bus stop (the next closest westbound stop would

be approximately 0.5 miles from the subject site, near the Reflections Drive and Bernal Avenue intersection).

- Community amenities are located near Clusters 1 and 2, near the center of the site. An approximately 2,200-gross-square-foot leasing office and business center will be located in the center of the three clusters, off of Drive B. An approximately 2,008-gross-square-foot community room will also be located in the same area. Floor plans of these common areas are on Sheet A-24.
- A pedestrian and bicycle path for a future connection is shown from the southeast corner of the site to the adjoining property line. An easement from PG&E would need to be secured in order to connect this pathway to the trail along the Arroyo del Valle Creek Trail. A condition of approval encourages the applicant to work with PG&E to secure this easement.
- To distinguish the corner of the project site at Stanley Boulevard and Bernal Avenue, a seat wall, brick wing wall with overhead trellises and a low-profile stone sign wall arranged in a curve are proposed. A 48-inch box size olive tree is proposed behind the wing walls and sign wall. Sheets L-09, L-12, and A-48 provide detailed drawings of this corner treatment. All signage would be reviewed under a separate Sign Design Review application.
- A retaining wall is proposed along Bernal Avenue and Stanley Boulevard in the northwestern area of the site and tapers to a point where it is no longer necessary due to the existing grade. As indicated on Sheet L-12, shrubs and trees will be planted between the retaining wall and the sidewalk. The highest portion of the retaining wall is at the corner of the two streets, where it will be 5-feet tall. A 2-foot tall vertical trellis is proposed on top of the retaining wall, resulting in a maximum total height of 7 feet.
- Future City improvements to Stanley Boulevard include widening it so that there are a total of 3 through eastbound traffic lanes. Therefore, the existing right-of-way line along the subject property's northern boundary would shift south (or "into") the property by 12-feet. Both the existing and proposed right-of-way lines are shown on the Exhibit B plans. A condition of approval requires the developer to dedicate this right-of-way.
- At each of the driveways from Stanley Boulevard, approximately 75-foot long deceleration lanes would allow traffic coming into the site to slow before making a right turn.
- The applicant has provided checklists related to green building and the Climate Action Plan. The project narrative indicates that the applicant would like to attain a minimum rating of LEED certified for the commercial portion of the project (43 points are currently proposed; 40 points are required for a LEED Certified rating). The residential portion of the project is required to attain a minimum of 50 points on BuildItGreen's Multifamily Green Building Guidelines as required by the PMC; the checklist attached to this report as part of Exhibit B proposes 139 points.

- A list of proposed uses for the commercial buildings are included with this submittal (please reference the “Zoning and Uses” section of this staff report and Exhibit A).
- The design of the residential buildings in Clusters 1 and 3 incorporate gable roofs, exposed rafters, and dormer windows. Materials include composition shingle roofing, wood veneer, lap siding, cementitious horizontal panel siding, and brick, resulting in an overall design that borrows details typically seen in craftsman style architecture.

The design of the residential building in Cluster 2 incorporates exterior walls constructed of plaster. Although Cluster 2 has similar elements to Clusters 1 and 3 such as brick and composition shingle roofing, the overall architectural style of Cluster 2 is different than Clusters 1 and 3.

In all three clusters, building walls jog in and out and balconies projecting from the facades break up the building mass and add architectural interest.

- The windows of the residential units are proposed to be vinyl. Sheet A-25 provides a visual depiction of various proposed window types. A condition of approval requires the apartment windows to be “punched” in from the exterior building wall or defined by well-designed trims, and that such details be provided for review at the time of submittal for building permits.
- All of the commercial buildings are single story and incorporate varying materials such as brick, stone veneer, storefronts with clear glazing, and metal awnings. Vertical trellises are proposed to help break up long walls and overhead “teacup” lights are proposed for the outdoor dining areas.
- Although the elevation drawings show conceptual signage, no signage is part of the subject applications. Signage will be reviewed under a subsequent entitlement application.
- The subject property is mainly void of trees, except London plane trees located in a planter strip along the northern property boundary (along Stanley Boulevard). In order to accommodate driveway entries from Stanley Boulevard, many of these trees will need to be removed. The arborist report recommends retention of 4 of the 14 London plane trees. Construction of the westbound bus stop located west of the Stanley Boulevard-Bernal Avenue-Valley Avenue intersection would entail removal of 2 (possibly 3) trees along Stanley Boulevard.
- The applicant proposes a development agreement to vest the entitlements for the project. The term of the development agreement would expire in 10 years.

## IV. ANALYSIS

### Land Use

#### Conformance with General Plan

The General Plan land use designations of the subject property are “High-Density Residential” and “Retail, Highway, Service Commercial, Business and Professional Offices.” The proposed commercial and residential uses are consistent with these land use designations. Below are some of the General Plan Goals, Programs, and Policies that the project is consistent with or would promote:

#### *Sustainability*

- Program 2.1: Reduce the need for vehicular traffic by locating employment, residential, and service activities close together, and plan development so it is easily accessible by transit, bicycle, and on foot.
- Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- Program 2.4: Require higher residential and commercial densities in the proximity of transportation corridors and hubs, where feasible.
- Program 2.6: Require design features in new development and redevelopment areas to encourage transit, bicycle, and pedestrian access, such as connections between activity centers and residential areas, and road design that accommodates transit vehicles, where feasible.
- Program 2.8: Require land development that is compatible with alternative transportation modes and the use of trails, where feasible.

#### *Overall Community Development*

- Policy 4: Allow development consistent with the General Plan Land Use Map.

#### *Residential*

- Policy 9: Develop new housing in infill and peripheral areas which are adjacent to existing residential development, near transportation hubs or local-serving commercial areas.
- Policy 10: Provide flexibility in residential development standards and housing type consistent with the desired community character.

#### *Industrial, Commercial and Office*

- Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

### *Mixed Use*

- Policy 16: Encourage mixed-use development which encompasses any combination of commercial development, housing units, or community facilities in an integrated development. In areas served by transit, encourage mixed use and residential densities that support affordable housing and transit.

### **Housing Element**

#### *Housing Variety, Type, and Density*

- Goal 1: Attain a variety of housing sizes, types, densities, designs, and prices which meet the existing and projected needs of all economic segments of the community.

*Housing Location Policy 35:* Disperse high-density housing throughout the community, in areas near public transit, major thoroughfares, shopping, and employment centers.

- Program 35.1: Provide and maintain existing sites zoned for multi-family housing, especially in locations near existing and planned transportation and other services, as needed to ensure that the City can meet its share of the regional housing need.

#### Zoning and Uses

City Council approved the rezoning of the site in January of 2012. The approved zoning designation for the residential portion of the property is Planned Unit Development – High Density Residential (PUD-HDR) and the approved zoning designation for the commercial portion of the property is Planned Unit Development – Commercial (PUD-C). The approved uses for the commercial property are those permitted and conditionally permitted in the C-N (Neighborhood Commercial) District. The applicant is proposing to incorporate some additional permitted uses. Some of these uses are conditionally permitted in the C-N District (and would be permitted in the subject project) and others are not listed as either permitted or conditionally permitted in the C-N District (and would be permitted in the subject project). These uses are incorporated by condition of approval for the PUD Development Plan in Exhibit A and are listed below.

*The following uses are listed conditional uses in the C-N District, but are requested as permitted uses in the subject retail development:*

- a. Carpet, drapery and floor-covering stores, with design services.
- b. Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24. This use is limited to individual tenant spaces less than 5,000-square-feet in buildings identified as Retail Shops 1 and Retail Shops 2 on Exhibit B.
- c. Food market including supermarkets, convenience markets\* and specialty stores.  
\* Exhibit A limits the hours of operation for a convenience market from 5:00 a.m. to 11:00 p.m.

*The following uses are not listed as permitted or conditionally permitted in the C-N District, but are requested as permitted uses in the subject retail development:*

- d. Building materials sales, including showrooms, shops, and stores with ancillary design services and indoor display and storage only.
- e. Drugstore and prescription pharmacies with 24-hour drive-through operation. Drive-through sales shall be limited to prescription medications only.
- f. Furniture stores
- g. Interior decorator shops and design services, including showrooms
- h. Electronic retail sales with no repair services, of telephones, pagers, cellular telephones, personal computers and software, televisions, radios, stereos, and similar items
- i. Kitchen supply stores and accessories with ancillary demonstration, classes, and cutlery sharpening.
- j. Medical offices including dental, optometry, chiropractic and other such uses typically found in neighborhood shopping centers. Total square footage of medical office tenants in the subject shopping center shall not exceed 5,000 square feet.
- k. Wine shops and tasting rooms for wineries, excluding liquor stores.

## **Housing Site Development Standards and Design Guidelines**

### Density

The Design Guidelines require a minimum and maximum density of 30 units per acre for the 11.5-acre portion of the subject site. The proposed 345 units on the residentially zoned property conform to the 30 units per acre requirement and thus the project is consistent with the Design Guidelines in this aspect.

### Exceptions Requested by Applicant

The applicant is requesting the following exceptions from the Design Guidelines. For the Commission's reference, the page and section number for each item below is noted in *italics*.

1. Storage, *Design Guidelines page 43, Section C10.1*: Each residential unit is required to have at least 40 cubic feet of enclosed storage area. The proposed project incorporates a mixture of 30 and 40-cubic feet of storage area.

*Comments:* Staff finds the mixture of storage sizes acceptable and can support this exception.

2. Garage Door Recess, *Design Guidelines page 22, Section A.5.b.*: Garage doors should be recessed from the building facade by at least 2-feet.

*Comments:* At the December 12, 2012 workshop, the applicant indicated the project would incorporate a variety of measures to meet the intent of this guideline. Sheet A-26 of Exhibit B provides a 3D schematic to show options for enhancing the area around garages. These options include: trellises, enhanced balconies, and exterior lighting. Staff finds these measures acceptable, but would also like to see some of the garage doors recessed as required by the Design Guidelines. A condition of approval requires the applicant to employ a minimum 1-foot recess and at least 1 enhanced feature (e.g. trellises, enhanced balconies, exterior lighting) as illustrated on Sheet A-26 of Exhibit B for every three garage doors. These measures would be shown on plans submitted for permits and, as conditioned, would be subject to the review and approval of the Director of Community Development.

3. Public Streets Setback and Landscaping, *Design Guidelines page 19, Standards A3.1 and A3.2*: Public streets are required to have a minimum 6-foot planting strip, 5-foot sidewalk, and 10-foot setback. As shown on Sheets A-01 and A-14, Building D4 in Cluster 3 has a balcony set back 8-feet-5-inches from the back of sidewalk along Bernal Avenue where 10-feet is required (a 6-foot wide sidewalk and a landscaping area of 6-feet-6-inches) is proposed. Similarly, Building E4 in Cluster 3 as shown on Sheet A-14 has balconies located 3-feet-6-inches from the back of sidewalk where 10-feet is required (the building wall is 10-feet-1-inch from the back of sidewalk).

*Comments:* The encroachment into the setback area is modest and, further, it is only the *balcony* that does not meet the setback requirement (the building wall meets the setback). Buildings D3 and D4 that face Bernal Avenue are two-stories in height and are articulated by the balconies. Therefore, staff finds this exception acceptable since the building height and massing along Bernal Avenue are modest, and further, the balconies provide private open space to the occupants of these units. Additionally, the distance between the front of sidewalk adjacent to the units and the sidewalk along Nevada Court is approximately 17-feet, allowing for adequate landscaping.

4. Internal Streets Setback and Landscaping, *Design Guidelines page 20, Sections A4.1 and A4.2*: Internal streets are required to have a 4-foot landscaping area, a 5-foot sidewalk, and an 8-foot building setback measured from back of sidewalk. An exception to this guideline is required along Drives A, B, C, D, and E. Along Drive A, a 9-foot landscaping area, 8-foot sidewalk, and 4-foot-2-inch setback to the balcony is proposed (reference Sheet A-14). Along Drive B, a 5-foot landscaping area, 5-foot sidewalk, and, at the closest point, a 1-foot-7-inch setback to the balcony is proposed (reference Sheet A-04). Along Drive C, Sheet A-09 shows a 3-foot-6-inch landscaping area, 4-foot sidewalk, and 2-foot-6-inch setback to the face of planter is proposed (the setback would be 3-feet-6-inches to the face of building). Similar dimensions for the building adjacent to Drive D and E can be found on Sheet A-04 and Sheet A-09, respectively.

*Comments:* Since the overall intent of these guidelines was to provide landscaping on either side of the sidewalk, staff supports this exception since the overall intent is met. Additionally, many of the measurements are to the face of balconies, and since they do



not project out across the entire façade, they do not result in the same perceived mass as would the building face. Staff also recognizes the challenge in meeting the minimum density requirements on the site in conjunction with the strict application of the Design Guidelines. Therefore, since the intent of the guideline is met, staff is supportive of this exception.

#### Connection to Trail along Arroyo del Valle

On page 52 of the Design Guidelines, the Site Specific Design Standards and Guidelines require that “a strong pedestrian/bike connection should be made through the site to path along riparian corridor.” The project developer proposes a path from the parking area located near the southeastern corner of the subject property to the adjoining property line. A condition of approval encourages the applicant to work with PG&E to obtain an easement so that this path can be connected to the trail along the Arroyo del Valle.

#### Site Plan

The site plan has been designed to allow access to the site from Bernal Avenue, Stanley Boulevard, and Nevada Court. Internal streets and alleys will provide internal circulation as well as access to both the commercial and residential portions of the project. Additionally, the buildings (and their respective number of stories) have been situated to provide a gradual increase in density, the less tall buildings being located along Bernal Avenue and the taller buildings being located along the eastern boundary of the site (along the PG&E property). Generally, staff believes the proposed site plan is acceptable.

#### Floor Area Ratio

The Design Guidelines do not identify a maximum floor-area-ratio. The total square footage of all residential buildings (excluding garages) on the 11.5-acre property is 419,917 square feet, resulting in a floor-area-ratio of 0.84. Staff finds the overall placement and massing of buildings on the subject property acceptable.

#### Open Space and Amenities

The project includes a variety of recreational and open space amenities. Private open space is provided by patios and balconies. Group open space is distributed on the site by means of outdoor gathering areas in-between buildings within a cluster and a community swimming pool located directly east of the leasing and business center. A fitness facility near the leasing center is also proposed.

Community gathering areas include amenities such as outdoor fireplaces, outdoor barbeque areas, fountains, and seating areas. Two tot lots are proposed (a second tot lot was added since the Planning Commission workshop on December 12, 2012): one in the center area of Cluster 1 and another near the southeastern area of the site (near Cluster 2).

Details of group open space are shown on Sheets L-03 through L-06 and L-10 of the project plans. An Open Space Diagram provided on Sheet 04 shows a calculation of the open space for the project. The Design Guidelines require a minimum of 250 square feet of group open space per dwelling unit (for 345 units, 86,250 square feet is required). Private open space is not required, but, if provided, it can be deducted from the group open space requirement (each square foot of private open space is considered equivalent to 2-square-feet of group open

space). The project would provide 75,100 square feet of group open space and 38,056 square feet of private open space, which is equivalent to a total of 151,212 square feet of group open space. Therefore, the project complies with the open space requirements.

The retail area, although separate from the residential areas, includes two “retail plaza” areas: at the southeastern corner of the commercial property, and between the Major 1 tenant space and the Retail Shops 1 building. The space at the southeastern corner is intended to be used as outdoor dining space and to provide a transition between the commercial and residential areas.

Residents also have access to Tawny Park, approximately 0.5 miles from the subject site, and the BMX Park, approximately 0.1 miles from the subject site. Shadow Cliffs Regional Park is approximately 0.6 miles from the project site.

Overall, staff finds the project amenities and group and private open space to be acceptable.

### **Traffic and Circulation**

The site would provide vehicular access from Stanley Boulevard (two driveways, Drive B and Drive E), Bernal Avenue (Drive A), and Nevada Court (access to Drive C or Drive D). Internal streets and alleys facilitate access in specific parking areas. The western driveway from Stanley Boulevard requires modification of the center median and the westbound turn lane at the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection.

A traffic impact analysis dated June 4, 2013, was prepared by W-Trans (Whitlock & Weinberger Transportation, Inc.) for the purpose of identifying the potential traffic impacts of the proposed project. Since there are two alternatives for the commercial development, the analysis in the report evaluated the higher square footage, and therefore, provided a more conservative analysis. The traffic impact analysis is attached to this report as Exhibit B.

As noted in the traffic impact analysis, the project is expected to generate an average of 3,819 net new trips on a daily basis, of which 191 trips would occur during the morning peak hour and 285 trips during the evening peak hour. The intersection of Bernal Avenue and Utah Street currently operates at an unacceptable LOS F during the p.m. peak period for all study scenarios. The proposed project proposes signalization of this intersection. The City also has plans to signalize the intersection of Bernal Avenue and Nevada Street as identified in the Circulation Element of the General Plan.

Under the Existing plus Project scenario, the study intersections are expected to continue operating acceptably upon the addition of project generated traffic and the proposed signalization of Bernal Avenue and Utah Street and signal retiming. Under the Existing plus Approved Projects scenario, the intersection of Stanley Boulevard/Bernal Avenue-Valley Avenue would operate unacceptably at LOS E during the a.m. peak period and would continue to do so with the addition of project-generated traffic. However, as part of its Traffic Impact Fee (TIF) program, the City has plans to modify the intersection that would result in acceptable operations. All other study intersections are expected to operate acceptably without and with the addition of project generated traffic.

As previously indicated in this report, approximately 75-foot long deceleration lanes would provide traffic coming into the site the opportunity to slow before making a right turn at each of the driveways from Stanley Boulevard.

The project site is served by the Livermore Amador Valley Transit Authority (LAVTA) Wheels Bus Service (Wheels). An existing eastbound bus stop exists along Stanley Boulevard. With the subject project, this bus stop would be moved slightly to the east and the project developer would be required to install a shelter and trash receptacle at this location. An additional two bus stops would be added: one stop along Bernal Avenue near the commercial portion of the subject site, and a westbound stop on Stanley Boulevard approximately 400-feet west of the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection. This additional stop would be significantly closer to the subject site (the closest westbound bus stop is currently located approximately 0.5 miles from the center of the site, near Reflections Drive/California Avenue and Stanley Boulevard).

Transportation and traffic were also analyzed in the Supplemental Environmental Impact Report (SEIR) for the Housing Element update and Climate Action Plan General Plan Amendment and Rezonings (please reference Environmental Assessment section in this report for additional discussion). The only traffic-related mitigation measure requires developers of the potential sites for rezoning to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional traffic impact fees to help fund future improvements to local and regional roadways. The project has been conditioned to pay the applicable City and Tri-Valley Regional traffic impact fees, and the Development Agreement has a clause regarding these fees as well.

### **Parking**

The Design Guidelines do not establish specific parking requirements for the residential or retail portion and instead defer to requirements in the Pleasanton Municipal Code. Below is a discussion on how the project addresses parking requirements for both the residential and commercial portions of the project.

#### **Residential**

Pleasanton Municipal Code Section 18.88.030A.3 and 18.88.030A.4 stipulate parking requirements for apartments. These requirements are as follows:

- For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.
- For apartments with three or more bedrooms, a minimum of two spaces per unit shall be required.
- Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided.
- At least one space per dwelling unit of the required off-street parking shall be located in a garage or carport.

A total of 323 units with two or fewer bedrooms are proposed and therefore 487 parking spaces are required for these units. A total of 22 three-bedroom units are proposed and therefore an additional 44 parking spaces are required. At a ratio of 1:7, 49 visitor parking

spaces are required. In total, 580 parking spaces are required, of which a minimum of 290 must be located in a garage or carport.

The project is proposed to have 611 parking spaces, of which 398 are in a garage or carport. Therefore, the project meets the minimum parking requirements for the residential development.

### Commercial

As regulated by Ordinance 2032, the commercial portion of the site is subject to the development standards of the C-N District. The Pleasanton Municipal Code requires properties zoned C-N to have 1 parking space for every 180 square feet. Two different alternatives are proposed for the retail portion of the project:

1. A total building area of 35,169 square feet where tenant space Major 1 is a drug store with drive-through. A total of 171 parking stalls are proposed where 195 spaces would be required (24 spaces deficient). The proposed parking ratio is 1 parking space for each 200 square feet; or
2. A total building area of 38,781 square feet where tenant space Major 1 is a grocery store. A total of 186 parking stalls are proposed where 215 spaces would be required (29 spaces deficient). The proposed parking ratio is 1 parking space for each 200 square feet.

The traffic impact analysis concluded that although the proposed parking is deficient when compared to code standards, a parking deficit is not expected partially attributed to the internal trip capture between the commercial and adjacent residential use (some residents would walk to the shopping center). Additionally, applying Institute of Traffic Engineers (ITE) standards yields a lesser parking demand as outlined in Table 12 (page 28) of the traffic impact analysis. This table indicates that ITE average peak generation (non-December) is 106 and 117 spaces for the 35,169 square foot and 38,781 square foot options, respectively. The ITE peak generation (December) is 167 and 184 spaces for the 35,169 square foot and 38,781 square foot options, respectively. Both of these parking demands for both building sizes are within the proposed 174 and 189 spaces for the 35,169 square foot and 38,781 square foot options, respectively.

In addition to the internal trip capture, other factors such as varied peak operational hours and limited square footage permitted for more parking intense uses such as medical offices (5,000 square feet maximum) are expected to result in a lower parking demand. Overall, staff finds that the parking on the site will adequately serve the proposed commercial shopping center.

### Bicycle

The Design Guidelines require 0.8 bicycle spaces per apartment unit that is secured and weather protected. For 345 units, 276 bicycle spaces are required. The project would provide 382 bicycle spaces (54 in personal parking garages within Cluster 1, 284 in the parking garage within Cluster 2, and 44 in enclosed spaces and personal parking garages within Cluster 3). Therefore, the proposed bicycle parking complies with the Design Guidelines.

The Design Guidelines also require a minimum of 2 public bike racks per 50 dwelling units which must be located within 100 feet of main entries (a minimum of 14 racks are required). A condition of approval requires plans submitted to the Building and Safety Division to show the location of these bike racks on permit plans.

### **Noise**

As indicated in the noise analysis (Exhibit B) for the project, primary noise sources at the site are traffic on Bernal Avenue and Stanley Boulevard. A Union Pacific Railroad line is located approximately 205 feet from the centerline of Stanley Boulevard to the north of the subject property (this line is also used by the Altamont Commuter Express, or ACE).

For multi-family housing projects, the City's General Plan requires that outdoor recreation areas not exceed 65 dB Ldn and that indoor noise levels not exceed 45 dB Ldn. Staff notes that the outdoor noise standard applies to the common outdoor recreation areas such as pools, spas, play areas, seating areas, etc., but not to the private balconies, patios, or porches. A noise study was prepared to ensure that the project will meet General Plan noise standards. The noise study indicates that the exterior noise levels for the project would comply with the General Plan standard and that the interior noise levels would comply with the General Plan standard using standard construction materials and techniques. Additionally, commercial tenants would be required to adhere to maximum noise limitation in the Pleasanton Municipal Code for operation, deliveries, and mechanical equipment. Therefore, noise mitigation would not be required for the project.

### **Noise Impacts on Adjacent Properties**

The development of commercial and residential uses on the property will generate added urban noise, such as traffic, loading and unloading of delivery trucks, children playing, etc. However, given the existing noise levels produced by street traffic, and the existing commercial in the area, noise levels will not change substantially from that currently experienced in the area. During operation, the commercial uses will be required to meet the City's Noise Ordinance.

A mitigation measure of the SEIR required that the future projects analyze whether they would add off-site traffic noise in excess of 55 dBA as described in the SEIR and, if they did, the applicant would need to contribute its fair share to mitigate the noise impact. The noise study determined that the project would not add traffic noise in excess of 55 dBA. Therefore, the applicant is not required to provide mitigation for this item.

Short-term construction noise would also be generated during construction. The SEIR included construction related mitigation measures (e.g., limiting construction hours, compliance with the City's Noise Ordinance, locating stationary construction equipment as far from occupied buildings as possible, etc.). Conditions of approval have been included to address these mitigation measures.

### **Grading and Drainage**

As mentioned previously in this report, the site is relatively flat, but the grade near the northwestern corner (adjacent to the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection) is higher than the adjacent sidewalk. Elevation points in this area range between

353-feet adjacent to the sidewalk to a high point of 359-feet. Elevation points range from 358-feet near the southern property boundary adjacent to Nevada Court to 357-feet near the eastern property line, to 357-feet near the western property line adjacent to Bernal Avenue, and to 359-feet near the northern property boundary adjacent to Stanley Boulevard.

The proposed preliminary grading and drainage plan indicates that the project will generally maintain the existing grades on the property. The northwest corner of the site closest to the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection will be slightly higher than the sidewalk along Stanley Boulevard and Bernal Avenue. As indicated on the preliminary grading and drainage plan, the top of curb in this area varies between 356.5 feet and 357.3 feet. Assuming a standard 6-inch curb, the top of pavement in this area would be at 356.0 feet and 356.8 feet, respectively. As noted on the civil drawings, the top of curb at the corner of Bernal Avenue and Stanley Boulevard is 351.9 feet and 352.5 feet, resulting in an approximate difference of about 4.6 to 4.8 feet between the top of pavement at the parking lot and the sidewalk along Bernal Avenue and Stanley Boulevard. An approximately 5-foot tall wall with 2-foot lattice is proposed along this area to screen the parking area.

Approximately 31,377 cubic yards of earth will be cut and approximately 16,627 cubic yards to earth will be fill, resulting in approximately 14,750 cubic yards of excess soil that need to be hauled off-site. The haul route will be subject to the approval of the City Engineer.

Parking lot and roof drainage would drain into landscaped bioretention areas that would filter contaminants before entering the storm drain system (the project will connect to the storm drain system at various points along Bernal Avenue). As conditioned, staff finds the proposed grading and drainage plan to be acceptable and in compliance with applicable stormwater runoff requirements.

## **Architecture and Design**

### **Residential**

Since the workshop at the December 12, 2012 Planning Commission meeting, the applicant has modified the overall design of the residential buildings so that they incorporate more traditional design features and thus better fit in with the adjacent uses such as the Beth Emek Synagogue across Nevada Court to the south and the Pleasanton Self Storage across Stanley Boulevard to the north.

Staff believes that the proposed buildings are well designed and articulated. The building designs are “four-sided” with no side minimized with respect to articulation or detailing. Portions of the building walls would pop-in or -out to provide variation in the wall plane and break up the building mass. The rooflines of the buildings undulate and vary in shape/material to break up the building mass and add interest. Building walls vary in materials and colors to provide variety and interest.

### **Commercial**

Modifications to the commercial buildings since the December 12, 2012, Planning Commission workshop include: reduction of the eave overhangs of the hipped roof on the entry/tower elements, increasing the height/thickness of the cornices on the flat roofs, using more

traditional lighting fixtures, incorporation of awnings at key elevations to break up the façade, and the addition of potted plants next to the entryways.

Overall, staff finds the design of the commercial buildings to be acceptable.

### **Signage**

Conceptual free-standing signage at the northwestern corner of the property and wall-mounted signage on the commercial building elevations is shown on the project plans, but no sign details have been provided at this time. No signage information has been provided for the apartment identification. A condition has been included that requires the applicant to submit a comprehensive sign program for the retail and apartment portions of the project prior to installation of any signs.

### **Universal Design**

Universal Design is a design principle that addresses the needs of people with reduced mobility, agility, and/or strength such as the elderly and persons with disabilities. It is usually applied to residential development types not normally covered by the ADA requirements of the California Building Code (CBC) such as single-family homes.

Although the City does not have an ordinance mandating Universal Design, the Housing Element contains a program (Program 41.8), which states:

Require some units to include Universal Design and visitability features for all new residential projects receiving governmental assistance, including tax credits, land grants, fee waivers, or other financial assistance. Consider requiring some units to include Universal Design and visitability features in all other new residential projects to improve the safety and utility of housing for all people, including home accessibility for people aging in place and for people with disabilities.

Recently approved apartment projects (St. Anton, California Center, BRE Properties and Windstar's PUD extension) were conditioned to provide Universal Design features for all of the required adaptable dwelling units. Staff has included a similar condition for this project.

### **Green Building**

As required by the City's Green Building Ordinance, the proposed residential portion of the project is required to qualify for at least 50 points on Alameda County Waste Management Authority's "Multifamily Green Building Rating System." The applicant has proposed to incorporate green building measures into the project to allow it to qualify for 139 points. Some of the proposed green building measures include: planting water-efficient landscaping and irrigation, installing water-efficient fixtures, exceeding Title 24 state energy conservation requirements, submetering individual apartments for water use, installing energy efficient air conditioning units, using low volatile organic compound (VOC) paints and coatings, using environmentally preferred flooring materials, installing Energy Star dishwashers, clothes washers, and refrigerators, installing gearless elevators (use less energy and do not require lubricating oils), and offering residents discounted transit passes.

As required by the City's Green Building Ordinance, commercial projects with 20,000 square feet or more of conditioned space must meet a minimum LEED™ "certified" rating, attaining at least 40 points on a project scorecard. The applicant has provided a preliminary project scorecard that outlines the green building measures proposed for the project, which has been included as part of Exhibit B to this staff report. The scorecard indicates the applicant plans to attain 43 points, meeting the minimum requirement. Some of the green building measures proposed with the project include: providing alternative-fuel fueling stations for 3% of the total vehicle parking spaces (or preferred parking for low-emitting and fuel efficient vehicles), use of Title 24 cool roof, use of water efficient landscaping, use of water efficient plumbing fixtures, exceeding Title 24 requirements, and divert at least 75% of total construction material. With these measures in place, the project qualifies for 43 points, therefore meeting the minimum required points.

The applicant has proposed to exceed the 50-point minimum for the residential project and will meet the minimum LEED certified rating for the commercial project. Staff appreciates that the applicant has included a considerable number of green building measures in the project.

### **Climate Action Plan**

On February 7, 2012, the City of Pleasanton adopted a Climate Action Plan (CAP). The CAP was reviewed by the Bay Area Quality Management District and was deemed a "Qualified Greenhouse Gas Reduction Strategy" in accordance with the District's CEQA guidelines. Implementation of the CAP will occur over several years and will consist of amendments to regulations and policies related to Land Use and Transportation, Energy, Solid Waste, and Water and Wastewater, which will result in reductions in greenhouse gas emissions in compliance with the targets set by AB 32 California's Global Warming Solutions Act. In advance of full implementation of the City's CAP, staff had requested that the applicant prepare a checklist indicating specific items it would implement to support the CAP (Exhibit B).

As a mixed-use, high-density residential/commercial project located near bus lines, the project is generally consistent with Goal 1 of the CAP: to reduce vehicle miles traveled (VMT) through mixed-use, infill, and higher density development. In addition, Strategies and Supporting Actions related to parking, transit use, water conservation, and energy conservation from the CAP are implemented in the proposed project or recommended conditions of approval.

### **School Impacts**

The project developer has been working with the Pleasanton Unified School District to develop an agreement regarding school impact fees. Construction will not be allowed to start until Pleasanton Unified School District has advised that such agreement has been finalized with the project developer.

### **Landscaping**

Preliminary landscape plans have been provided for the site, including enlargements of the retail plazas and common open space areas. Staff believes that the species, quantities, and sizes of the proposed landscaping for the site is consistent with the Design Guidelines and are generally appropriate. A condition of approval requires that detailed landscape and irrigation plans be provided at the building permit stage subject to the review and approval by the Director of Community Development.



**Tree Removal**

A tree report prepared by HortScience (dated May 11, 2013) is attached to this report as Exhibit B. The report indicates that 14 non-heritage size London plane trees located in a planter strip along the northern property boundary (along Stanley Boulevard). In order to accommodate driveway entries from Stanley Boulevard, 10 of these trees will need to be removed.

Although not noted in the tree report, two to three street trees along Stanley Boulevard would need to be removed in order to construct a westbound bus stop 400-feet from the Stanley Boulevard-Bernal Avenue-Valley Avenue intersection. One to two smaller trees would be removed for the modification to the median break on Stanley Boulevard.

Program 2.1 of the General Plan Conservation and Open Space Element indicates that where preservation of heritage trees is not feasible, the City will require tree replacement or a contribution to the Urban Forestry Fund. None of the trees to be removed are heritage sized. Further, given the substantial increase in landscaping that will result from the subject project, staff finds the tree removal acceptable.

**Affordable Housing and Housing Commission Recommendation**

The number and affordability level of apartment units was reviewed and recommended for approval by the Housing Commission on June 20, 2013 (the Housing Commission staff report is attached as Exhibit D). A total of 52 of the 345 units (15%) are proposed to be affordable units. The proportion of studio, 1, 2, and 3-bedroom units is summarized in Table 1.

**Table 1: Summary of Number and Type of Affordable Units**

<b>Unit Type</b>	<b>Very Low Income (50% of AMI)</b>	<b>Low Income (80% of AMI)</b>	<b>Median Income (100% of AMI)</b>	<b>TOTAL</b>
Studio	6	2	8	16 (31%)
1 Bedroom	3	4	5	12 (23%)
2 Bedroom	1	6	7	14 (27%)
3 Bedroom	0	5	5	10 (19%)
<b>TOTAL</b>	10	17	25	<b>52</b>

The Design Guidelines require that a minimum of 10% of the total affordable units be three-bedroom, a minimum of 35% of the total affordable units be two-bedroom, and the remaining affordable units be studio or one-bedroom units. The proportion of 3-bedroom units (19%) exceeds the minimum 10% requirement. The number of affordable 2-bedroom units, however, does not meet the minimum 35% requirement. As noted in the staff report to the Housing Commission, staff acknowledges, however, that 3-bedroom units are typically in higher demand and thus the number of units as proposed is acceptable. Further, 2 and 3-bedroom units combined account for 46% of the affordable units, meeting the intent of the requirement in the Design Guidelines.

The applicant will enter into an affordable housing agreement (attached to this staff report as Exhibit B). One of the terms of the agreement requires one 1-bedroom unit, one 2-bedroom unit, and one 3-bedroom unit to be fully accessible for the physically disabled, and would include amenities such as grab bars in bathrooms, modified case work, wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, seats at bathing fixtures, knee space under sinks and counters, switches and controls in easily reached locations, entrances free of steps and stairs, an accessible route through the units, and/or other similar features.

In lieu of providing the 52 rent affordable units, the developer would pay an in-lieu fee of \$4,500,000. The option of paying this fee or providing the units resides with the City and must be determined within 45 days of the developer notifying the City that he intends to apply for a building permit.

A developer's affordable housing proposal and related Affordable Housing Agreement is reviewed by the Housing Commission which makes a recommendation to the City Council. The Housing Commission reviewed and recommended approval on June 20, 2013. As such, the Planning Commission does not have a defined role in the process and the proposed level of affordability is provided for informational purposes only.

### **Development Agreement**

State law authorizes cities and counties to enter into binding development agreements with any person having a legal or equitable interest in real property for the development of the property. A development agreement is a commitment between the City and a property owner or developer to proceed with a specific development in accordance with the terms of an agreement that describes what land use and related processes shall apply to the application. In essence, a development agreement locks in the laws in existence at the time of entering into the agreement and the City agrees not to change its planning or zoning laws applicable to the specific development project for a specified period of time. Therefore, future land use decisions regarding such a development project will not be based on then current planning and zoning law, but rather they will be based on the laws that were in existence at the time the development agreement was executed. The developer gains certainty, through the development agreement, of the continuity of regulations that were in force at the time of entering into the development agreement and prior to a commitment of a substantial investment for project improvements. In exchange, the City gets certain benefits and concessions that it might not be able to require through conditions of approval.

The applicant has proposed a 10-year term for the development agreement. The developer would be obligated to pay the applicable development impact fees which are in effect when the ordinance approving the agreement is effective. The agreement allows the City to utilize the project's in-lieu park dedication fees towards improving community parks in the City, including Phase II of Bernal Community Park. The agreement also references the additional permitted uses as proposed by the applicant. Inclusion of these uses as an exhibit to the Development Agreement ensures that the uses remain permitted for the term of the agreement and therefore the City would not be able to delete any of the listed uses. The list could be modified in the future to add uses. The draft development agreement is attached as Exhibit B.

The development agreement process requires that the Planning Commission find the Development Agreement consistent with the General Plan and provide a recommendation to the City Council for action. Staff supports the proposed development agreement and believes that the Planning Commission should provide a positive recommendation to the City Council.

### **Growth Management Agreement**

The City's Growth Management Ordinance (GMO) regulates the number of residential building permits that can be issued each year in order to assure a predictable growth rate while providing housing to meet the needs of all economic segments of the community, regional housing needs, and employment growth. On November 20, 2012, the City Council adopted revisions to the City's Growth Management Ordinance in order to ensure the City could meet its current and future Regional Housing Needs Allocations (RHNA) by the Association of Bay Area Governments (ABAG). One of these revisions eliminated the annual 350 building permit limit which could be issued for residential units. For the current RHNA cycle (the fifth cycle, ending June 30, 2014), the GMO states that the annual unit allocation shall be equal to the number of units required to meet the City's RHNA for the fifth cycle.

The applicant is requesting that building permits for all 345 units be issued in 2014. As the applicant's units would be used to meet the RHNA for the current cycle, the applicant's growth management request should be approved as it is consistent with the GMO. Any growth management allocations approved for the project will be included in the proposed development agreement and extended into the future for the term of the development agreement. The applicant's Growth Management request does not need to be acted upon by the Planning Commission as it requires City Council decision only.

### **Electric and Magnetic Fields**

An evaluation of the electric and magnetic fields (EMFs) at the site is attached to this report as Exhibit B. The report measures and characterizes existing electric and magnetic field levels within the site due to the overhead electrical power lines and the PG&E substation located on the adjacent parcel. The measurement readings are compared to exposure limits established and/or recommended by several different organizations, but the report also emphasizes that there are no California state or federal health-based standards for limiting exposure to electric and magnetic fields.

For both electric and magnetic fields, the measures at the site are significantly less than the guideline thresholds established by pertinent organizations (e.g. International Commission on Non-Ionizing Radiation Protection, the American Conference of Governmental Industrial Hygienists, and the Institute of Electrical and Electronics Engineers).

## **VI. PUD CONSIDERATIONS**

The Zoning Ordinance of the Municipal Code sets forth purposes of the Planned Unit Development District and "considerations" to be addressed in reviewing a PUD development plan; these purposes and considerations are discussed in this section.

**1. Whether the plan is in the best interests of the public health, safety, and general welfare:**

The proposed project, as conditioned, meets all applicable City standards concerning public health, safety, and welfare. The subject development would include the installation of all required on-site utilities with connections to municipal systems in order to serve the new development. The project will not generate volumes of traffic that cannot be accommodated by existing City streets and intersections in the area. The structures would be designed to meet the requirements of the Uniform Building Code, Fire Code, and other applicable City codes. The proposed development is compatible with the adjacent uses and would be consistent with the existing scale and character of the area. The project also would provide affordable rental housing or pay an in-lieu fee and help the City to meet its requirements for provision of lower income housing.

Therefore, staff believes that the proposed PUD development plan is in the best interests of the public health, safety, and general welfare, and that this finding can be made.

**2. Whether the plan is consistent with the City's General Plan and any applicable specific plan:**

The site's General Plan Land Use Designations of "High Density Residential" and "Retail, Highway, Service Commercial, Business and Professional Offices" allows the proposed commercial and residential uses. The proposed density of 30 dwelling units per acre is consistent with the General Plan. The proposed project would further several General Plan Programs and Policies encouraging new infill housing to be developed and for the City to attain a variety of housing sizes, types, densities, designs, and prices which meet the existing and projected needs of all economic segments of the community.

Staff concludes that the proposed development plan is consistent with the City's General Plan, and staff believes that this finding can be made.

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

The proposed residential and commercial uses for the site would be compatible with the surrounding uses. The buildings have been attractively designed and would be compatible with the design of the surrounding structures. The buildings contain many architectural elements/treatments to help break up the building mass and height. New landscaping would be installed to soften the buildings and help screen the parking areas from off-site views. The majority of the site is relatively level, and the existing grades on the property would generally be maintained. Grading conducted on the site will be subject to engineering and building standards prior to any development.

Therefore, staff believes that this finding can be made.

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

As described previously, the site is relatively level with minimum changes in grades proposed. Erosion control and dust suppression measures will be documented in the improvement plans and will be administered by the City's Building and Public Works Divisions. City building code requirements would ensure that building foundations, on-site driveways, and parking areas are constructed on properly prepared surfaces. The proposed development would provide adequate drainage to prevent flooding. Parking lot and roof drainage would drain into landscaped bioretention areas that would filter contaminants before entering the arroyos and, ultimately, the bay. The site is not located within an Alquist-Priolo Earthquake Fault Zone.

**5. Whether streets and buildings have been designed and located to complement the natural terrain and landscape:**

The project site is in a developed area of the City and would not involve the extension of any new public streets. The relatively flat, urban infill site has no constraints to either roads or buildings. Development of the site complements the natural terrain by making only minor changes as necessary to the site's existing relatively flat topography. The proposed buildings will be compatible in size and scale with surrounding structures.

Therefore, staff believes that this PUD finding can be made.

**6. Whether adequate public safety measures have been incorporated into the design of the plan:**

The public improvements associated with this project would be consistent with City design standards. The driveway entrances are located and configured to provide adequate line-of-sight viewing distance and to facilitate efficient ingress/egress to and from the project site. All on-site drive aisles would meet City standards for emergency vehicle access and turn-around. Adequate access would be provided to all structures for police, fire, and other emergency vehicles. Buildings would be required to meet the requirements of the Uniform Building Code, Fire Code, other applicable City codes, and State of California energy and accessibility requirements. The buildings would be equipped with automatic fire suppression systems (sprinklers).

Therefore, staff believes that this finding can be made.

**7. Whether the plan conforms to the purposes of the PUD District:**

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to ensure that the desires of the developer and the community are understood and approved prior to commencement of construction. Staff believes that the proposed project implements the purposes of the PUD ordinance in this case by providing a high-density residential and commercial project that is well-designed for the subject property, that fulfills the desires of the applicant, and that meets the City's General Plan goals and policies. Moreover, input from the adjacent property owners and tenants has been sought and obtained through a Planning Commission work session and a Housing Commission hearing; further opportunity for public comment will occur at the Planning Commission and City Council hearings.

Staff believes that through the PUD process the proposed project has provided the developer and the City with a development plan that optimizes the use of this infill site in a sensitive manner. Therefore, staff believes that this finding can be made.

## **VI. PUBLIC NOTICE**

Public notices were sent to property owners within the noticing area depicted on the noticing maps attached to this report as Exhibit H.

Staff has received two emails and one phone call regarding the proposed project, citing concerns regarding traffic. Staff has also received an email citing supporting the project. The full text of these emails is attached to this report as Exhibit G.

Staff will forward to the Commission any additional public comments as they are received.

## **VI. ENVIRONMENTAL ASSESSMENT**

On January 4, 2012, the City Council certified a Supplemental Environmental Impact Report (SEIR) and adopted the CEQA Findings and a Statement of Overriding Considerations for the Housing Element update and Climate Action Plan General Plan Amendment and Rezonings. This SEIR was a supplement to the EIR prepared for the Pleasanton 2005-2025 General Plan which was certified in July 2009. The subject property was one of 21 potential housing sites analyzed in the SEIR. Up to 345 multi-family housing units and 59,000 sq. ft. of retail space were analyzed in the SEIR for this site.

Under CEQA, once an EIR has been prepared for a project, the lead agency (in this case, the City) may not require a subsequent or supplemental EIR unless:

- Substantial changes are proposed in the project that will require major revisions of the EIR;
- Substantial changes have occurred in the circumstances under which the project is being undertaken that will require major revisions in the EIR; or
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

The CEQA Guidelines further clarify the circumstances under which a supplemental or subsequent EIR may be required. Guidelines Section 15162 provides as follows:

- a. When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative

- declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The California Environmental Quality Act states that a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the above-listed conditions in Section 15162 calling for the preparation of a subsequent EIR have occurred. Staff believed that none of the conditions described in Section 15162 occurred. Therefore, an addendum to the SEIR was prepared for this project.

The analysis in the attached Addendum to the SEIR (Exhibit E) determined that the proposed project will not trigger any new or more severe significant environmental impacts as compared to those analyzed in the context of the SEIR and confirmed that none of the conditions described in Section 15162 occurred. Therefore, the previously prepared SEIR and Addendum to the SEIR, taken together, are determined to be adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA.

The SEIR included some mitigation measures that needed to be addressed prior to issuance of a building permit for a project (e.g., pre-construction bat survey, air quality construction plan, etc). These mitigation measures have been addressed in the draft conditions of approval for this project.

The SEIR included a Statement of Overriding Considerations for two significant and unavoidable impacts:

**Impact 4.D-1:** Development facilitated by the General Plan Amendment and rezoning has the potential to adversely change the significance of historic resources.

The Irby-Kaplan-Zia and Pleasanton Mobilehome Park properties on Stanley Boulevard contain older structures that may be historic. Mitigation measures in the SEIR required that historic evaluations be conducted for the structures before they could be demolished. If deemed to be historic through these evaluations, the demolition of these structures to make

way for new housing would be a significant and unavoidable impact. Staff notes that the Irby-Kaplan-Zia and Pleasanton Mobilehome Park properties were ultimately not included in the nine sites that were selected for multifamily housing.

**Impact 4.N-7:** Development facilitated by the General Plan Amendment and rezonings could potentially add traffic to the regional roadway network to the point at which they would operate unacceptably under Cumulative Plus Project conditions.

Traffic generated by development facilitated under the proposed Housing Element on the potential sites for rezoning would not worsen any segment projected to operate acceptably to unacceptable conditions; however, it would increase the volume to capacity ratio (V/C) by more than 0.03 on two roadway segments projected to operate at LOS F: Sunol Boulevard (First Street) between Vineyard Avenue and Stanley Boulevard under Year 2015 and 2035 conditions; and Hopyard Road between Owens Drive and I-580 under 2035 conditions. Based on the significance criteria, this is considered a significant impact. Existing development surrounding these roadways would need to be removed in order to widen them, rendering such widening infeasible. However, there are improvements that could be made to nearby parallel corridors which could create more attractive alternative routes and lessen the traffic volumes on Sunol Boulevard and Hopyard Road. A mitigation measure of the SEIR requires developers of the potential sites for rezoning to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional traffic impact fees to help fund future improvements to local and regional roadways. However, because the City cannot be assured that the collected regional funds would be spent to specifically improve the nearby parallel corridors as the regional funds are used by the regional agency, the traffic impact remained significant and unavoidable. Staff notes that the traffic impacts of the nine sites ultimately selected would be considerably less than the traffic impacts analyzed in the SEIR. Furthermore, the SEIR analyzed development of the site to include up to 59,000 square feet of commercial space. The proposed project entails 20,219 fewer square feet retail area than was analyzed in the SEIR, reducing traffic impacts.

## **VIII. CONCLUSION**

Staff believes that the proposed site plan and positioning of the buildings are appropriate for the subject property. The applicant has included an adequate amount of usable open space and landscaped areas within the project given the site constraints. Staff finds the building design to be attractive and that the architectural style, finish colors, and materials will complement the surrounding development. The project also would provide affordable rental housing or pay in-lieu fees which would help the City meet its lower income housing goals.

## **IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. Find that the conditions described in CEQA Guidelines Section 15162 have not occurred as described in the Addendum to the SEIR and find that the previously prepared SEIR, including the adopted CEQA Findings and Statement of Overriding Considerations, and the Addendum to the SEIR are adequate to serve as the



environmental documentation for this project and satisfy all the requirements of CEQA;

2. Find that the proposed PUD development plan and development agreement are consistent with the General Plan;
3. Make the PUD findings for the proposed development plan as listed in the staff report;
4. Find that the exceptions to the Housing Site Development Standards and Design Guidelines as listed in the staff report are appropriate; and
5. Adopt resolutions recommending approval of: (1) Case PUD-87, PUD Development Plan, subject to the conditions of approval listed in Exhibit A; and (2) Case P13-1981 (Development Agreement) for the project, and forward the applications to the City Council for public hearing and review.

Staff Planner: Shweta Bonn / (925) 931-5611 / sbonn@ci.pleasanton.ca.us

**PUD-87, Sares Regis/E&S Ring – Auf der Maur/Rickenbach Property**

**Work Session to review and receive comments on a Planned Unit Development application to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements at the property located at 3150 Bernal Avenue (southeast corner of Bernal Avenue and Stanley Boulevard). Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) and PUD-C (Planned Unit Development – Commercial) Districts.**

Shweta Bonn presented that staff report and described the scope, layout, and key elements of the proposal.

**THE PUBLIC HEARING WAS OPENED.**

John Pringle, E&S Ring, thanked the Commission and staff for all the effort and time put into this process for this site, which included starting at the Task Force level all the way through this evening. He stated that he has the full architectural team present: Ken Rodrigues, Project Architect, from Ken Rodrigues & Partners, Inc.; Rob Steinberg, Project Architect, from Steinberg Architects; Ken Busch, Development Manager, from Sares Regis Group, and Paul La Terre, also from the Sares Regis Group, as well as Frank Auf der Maur and Konrad Rickenbach, who have owned this site for over 30 years.

Mr. Pringle stated that their firm was founded in 1959; they own apartments here in Pleasanton and are extremely excited to be a part of this project. He presented a quick overview of the project, stating that Messr. Auf der Maur and Rickenbach were the original developers of the Bernal Business Park, the project site that was a former quarry location on Bernal Avenue and Stanley Boulevard, adjacent to a PG&E substation next to the BMX Park and Shadow Cliffs Regional Park. He displayed an aerial of the site and pointed out Tawny Park, located about 1,300 feet from the site, the adjacent Arroyo, and a trail that leads to the east on the south side of the Beth Emek Synagogue, which shares Nevada Court with the project site.

Mr. Pringle stated that the plan for the site is a luxury apartment building with the heaviest amenity load of any apartment community in Pleasanton. He indicated that they started their outreach process as part of the rezoning process and sent out over 3,400 invitations to property owners from a list provided by the City, and to various groups in the neighborhood. He added that they did another outreach in the last month and invited the people on the same list to come to a public meeting where the concepts for the development were unveiled.

Mr. Pringle stated that this project is going to be a LEED-rated community with terrific floor plans and larger square footages units with island kitchens, high ceilings, townhouse configuration; flats, junior one-bedrooms, full one-bedrooms within, two-bedroom/two-bath units, and three-bedroom apartments. He noted that the complex is loaded with amenities from outdoor cabanas, outdoor kitchen, inside display

kitchen, multiple private areas, game room, significant tot lot, and every amenity that could be considered put into a project of a larger scale.

Mr. Pringle stated that they have modified the site plan from when the Commission last saw it during the rezoning process, adding significantly more green space. He noted that the original concept was a three-story building in the three clusters with elements of two-story; and they have essentially come up with a thought process and an attempt to comply with the new Design Guidelines by taking the Bernal Avenue elevations down to two-story wrapping across from the Synagogue and where they have been able to relocate some of these apartments to a half fourth floor in the back of the property on the podium piece. He noted that they have also angled out the Cluster 2 podium and to enlarge the green space with numerous water features within this podium, essentially creating almost three acres of green. He added that they created a resident green space here where none was before, and the same in Cluster 1.

Commissioner Narum asked Mr. Pringle if they still plan to own all the retail, as they plan to own the apartments.

Mr. Pringle said yes. He stated that they would parcelize it and that their goal is to build this mixed-use project all at one time and own all of it.

Ken Rodrigues discussed the entrance component which is the retail portion. He stated that this project builds off of many of the successful things they, together with staff, did at Pleasanton Gateway: a lot of outdoor amenity spaces, a lot of open high-ceiling type units, a variety of architecture; and as noted in the staff report, two plans: one with a major drug store and a second with a little larger grocery. He noted that one of the reasons for the lot-line is that the larger majors typically need to be attached parcels, and what they have done is create a circulation space that starts from the public roadway, comes into the site, through the site, and back out, with some very nice pedestrian-friendly access. He further noted that they got a key component at this particular element in terms of architecture statement because there is a grade change on that site, and this is a really positive way to deal with that and enhance the site.

Mr. Rodrigues stated that the other thing they have created are these outdoor dining spaces, with parking located in the front, tenant entries located along the promenade, and then a strong connection to the retail component. He indicated that the gateway feature could be a very nice for the corner, up-lit at night and consistent with the architecture, which is quite varied with significant high two-story spaces and volume throughout the entire space, an arcade canopy, and entrances to the retail. He then displayed a slide of a street-view from Stanley Boulevard showing the larger major in a variety of different materials and textures, the shops beyond with an entry tower, and a brick and plaster building that would be located directly at the entrance at the corner. He stated that the materials are rich and varied, a combination of brick and stone veneer, plaster, standing metal roof, and metal awnings, with interesting lighting and up-lighting both in the courtyards and the buildings.

Finally, Mr. Rodrigues displayed a slide showing the entire connection to the residential community, entering from a vehicular standpoint, peeling off and pulling into the retail or back onto this highly textured urban plaza that doubles as a vehicular drop-off and a pedestrian plaza on both sides, with outdoor dining patios that would work directly off the restaurant tenants, and a large trellis feature with large landscaping, trees, and a water feature. He noted that this plaza might be similar to what they did at the Bernal Plaza, the Pleasanton Gateway project right on the corner, which is up-lit at night. He added that when the tenant spaces are leased, it will be a very attractive outdoor dining space for the climate in this area which is fantastic and conducive to this type of retail.

Rob Steinberg stated that one of their goals regarding the residential area is to develop not one project but a village; a collection of buildings, with each of the villages having its own personality, its own character. He indicated that they have made quite a number of changes working with the neighbors and with staff, such as a redesigning a lot of the internal streets so they meet the Guidelines, such that they are like public streets with parallel parking on both sides, plant strips, nice sidewalks, and very conducive to pedestrians. He noted that each of the clusters have quite generous open space and quite a bit of common open space for different types of activity that are shared between each of the villages that begins to link them together. He added that adjacent to the plaza and interface between the retail and the housing, they have added a large open space with both hardscape and softscape, places where people could go and throw a football or play soccer, benches and places to watch. This is an example in the upper left of one of the open spaces. He indicated that each of the villages has places for an outdoor fireplace, barbeque, fountains, seating, and a tot lot, and the open space is used for pedestrian linkage throughout the site connecting each of the villages.

Mr. Steinberg stated that one of the other major changes they have made is the building heights and the variety: one-, two-, and three-story buildings; very low around the perimeter; all two stories stepping to ones on some of the corners; stepping up to three stories with a combination of twos; an element of four stories way in the back, which will give a very nice sense and reinforce this idea of a village: different heights, different personalities; different kinds of open spaces for each of the villages.

Acting Chair Blank inquired if on Bernal Avenue, the buildings start off with two stories.

Mr. Steinberg replied that they are really pushing those heights up and down: from Bernal Avenue, the whole thing starts with two stories, then goes up to three stories, and then drops down to one story; and from Stanley Boulevard, it starts with two stories, steps up to three stories, and steps down to two stories. He added that both streets terminate on the centerpiece, the recreation and leasing building in the middle.

Acting Chair Blank noted that it might be interesting to see what it would look like if all the corners had one stories, the next ones step up as a two-story, and then up to the three stories, so a gradual transition might add some articulation. He added that it is difficult to tell without the visuals.

Mr. Steinberg replied that there is a difference between Stanley Boulevard and Bernal Avenue. He explained that on Stanley Boulevard, they have a corner one-story, three higher in the middle, and then two, such that instead of the building being symmetrical, it feels a little bit more organic. He continued that on the other side, they are really wrapping the majority with two-story, then drop down to one-story toward the cul-de-sac, where it terminates. He added that it is then counter-pointed by something that is three stories to get some variety. He noted that at the entrance, they are doing just as Acting Chair Blank stated: instead of going from one-story to two-story, it goes from two-story up to three, and then down to one, having that same kind of variety. He indicated that having one-story on Bernal Avenue would feel a little weak and might not hold the street as well as having a two-story.

Commissioner Pearce inquired why they chose to do four stories even though there is a little blip of four-story. She stated that she thought they would have taken that little bit of four-story and put it on the back to kind of extend that line of four-stories along the whole back side.

Mr. Steinberg replied that they did that for several reasons. He stated that this is their major activity pool space, and he likes holding that outdoor room with two equal sides, and he did think the four-story would be a little invasive and did not need to come over there. He indicated that he finds it more interesting to hold the four back, see the three, let the four peak-out and then, instead of just ending it so sharp, bring it around. He noted that this is a nice pedestrian entry so they are really framing, which the Guidelines say. He added that a bigger building should have a serious expression of entry, and having a four-story and then an opening and then a three story would feel lopsided.

Mr. Steinberg then touched a little bit on the character they are trying to achieve with the buildings and the massing. He stated that their goal is really to reflect the character seen in the other buildings here in Pleasanton: using the Craftsman, using wood, using detail; porches, enhancing the pedestrian experience with individual markers and a sense of individual entry to the units; brick in the richer material where people are close to it, and then expressing how the buildings meet the sky; having some ups and downs instead of just keeping it even so it is visually interesting. He indicated that one pod is of a different style than the other pods, which was done very deliberately for the same reason that there are some two-stories, some three's, some one's, and some four's, so that it feels like a village; and there is a hierarchy in the sense of character to each of the villages.

Mr. Steinberg stated that the Guidelines call for garage doors to be recessed two feet back from the plane of the building, and pointed out where they have garage doors flushed with the edge of the building. He indicated that there are a number of different strategies for de-emphasizing garage doors: one of them is to bring a low roof or a trellis to bring the scale down or bring your eye to a horizontal; and another is to change materials and accent and have different elements as part of the composition. He stated that it is his preference to take that sort of strategy to play down the garage doors rather

than to push and take two feet out of the living space. He noted that the impact to the quality of life for the residents will be better going in this direction. He added that they will use the same kinds of high-quality materials on the residential to tie the commercial so it feels like a village knitted together: brick, metal, and wood, materials that have shadow and texture to them that are going to wear well over a long period of time.

Commissioner O'Connor asked Mr. Steinberg to highlight the plan on the various roofs of the different villages.

Mr. Steinberg replied that all of the villages will have a heavy fiberglass shingle roof with texture that will have color differentiation between them. He added that the common building that ties in on that plaza and knits together the retail will have a standing seam metal roof similar to the commercial so that all the buildings and the clusters will have a common thread – whether it is the brick or roofing materials, or some of the wood or siding, but at the same time, have a differentiation between them.

Mr. Steinberg concluded by stating that he believes they we have a really outstanding and fabulous land plan. He indicated that they have worked with staff to craft the open spaces and the gardens to have a very unusual environment, and they have knitted these buildings together to have a really extraordinary residential mixed-use, sustainable community to add to the City.

Commissioner Pearce disclosed that she is a member of Beth Emek Synagogue and that she and Mr. Bob Russman met and engaged in discussions about this project.

Bob Russman, representing Beth Emek Synagogue Beth located across the street from the complex, stated that he met with the E&S Ring staff a number of times and had some very cordial conversations. He indicated that the Synagogue has two concerns:

1. Eight years ago, the City required Beth Emek to install a gate at the back which leads to the path going over to Shadow Cliff, and the same is being required of this project. The Synagogue found out that people then realized that they could park in the Synagogue's parking lot, go through a gate and get to Shadow Cliffs without paying the \$7 fee to get into Shadow Cliffs. So they put a lock on the gate, which was ripped open; then they put on three locks which were also ripped open shortly, and the ultimate was when somebody pulled down the entire fence with the gate so they could drive over to the back of the BMX Park. That all went away when the City built the new bridge over the Arroyo and there is a free gate to get in. Now everybody parks in the Synagogue's front parking lot at 7:00 a.m. or 8:00 a.m. and walks over the bridge. So it would not be necessary to require the applicant to put a gate back there as people who wish to go to Shadow Cliffs without paying the \$7 will use the guest parking and go through the new opening on the bridge.
2. There are two issues regarding Nevada Court: The first concerns the exit of the complex, and vehicles coming out perpendicular to the street would have their headlights shine right into the Synagogue's sanctuary, where services are held every Friday night between 8:00 p.m. and 9:30 p.m. If the exit is changed to face

the other way so the lights would shine where there is some good screening from trees, the headlights would probably not be a problem. The second concerns getting to the complex's entryway, which is close to the drop-off spot for teens and pre-teens going to school. This could be a problem if a vehicle comes around the corner to get into the entryway while children are being let-off and walking to the door to the school. This would be on Wednesday afternoons during rush hour and on Sundays, as well as a preschool which serves about 35 to 40 children. The recommendation is to have this as an egress only with no access from the other side to prevent any accident with children on this side of the street.

Mr. Pringle commented that to respond to Mr. Russman's concerns, the protocol would be to have staff do an operational traffic analysis to determine if what Mr. Russman anticipates is really impacted by the project.

### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner O'Connor disclosed that he met with Mr. Pringle prior to the meeting and they were looking at some plans. He commented that he thought there were changes planned for the building architecture in Cluster 2, the Mission Cluster, and he did not see any in the plans submitted.

Mr. Pringle replied that they had received input on rooflines and arches and they are still exploring that before they come back before the Commission. He indicated that their intention is to keep the same envelope materials but change the arch configuration and alter the rooflines to create more variation and a little bit more connection between that and the Craftsman style.

The Commission then proceeded to discuss the Work Session Topics.

#### ***A. Would the Planning Commission support the requested exceptions if the project were to move forward as proposed?***

Commissioner O'Connor stated that he needed a better understanding of why they are not meeting the exceptions. He inquired how far off is what is being provided from what is required.

Ms. Bonn replied that the exceptions are stated starting on page 10 of the staff report. She noted that what is listed is what is required in the Design Guidelines, and the project in parts does not meet the exact dimensions required.

Commissioner O'Connor stated that he had not gone through this exception in detail, but in looking at it now, he does not see that they are off by that much.

Commissioner Olson inquired what the deviation is in numbers and how far off they are from what is required.

Ms. Bonn referred back to page 10 of the staff report, noting that, for example, Drive A, section drawing #7 has an 8-foot walk and a 12-foot landscape buffer for a total of 20 feet, which actually exceeds the total of 17 feet required by the Design Guidelines but does not follow the exact dimensions as required in the Guidelines. She continued that Drive B, section drawing #6 has a 12-foot wide section consisting of a 4.5-foot wide bio-retention zone, a 5-foot walk, and a 2-foot wide bio-detention zone, which again does not meet the exact dimensions required by the Design Guidelines but certainly meets the intent of having landscaping on either side of the sidewalk where it is adjacent to the project.

Commissioner Pearce noted that as she understands it, staff is supportive of this exception.

Ms. Bonn said yes.

Commissioner Olson stated that he does not have an issue with it.

Commissioner O'Connor stated that he does not either.

Commissioner Pearce stated she is fine with it. She commented that she thought the reason for the recessed garage doors was for appearance and requested verification.

Commissioner Narum replied that it was to break up the mass.

Commissioner Pearce stated that given what the applicant has said, she is comfortable with the garage door situation because they would be articulated in ways other than recession.

Commissioner Olson agreed with Commissioner Pearce.

Commissioner Narum stated that she served with Commissioner Pearce on developing these things and she feels they have met the intent in just a little different way. She added that it is something they did not think about, and the applicant are not just saying they want it all flush but are proposing alternatives with different materials and different looks, which she finds to be actually positive. She indicated that she can support this exception.

Commissioner O'Connor agreed. He stated that the two-foot recession is one way to break up the mass and that he would rather they have more than one way. He indicated that if the applicant will look at different ways of breaking up that massing, he thinks that would be better than having all garage doors at a two-foot recession.

Acting Chair Blank agreed.



Mr. Dolan indicated that other people have asked for this exception but have proposed different solutions that were not all the same, and staff ultimately does not have an issue with some variation from this guideline. He stated that what staff has seen before are requests for less than two feet or some combination of meeting the guideline and not meeting the guideline using these other techniques. He noted that to have 100-percent flush garage doors is not ideal, and having that with something else would be a lesser solution than a mix of approaches.

Commissioner Narum noted that the applicant proposed or showed some options, one with a little overhang, and another using a trim or different materials or lattice work. She asked Mr. Dolan if he felt that satisfied or met the intent of the Guidelines.

Mr. Dolan replied that there is a certain look that comes with the setback in terms of the shadow line, and what it does to what can be a pretty monotonous row of garage doors that is a little bit different. He added that he did not think 100 percent lattice work would be quite as effective either. He noted that the proposed exception does achieve the same objective at some level, but there are probably some key locations that would be better-off held to some setback of the door.

Commissioner O'Connor inquired if somewhat less than two feet might be one.

Mr. Dolan replied that there is nothing magical about two feet, but that is what was decided in the Guidelines. He added that staff would be happy to work with the applicant on what locations work.

Commissioner O'Connor commented that one of two things probably happens when the garage is recessed: either the square footage of the unit is reduced or the wall is pulled out to create the shadow line which might encroach into the driveway. He noted that trying to fit 30 units to the acre has been some work and that is why they have moved and done one row of four-story. He then inquired if problems may result from trying to and get another foot or two brought out.

Mr. Dolan replied that one of the best things about this project is that it is somewhat organic and there is not a lot of repetition of dimension and that is what makes it and will serve it very well. He indicated that he cannot make that universal statement and that staff will find some places where they are not going to hurt anything and still have a setback garage.

Acting Chair Blank stated that he finds the exceptions are warranted. He noted that it would be nice if there could be some recess, but the applicant could also come up with three different ways of mitigating the recession, maybe with the overhang, with some window trim, and with lattice work. He indicated that he senses there is some flexibility among the Commissioners as they all said yes to the first exception. He added that he is sure the applicant would be willing to work with staff and come up with some alternatives.

Commissioner O'Connor stated that he is fine with some recessions as long as they do not go down the path that they all have to be that way. He added that he is fine if there are some units where that can be done to create some differentiation but without having to do an entire building or one-third of the project that way; if it becomes one of the three ways to change the look of the garage doors and without major modification to the floor plans, or taking away from green space.

***B. Are the on-site circulation, parking lot, and positioning of the buildings acceptable?***

Commissioner Pearce stated that she is comfortable with the on-site circulation. She complimented the applicant on doing a good job of having internal streets and paseos as the Commission has requested. She added that she is also comfortable with the parking layout, and the positioning of the buildings looks fine. She noted that she liked how the buildings are grouped and is comfortable with that.

Commissioner Olson agreed.

Commissioner Narum also agreed. She indicated that she actually really likes the way they have been laid out.

Commissioner O'Connor agreed as well. He indicated his excitement with getting more green space and that they are above the minimum parking per unit. He complimented the applicant for doing a great job.

Acting Chair Blank stated that this is an exceptionally well-designed layout.

***C. Are the proposed on-site recreation facilities and amenities acceptable?***

Commissioner Narum stated that she heard music to her ears about places to throw a football. She indicated that she is pretty consistent about wanting these to have large enough green space for children to throw a football as well as the tot lot. She added that she is thrilled that the applicants have done a great job in distributing that through the development.

Commissioner O'Connor agreed. He indicated that having three acres of green space is fantastic.

Commissioners Pearce and Olson agreed.

Acting Chair Blank stated that one cannot argue with that.

***D. Is the treatment of the corner of Bernal Avenue and Stanley Boulevard (four stone pilasters and a low-profile stone sign wall arranged in a curve, with two ornamental trees behind the pilasters and sign wall) adequate?***

Commissioner Olson commented that it is hard to find anything wrong with this project, but he considers this as the weak point of the project. He indicated that it leaves him flat and thinks it needs a little more thought or creativity.

Acting Chair Blank inquired if it can look like the other ones the Commission has approved, which looked really cool.

Commissioner Pearce agreed. She noted that this is a gateway and would love to see a more detailed-oriented approach to the sign.

Commissioner Narum agreed. She stated that she actually has the renderings from the Pleasanton Gateway project, and that turned out so wonderful in reality. She indicated that this proposal makes her a little nervous; that in the depiction, it looks like two of the trees are floating and she has trouble getting beyond that although she know what the intent was. She suggested that they beef it up a little more or make it a little more dramatic.

Commissioner O'Connor stated that he does not have a problem with it but is open to some changes. He noted that thought this would be a great corner to do some enhancement on signage for the place but does not know where that would fit in. He indicated, however, that he is indifferent and could take it the way it is; that he does not think it is a major problem but enhancement can always make things look nicer.

Acting Chair Blank stated that he does not think it is a major problem but agreed with Commissioner Olson that it left him a little flat. He indicated that when he thinks about the other gateway and the rotundas that were done there, he thinks that it could also be done here, although he realizes this is not a round thing where people are going to go out and congregate necessarily. He added that there is a certain *je ne sais quoi* that is missing here, and if the applicants and staff can figure out what that is, that would be something to put in there.

***E. Are the residential building designs, colors, materials and heights acceptable?***

Commissioner Narum disclosed that she met with Mr. Pringle and Kathy Thibodeaux, project consultant. She then stated that she really likes Pleasanton Gateway. She indicated that she really likes two of the three villages and the renderings, but she is still not bawled over with the building with the arches. She noted that in her neighborhood, there were houses built with the arches across the front that are now all being taken out and modernized with columns and interesting treatments. She added that the other thing that bothered her, and Mr. Pringle alluded to it, is that the building was kind of all one-dimensional, one big long building with one roofline with these arches in front of it,

with no variation of roof line and no real articulation such as a bay window or parts of it moving in and out. She stated that the two other buildings are gorgeous and that she would like to see some work done on that other one.

Commissioner Olson stated that he does not have any issues all the way across. He indicated that the idea of putting four stories in the back is terrific and does not really have an issue with the arches. He added that it lends to variety and this project has a lot of variety.

Commissioner Pearce stated that she feels like some of the detail has been lost or stripped away and that there was going to be more detail and articulation in these buildings. She added that she could not tell what it is and maybe she needs better visuals, but she finds that it looks very flat. She noted that, again, she might be fine with this in other parts of town, but as a gateway on a very prominent corner, she would like to see as much articulation and detailing as possible, especially on the buildings on Bernal Avenue and Stanley Boulevard. She added that that goes for the commercial, as well.

Commissioner O'Connor stated that his concern is not that they were using arches but that it was this repetition of lots of arches. He indicated that he wants to see some differentiation between these villages so they were on the right path, but he is not certain if all of the arches worked as well, although he can live with them too.

Acting Chair Blank stated he does not have a problem with the arches, but the roofline kind of looks like a retirement home with arches put on the front. He noted that overall, the building designs are fine; however, this is a gateway, and if there is a poster child of what he lovingly calls "the Pleasanton look," this has got to be it. He indicated that there ought to be much more articulation in some of these. He added that he is not suggesting to have one-story on Bernal Avenue, but he would really like to see the corners of all these buildings to be one-story, the next one over be a two-story, and then go to the three-story so it is a step up with some articulation along the way. He stated that it would lend a more open-space and airy feeling between the corners of the building.

Commissioner O'Connor asked Acting Chair Blank if he is suggesting more symmetry.

Acting Chair Blank said no, not all of them. He suggested that they could have maybe one-story, then two units that are two-story, and then go to the three-story. He noted that it may just be the articulation issue. He invited the applicant to comment.

Mr. Steinberg stated that he is encouraged by the Commission's comments in general and that they should probably focus on the design itself. He indicated that the drawings could use some enhancement. He noted that there is more work to be done on those and that they will work on that for when they come back before the Commission.

Mr. Steinburg stated that based on the comments, he would like to talk about the mission revival building, the arches and the roofline; and the stepping. With respect to the mission revival building and with both buildings, he stated that their thought was to take the elements they see in the buildings in Pleasanton; not copy them literally but take those components and see if they could make them a little more contemporary while using all of the pieces. He noted that they may have been more successful with the Craftsman style than with the mission, although there is the suggestion with the Craftsman to break it up and have variety and articulation and smaller pieces and good detail. On the other building, he stated that it might be interesting to not try to do the same thing but just do it in stucco. He noted that there is some merit and it was intentional, and if it was a bad idea, they can let go of it to have repetition and to not have everything so different. He indicated that it would add some of the richness to this. So that is one comment.

Mr. Steinburg stated that their design team had a discussion about the arches, how it started and was repetitive, and they found them very powerful in the way that it counterpointed the Craftsman and the break-up. He continued that they then started to water it down a little and they had some arches and some squares. He indicated that he was not sure that helped or if they would be better off making it all the Craftsman or making it more different. He noted that there is some more exploring to do, but he wanted to plant the seed with the Commission that maybe the repetition, particularly if they got the right thing they were repeating with the right kind of detail, it might actually be a positive.

Acting Chair Blank stated that he understands the applicant's rationale for what was done but that he gets the sense from the Commission that there is a need for more articulation. He added that his sense is that they are not quite with the applicant yet.

Acting Chair Blank stated that he does not think they will come back for another Work Session before the public hearing and suggested that they make an investment in high-quality motion visuals because it really helps the Commission, the City Council, and the public to truly understand what they are dealing with, and projects that have made that investment up front have found great success.

Mr. Steinberg replied that they would be happy to do that. He then addressed the matter of stepping, noting that he believes they are really pretty close in most of their thoughts on how they are approaching this. He asked for a little flexibility and a little trust on the stepping, stating that there are many ways to do the stepping. He noted that the most predictable and expected is to incrementally step up in the most logical order, but sometimes with art, having some variation on it can add some richness.

Commissioner O'Connor stated that he likes it the way it is.

Commissioner Olson agreed.

Acting Chair Blank clarified that he was not asking for more symmetry. He indicated that it was fine the way it is and that it is an articulation issue.

Mr. Steinberg stated that they will continue to work on this and will come back with very good graphics.

Mr. Dolan stated that he would like to plant the seed in terms of the architecture. He stated that the most powerful graphics that are submitted and the ones that make the most impact on him when he looks at them are the elevations that are submitted, and he asked the Commission to remember that they will never see those elevations in real life: you cannot see it, you think it stretches the amount, it flattens them out, it does not give you a good idea of what articulation is provided in the current design. He added that if you take that architecture and go back to the site plan, and you recall how the building was pulled out to sit at an angle, it gives it a whole different look as well. He indicated that this is something to remember when reviewing these things, and it lends credence to Acting Chair Blank's comments about perspective visuals and things that can give you a better idea of what you will really be able to see because elevations are a technical tool for showing a design, but they are not a very good tool for showing what it is going to look like.

***F. . Are the commercial building designs, colors and materials, and heights acceptable?***

Commissioner O'Connor said yes.

Commissioner Narum stated that she absolutely loved the way the Pleasanton Gateway came out when the Commission worked through that. She indicated that this is a little bit flat and that it possibly is the level of detail.

Commissioner Pearce agreed with Commissioner Narum.

Commissioner Olson stated that he is fine with it.

Acting Chair Blank stated that he is generally fine with it. He indicated that when he first saw it, he had the same impression as that of Commissioner Narum, but he told himself this is a workshop and they do not have the details.

***G. Does the Planning Commission have any comments on the uses proposed in Exhibit A?***

Commissioner Olson stated that he reviewed the list twice in addition to the items at the end that are also requested. He indicated that it is a good list and that he does not have any problems with it.

Commissioner Pearce stated that she reviewed the list and it is fine. She expressed some concern about health clubs and requested more information about them. She

noted that she does not know what the parking requirements are for health clubs but feels like it is a more intense use for a permitted use as opposed to a conditionally permitted use.

Commissioner Narum agreed that is a fair question. She noted that the Commission had considered a couple of health clubs in the community where there were parking issues and they were conditionally approved. She indicated that she would rather see this one as conditionally permitted on the parking compared to whatever else ends up being retail in that complex.

Commissioner O'Connor stated that from a business perspective, these are tough times. He indicated that the Municipal Code has a section with some prohibited uses and some conditional uses such as a used clothing store. He noted that he was fine with just meeting the City code and thinks this needs to be left open so people have options when things are tough, and the last thing they want are vacancies in the centers. He stated that it is not good for the City, and it is not good for the center. He added that he does not think a whole lot should be prohibited and that he is fine with the list.

Acting Chair Blank stated that the only comment he has on the list is on item 34, which he thought was a little general. He noted that on-site manufacturer is very vague and could be anything from a guy sitting in a workshop putting together some hand-crafted stuff, which he would be fine with, to some big noisy banging machine such as a cannery. He suggested that staff provide more clarification so it is not too vague.

Commissioner Narum inquired if the Commission is fine with items 44, 45, 46 and 47 being permitted instead of being conditionally permitted, with the exception of the health club.

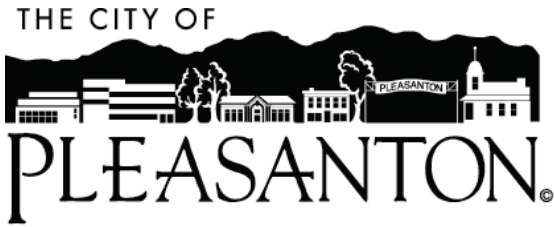
Acting Chair Blank said yes. He then asked staff if they have what they needed.

Commissioner Narum indicated that she has one more question about the project that was not on the list. She inquired if bicycle connections, lanes, and traffic matters have been considered in here so that people using bicycles are appropriately signed and laned.

Commissioner O'Connor inquired if there are facilities for this.

Commissioner Narum stated that she was thinking more about traffic circulation.

Mike Tassano said yes. He stated that in the areas of A, B, C and D, the lane widths are relatively narrow, and as on several City residential streets, these do not commonly have striped bike lanes on them. He noted that traffic along these streets does not usually go two ways at the exact same time, so cyclists usually just use the roadway there. He added that there will be bike lanes on Stanley Boulevard and on Bernal Avenue and Tawny Drive once they leave the development.



# **EXHIBIT D** Housing Commission Agenda Report

May 16, 2013  
Item 07

**SUBJECT:** Approval of an Affordable Housing Agreement with Ring Financial, Inc., for a 345-Unit Apartment Development at 3150 Bernal Avenue (PUD-87)

**STAFF RECOMMENDATION:** Review the attached Affordable Housing Agreement (AHA) and recommend its approval by the City Council

- ATTACHMENTS:**
1. Recommended Affordable Housing Agreement
  2. HUD 2013 Income and Typical Rent Levels

## **BACKGROUND**

Ring Financial, Inc. has submitted for a Planned Unit Development (PUD) application for the development of a 16-acre site at the southeast corner of Bernal Avenue and Stanley Boulevard. Because the proposed development exceeds 15 units it is subject to the City Inclusionary Zoning Ordinance (IZO) requiring an affordable housing agreement. This particular site is 1 of the 9 sites rezoned in January 2012 for high-density multifamily development in order to meet the City's share of the regional housing need.

**Site Location Map**





The proposed project will include 345-residential units on approximately 11.5-acres and approximately 38,781-square-feet of commercial space on approximately 4.5-acres of the total 16-acre project site. The project characteristics are outlined below.



The 345 residential apartments would be dispersed between three clusters. Cluster 1 will be located near the northeastern portion of the property and will consist of 94 apartment units (Buildings B1, B2, C1, C2, D1, D2, E1, and E2), Cluster 2 will be located near the southeastern portion of the property and will consist of 166 apartment units in a podium style building (Building A), and Cluster 3 (Buildings B3, B4, C3, C4, D3, D4, E3, E4) will be located near the southwestern corner of the property and will consist of 85 units. The density of the residential portion of the project is 30 units per acre (345 units on 11.5 acres).

Residential units include 21 junior one-bedroom units (approximately 650-gross square feet), 135 one-bedroom units (755-gross-square-feet), 20 one-bedroom with den units (880-gross-square-feet), 53 two-bedroom units (1,075-gross-square-feet), 44 two-bedroom-split master units (between 1,115-1,132-gross-square-feet), 15 two-bedroom plus den (1,230-gross-square feet), 8 two-bedroom carriage units (1,205-gross-square-feet), 26 two-bedroom “townhome” units (1308-1390-gross-square-feet), 19 three-bedroom units (1,250-1,510-gross-square-feet), and 4 three-bedroom with den units (approximately 1,440-gross-square feet).

The commercial portion of the project consists of a total of four buildings with a final configuration as part of the review and marketing process. The tenancy could include a pharmacy, grocery or other anchor use.

A separated sidewalk is proposed along Stanley Boulevard and the southern half of the property’s frontage on Bernal Avenue. A monolithic sidewalk is proposed along the northern half of the property’s frontage on Bernal Avenue. Two bus stops are proposed, one each along Bernal Avenue and Stanley Boulevard. Community amenities are located near Clusters 1 and 2, near the center of the site. An approximately 2,200-gross-square-foot leasing office and business center will be located in the center of the three clusters, off of Drive B. An approximately 2,008-gross-square-foot community room will also be located in the same area. Floor plans of these common areas are on Sheet A-19.

**DISCUSSION**

As part of the May 1 joint Housing Commission and City Council workshop, the Council endorsed staff pursuing a flexible model for attempting to achieve affordable rent restricted units in new residential rental developments. As such, it encouraged all to attempt and strive to meet the IZO in a flexible, negotiated way recognizing the fact that the City has multiple interests it is trying to address, including parking, school impact needs, and affordable housing, all of which fuel the outcome of negotiations. Based on this direction, staff has focused its efforts on pursuing creative options for meeting long term affordable housing needs.

As a point of reference, since the Urban Habitat Settlement Agreement and approval of updated General Plan Housing Element, the City Council has approved three apartment rental developments with the following affordable components:

**Summary of Recently Approved Apartment Developments**

<b>Development</b>	<b>Total Units</b>	<b>Affordable Units</b>	<b>Percent Affordable</b>	<b>Description</b>
BRE Hacienda	506	76	15%	All units at 50% AMI
California Center	305	46	15%	8 @50% AMI; 15@80% AMI; 23@100 AMI
St. Anton	168	35	20%	All units at 50% AMI; potential for additional 100% AMI units pending final IUC credits disposition

In view of the City Council’s direction at the joint workshop, staff’s negotiation with Ring Financial included a range of concepts intended to offer various ways of meeting the intent of the IZO. As an outcome of the negotiations, a recommended draft Affordable Housing Agreement (AHA) has been prepared. A listing the AHA’s most notable terms are as follows:

- Provide 52 units (15% of the total units) as rent restricted affordable units as follows:

### AHA Affordable Unit MIX

Unit Type	Unit Mix for Affordable Units				
Unit Type	50% AMI	80% AMI	100% AMI	Total	%
Studio	6	2	8	<b>16</b>	31%
1-Bedroom	3	4	5	<b>12</b>	23%
2-Bedroom	1	6	7	<b>14</b>	27%
3-Bedroom	0	5	5	<b>10</b>	19%
<b>Total</b>	<b>10</b>	<b>17</b>	<b>25</b>	<b>52</b>	100%

- Unit household sizes for determining rents will be consistent with standards used typically in the City's AHA's. (Section 1(B) of the AHA)
- The agreement will be recorded with the land and remain affordable for perpetuity.
- Requires the development to accept Section 8 housing vouchers from eligible qualified applicants.
- Affordable units will be marketed by the developer and rented based on the City's adopted preference system.
- One of the affordable 1-bedroom units, one affordable 2-bedroom units and one affordable 3-bedroom units shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deem significant for disabled access. *(Note the language related to this requirement (Section 3 of AHA) has been modified to address concerns raised by the City Council during the St. Anton project review. Basically, the new language further defines the types of modifications anticipated and provides that a disabled unit must be marketed for a period of twenty-one days before it may be made available to non-disabled tenants. Further, should a disabled unit be rented to a non-disabled tenant and subsequently a qualified disabled applicant becomes available, the developer shall attempt to facilitate a relocation of the non-disabled tenant to a market unit.)*
- In lieu of providing the 52 rent restricted units, the developer would pay an in-lieu fee of \$4,500,000. The option of paying this fee or providing the units resides with the City and must be determined within 45 days of the developer notifying the City that it intends to apply for a building permit.

Regarding compliance with the Inclusionary Zoning Ordinance's (IZO), the unit mix meets the requirement that 15% of the units be rent restricted. It does not however, fully meet the IZO's requirement that all for the affordable units be affordable to very low (50% AMI) and low income

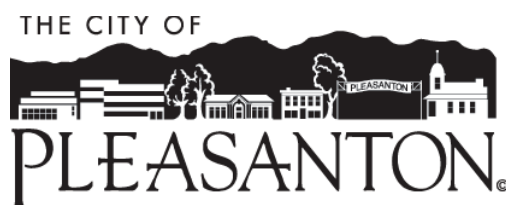
(80%) of the Area Median Income. Nevertheless, it is consistent with the AHA approved previously by the City Council for the California Center development and staff assumes that this level of affordability will be consistent with Council expectations for this project. All other items, including perpetuity, the disbursement of affordable units throughout the development, etc. are consistent with the IZO.

Regarding compliance with the City's Housing Site Standards and Design Guidelines which stipulate that 10% of the affordable units will be 3-bedroom units and 35% will be 2-bedroom units, staff views it as a positive that there is a higher than required number of 3-bedroom units and in fact encouraged more 3-bedroom units over 2-bedroom units during the negotiation process. In general, this approach is based on staff's observation that there is a higher demand for 3-bedroom units. Overall the number of three and two bedroom units is equivalent to the combined 45% required in the Housing Site Standards and Design Guidelines.

Regarding the option for the developer to pay an in lieu payment of \$4,500,000 rather than providing affordable units, staff supports this alternative primarily because it could provide the City with all or a significant portion of the funding needed to develop, or assist in developing, an additional affordable project with deeper levels of affordability provided in this project. Further, it could be used to develop programs or other options for creating housing for lower income households. In addition, the Commission may recall that the City has committed \$8 million of its Lower Income Housing Fund to the Kottinger Place development project and this in lieu payment would represent a significant contribution toward replacing those funds for future uses. The in lieu fee equals \$13,043/unit which is significantly more than the existing lower income housing fee of \$2,655/unit. The amount was arrived at based on negotiations between the parties and reflects that the new lower income housing nexus study may potentially result in a higher fee amount. However, the payment amount is not tied to any adjustments, or lack thereof, that comes out of the nexus study. Staff anticipates that the City Council will make a decision regarding its selection of fee versus units in accordance with the AHA's timeline.

As outlined in the IZO, the Housing Commission's role is to recommend the City Council accept, reject or amend the terms of the attached AHA. The Commission may also make recommendations to the Planning Commission concerning conformance with the IZO. However, the Planning Commission does not have an identified role in determining project affordability, and therefore, any such recommendation would be related project planning issues as they relate to affordable units. Based on review of the overall project site plan, staff has not identified any concern regarding building or site design that impact affordability. Should the Commission reject the recommend AHA, staff recommends that it provide detailed feedback to the City Council for consideration as part of its development review. A request for specific amendments may also be discussed and forwarded to the City Council.

Overall, staff's opinion it that the draft AHA provides the type of flexibility the City Council requested as part of the joint workshop with the Housing Commission and is consistent with the type of development being proposed by Ring Financial and therefore, it recommends approval of the agreement.



P.O. Box 520, Pleasanton, CA 94566-0802  
Housing Division (tel. 925-931-5007; fax 925-931-5485)

## **2013**

### **Applicable Income and Rent Limits for Below-Market Rent (BMR) Apartments**

(revised annually by City)

Persons in Household	MAXIMUM ANNUAL INCOME:				
	120% (Moderate)	100% (Median)	80% (Low)	60% (Low)	50% (Very Low)
<b>1</b>	\$74,950	\$62,450	\$49,950	\$37,450	\$31,200
<b>2</b>	\$85,650	\$71,350	\$57,100	\$42,800	\$35,700
<b>3</b>	\$96,350	\$80,300	\$64,200	\$48,150	\$40,150
<b>4</b>	\$107,050	\$89,200	\$71,350	\$53,500	\$44,600
<b>5</b>	\$115,600	\$96,350	\$77,050	\$57,800	\$48,150
<b>6</b>	\$124,150	\$103,450	\$82,800	\$62,100	\$51,750
<b>7</b>	\$132,750	\$110,600	\$88,500	\$66,350	\$55,300
<b>8</b>	\$141,300	\$117,750	\$94,200	\$70,650	\$58,850

Size/Type of Unit	MAXIMUM MONTHLY RENT:				
	120% (Moderate)	100% (Median)	80% (Low)	60% (Low)	50% (Very Low)
<b>Studio</b>	\$1,874	\$1,561	\$1,249	\$936	\$780
<b>1 BR</b>	\$2,141	\$1,784	\$1,428	\$1,070	\$893
<b>2 BR</b>	\$2,409	\$2,008	\$1,605	\$1,204	\$1,004
<b>3 BR</b>	\$2,890	\$2,409	\$1,926	\$1,445	\$1,204

#### NOTES:

Derived from the Oakland Primary Metropolitan Statistical Area (PMSA) most recent median income level for family of four (\*). The Oakland PMSA includes Alameda and Contra Costa counties. Maximum annual income and monthly rent levels are shown for five different income categories: 1) 120% of median, 2) 100% of median, 3) 80% of median, 4) 60% of median, and 5) 50% of median. The maximum annual income level is determined by the number of persons in the household. The applicable maximum rent level is determined by the size and type of the rental unit and assumes 30% of the monthly household income for housing.

(\* ) Department of Housing and Urban Development (HUD); \$89,200; 12/11/2012

**EXHIBIT E**

**Addendum to the City of Pleasanton Housing Element and  
Climate Action Plan General Plan Amendment and  
Rezoning Supplemental Environmental Impact Report  
for the  
Vintage Sustainable Mixed Use Village  
(PUD-87)  
City of Pleasanton, Alameda County, California**

Prepared for:

**City of Pleasanton**  
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Contact: Mary Bean, Project Director  
Janna Waligorski, Project Manager

June 26, 2013



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**Appendix A: City of Pleasanton Resolution No. 12-493: Certification of the Final EIR for the Housing Element and Climate Action Plan**

**Appendix B: Air Quality and Greenhouse Gas Information**

- B.1 - Stanley Boulevard Mixed-Use Project Health Risk Analysis and Air Pollutant Emissions Assessment
- B.2 - CalEEMod Output Vintage Annual 2014
- B.3 - CalEEMod Output Vintage Annual 2020

**Appendix C: Tree Assessment Letter**

**Appendix D: Phase I Environmental Site Assessment**

**Appendix E: Noise Assessment Study**

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## SECTION 1: INTRODUCTION

### 1.1 - Project Details

**1. Project Title and Number**

Vintage Sustainable Mixed Use Village (PUD-87)

**2. Lead Agency Name and Address**

City of Pleasanton  
200 Old Bernal Avenue  
Pleasanton, CA 94566

**3. Contact Person and Phone Number**

Shweta Bonn, Associate Planner  
925-931-5611

**4. Project Location and APN**

Southeastern corner of Stanley Boulevard and Bernal Avenue  
3150 Bernal Avenue  
Assessor Parcel Number 946-4542-045-03

**5. Project Sponsor's Name & Address**

E&S Ring Management Corporation  
6601 Center Drive, Suite 600  
Los Angeles, CA 90045  
Contact: John Pringle

**6. General Plan Designation**

High Density Residential (11.5 acres) and Retail, Highway, Service Commercial,  
Business and Professional Offices (4.5 acres)

**7. Zoning**

Planned Unit Development High Density Residential (PUD- HDR) (11.5 acres) and  
Planned Unit Development-Commercial (PUD-C) (4.5 acres).

**8. Description of Project**

345 residential units, 38,781 square feet of commercial retail space

**9. Requested Permits/Approvals**

- A. Planned Unit Development
- B. Grading Permit
- C. Building Permit
- D. Occupancy Permit
- E. Alcohol Use Permits (depending on retail center uses/tenants)
- F. Conditional Use Permit (depending on retail center uses/tenants)
- G. Vesting Tentative and Final Maps
- H. Affordable Housing Agreement
- I. Development Agreement
- J. Growth Management Approval

**10. Other Public Agencies Whose Approval is Required:**

- A. San Francisco Regional Water Quality Control Board

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**1.2 - Background**

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On July 21, 2009, the City of Pleasanton adopted the Pleasanton General Plan Update 2005-2025 based upon the certification of the Pleasanton General Plan Update 2005-2025 EIR (State Clearinghouse Number 2005122139). However, as a result of two lawsuits (*Urban Habitat Program v. City of Pleasanton* and *State of California v. City of Pleasanton*) and a subsequent Settlement Agreement and Covenant Not to Sue, dated August 2010, the City was obligated to update its Housing Element to meet regional housing needs (including eliminating the housing cap) and adopt a Climate Action Plan, both of which are subject to the provisions of the California Environmental Quality Act (CEQA).

On January 4, 2012, under Resolution No. 12-493 (Appendix A), the City of Pleasanton certified the Supplemental Environmental Impact Report (EIR) for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings (State Clearinghouse Number 2011052002), hereinafter referred to as the Supplemental EIR. The document provided supplemental information for the City of Pleasanton General Plan Program EIR (State Clearinghouse No. 2005122139) with regards to an updated Housing Element, the adoption of a Climate Action Plan, and related General Plan Amendments and Rezonings. The Supplemental EIR considered the potential impacts that were likely to result from implementation of the policies and programs contained within the updated Housing Element and Climate Action Plan and the changes in land use designations proposed in the General Plan Amendment and rezonings. Within the Supplement EIR,

the City identified 21 potential sites for rezoning and the buildout potentials of those sites to provide an adequate inventory of housing to meet Pleasanton's share of regional housing needs through 2014 (City of Pleasanton 2011). Not all 21 sites were needed to meet Pleasanton's share of regional housing needs, and the City ultimately selected only nine of the 21 sites for rezoning. As such, the Supplemental EIR provides a conservative analysis regarding potential impacts resulting from the development of residential land uses on rezoned sites.

The subject property (project site) was included as a potential site for rezoning in the Supplemental EIR as site Number 8. Within the Supplemental EIR, 11.5 acres of the 16-acre parcel was considered for the development of 159 to 345 units and up to 59,000 square feet of retail space. Any future development on the project site would be required to abide by all applicable mitigation included in the Supplemental EIR. As a result of the Supplemental EIR, 11.5 acres of the project site was rezoned from Retail/Highway/Service Commercial, Business and Professional Offices to Planned Unit Development High Density Residential (PUD- HDR) while the remaining 4.5 acres of the project site was rezoned to Planned Unit Development – Commercial (PUD-C). The High Density Residential and Retail, Highway, Service Commercial (PUD-HDR) zoning for the project site allows residential development at a minimum density of 30 units per acre.

The Supplemental EIR concluded that all potential impacts resulting from the implementation of the Housing Element and Climate Action Plan were either less than significant or could be reduced to less than significant after mitigation with the exception of two significant unavoidable impacts. The first significant unavoidable impact involves the demolition of a potentially significant historic resource on Site 6. The current project is not located on Site 6 and, therefore, would not contribute to this significant unavoidable impact. The second significant unavoidable impact determined by the Supplemental EIR consists of the addition of traffic to Sunol Boulevard (First Street) and Hopyard Road to the point at which roadway segments would operate unacceptably under Cumulative Plus Project Conditions. However, the project analyzed herein would result in a reduced contribution to this impact, as it proposes fewer residential units and retail space than those analyzed in the Supplemental EIR.

This document analyzes the conclusions of the Supplemental EIR to confirm whether the current project would result in any new significant environmental effect or increase in the severity of any previous identified environmental effect that preparation of a subsequent EIR or Mitigated Negative Declaration would be necessary, consistent with CEQA Guidelines Section 15162. The City of Pleasanton General Plan Program EIR (State Clearinghouse Number 2005122139) and Supplemental Environmental Impact Report (EIR) for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings (State Clearinghouse Number 2011052002) are incorporated by reference into this document.

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### 1.3 - Project Site

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The project site consists of approximately 16 acres located at the southeast corner of Stanley Boulevard and Bernal Avenue within the City of Pleasanton (Exhibit 1). The project site is currently undeveloped and consists primarily of ruderal (weedy) vegetation that has been mowed or disked in the recent past. Street trees are located on the project site along Stanley Boulevard. Sidewalks are present along the project site at the Stanley Boulevard frontage and the Nevada Street frontage (Exhibit 2).

The project site is surrounded by Stanley Boulevard, railroad tracks and a mini storage facility to the north; an electrical substation, BMX bike park, Arroyo del Valle, and residential uses to the east; Nevada Street, a synagogue, Arroyo del Valle, and residential uses to the south; and commercial/retail uses to the west.

The project site is zoned PUD-C (4.5-acre portion) and PUD-HDR (11.5-acre portion).

The project site has a General Plan land use designation of Retail, Highway, Service Commercial, Business and Professional Offices (4.5-acre portion), and High Density Residential (11.5-acre portion).

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### 1.4 - Proposed Project

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The project applicant proposes the construction of 345 residential units in three clusters with associated amenities, and up to 38,781 square feet of commercial retail space. The residential community and retail center are described separately below.

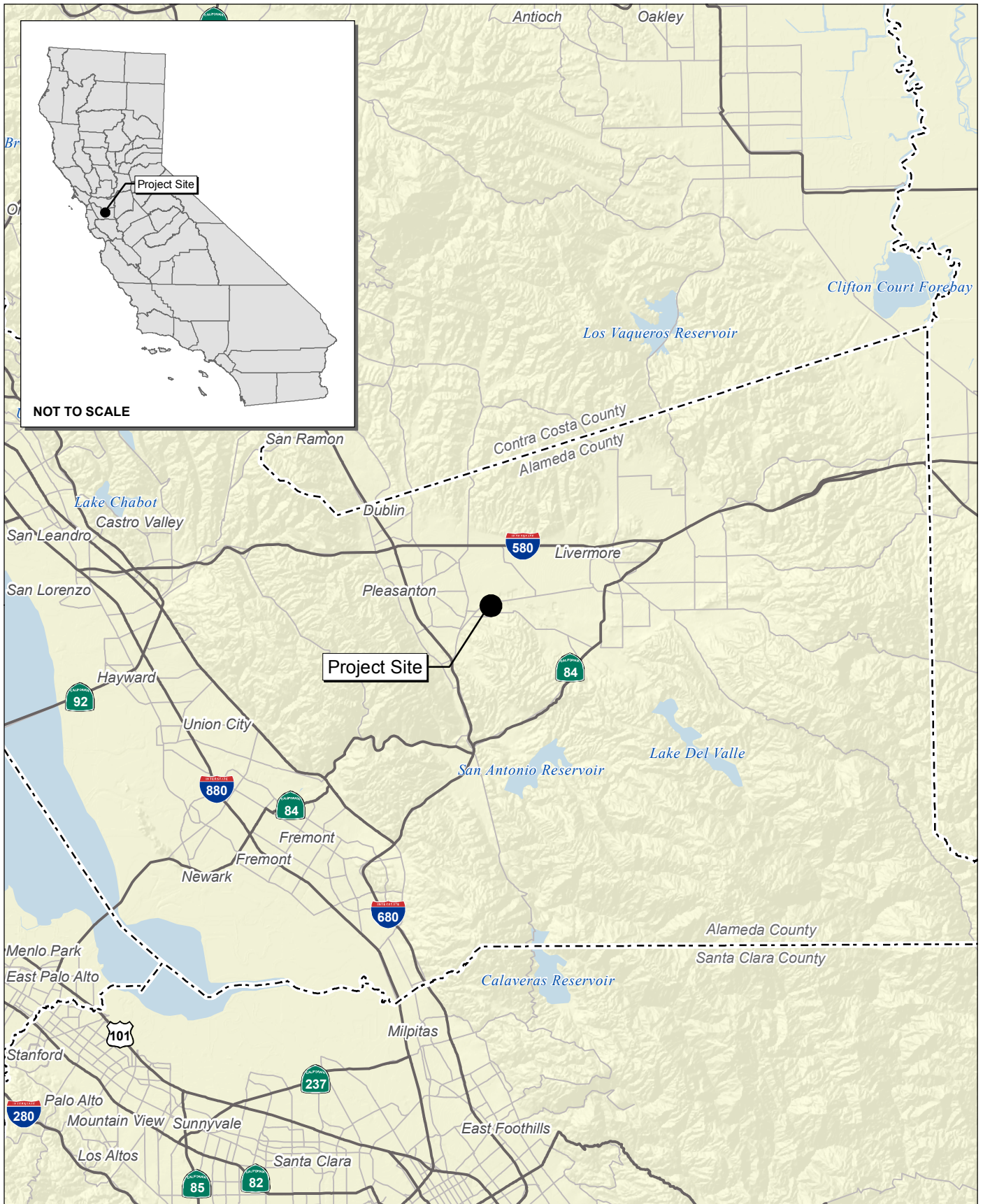
#### 1.4.1 - Residential Community

A total of 345 residential units would be constructed on an 11.5-acre portion of the project site. The units would be developed in three distinct clusters: Cluster 1, Cluster 2, and Cluster 3 (Exhibit 3). Cluster 1, located in the northeastern quadrant of the project adjacent to Stanley Boulevard, would contain 94 residential units. Cluster 2, located in the southeastern quadrant of the project site, would contain 160 residential units. Cluster 2 would also include the single-story fitness center and a central landscaped courtyard. Cluster 3, located in the southwestern corner of the project site adjacent to Bernal Avenue, would contain 91 residential units. Table 1 provides a summary of the proposed residences and building heights.

**Table 1: Project Summary – Residential Component**

Cluster	Residential Units	Stories
1	94	1 to 3
2	160	3 to 4
3	91	1 to 3
Total	345	N/A

Source: City of Pleasanton, 2012.

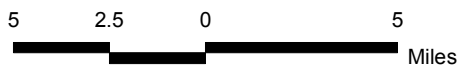


Source: Census 2000 Data, The CaSIL, MBA GIS 2013.



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# Exhibit 1 Regional Location Map





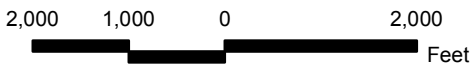


Source: ESRI Aerial Imagery.



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## Exhibit 2 Local Vicinity Map Aerial Base





Source: E & S Ring Management, 2013.



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### Exhibit 3 Overall Site Plan



## **Amenities**

Residential amenities would include a lap pool, a spa, cabanas, two tot lots, open space areas, barbeques located throughout the community, an outdoor kitchen, outdoor televisions, outdoor and indoor fireplaces, fountains, a fitness center, a club room with deck, a business center, and a community room.

## **Parking**

A total of 611 vehicle parking stalls would be provided via private garage space, communal garage space, covered parking and surface parking.

### **1.4.2 - Retail Center**

Up to 38,781 square feet of commercial retail space would be constructed on 4.5 acres located in the northwestern corner of the project site at the corner of Stanley Boulevard and Bernal Avenue. The retail center would provide services to the residents in the onsite residential community as well as the City's community in general. The retail center would include four buildings and outdoor dining areas that are integrated into the pedestrian connections of the adjacent residential community. There are two site plan alternatives for the proposed retail center: the proposed retail site plan (Exhibit 4) and the Alternative 1 retail site plan (Exhibit 5). Each is discussed below.

#### **Proposed Retail Center Site Plan**

Under the proposed site plan, the total square footage of all four buildings would be 35,169 square feet. The major retailer building would be 14,648 square feet. The anchor tenant that would occupy the major retailer building is unknown at this time. However, the site plan anticipates a drive-through use for the major retailer's building. The remaining three retail buildings would consist of 10,240 square feet, 7,116 square feet, and 3,165 square feet. Retail center surface parking would include 171 vehicle parking stalls. See Exhibit 4 for a site plan of the proposed retail center.

#### **Alternative 1 - Retail Center Site Plan**

Under the Alternative 1 site plan, the total square footage of all four retail buildings would be 38,781 square feet. The major retailer building is would be 20,400 square feet and would not include a drive-through. The remaining three retail buildings would consist of 8,100 square feet, 7,116 square feet, and 3,165 square feet. Retail center surface parking would include 186 vehicle parking stalls. See Exhibit 5 for the Alternative 1 retail center site plan.

Table 2 provides a summary of both retail site plan alternatives. To provide a worst-case, conservative analysis, this document assumes that the Alternative 1 – Retail Center Site Plan, with the larger square footage and no drive through, would be implemented.

**Table 2: Project Summary – Retail Component**

<b>Site Plan</b>	<b>Building</b>	<b>Stories</b>
Proposed	Major 1	14,648
	Retail Shops 1	10,240
	Retail Shops 2	7,116
	Pad 1	3,165
	<b>Total</b>	<b>35,169</b>
Alternative 1	Major 1	20,400
	Retail Shops 1	8,100
	Retail Shops 2	7,116
	Pad 1	3,165
	<b>Total</b>	<b>38,781</b>
Source: E & S Ring Management 2013.		

**Operations**

Delivery and loading activities for the majority of proposed retail center would occur within the retail center’s parking lot away from adjacent proposed residences. However, the major/anchor retail store would include a loading dock at the building’s rear elevation regardless of the retail center alternative implemented. The loading dock would be partitioned from the adjacent residential community by a screening wall.

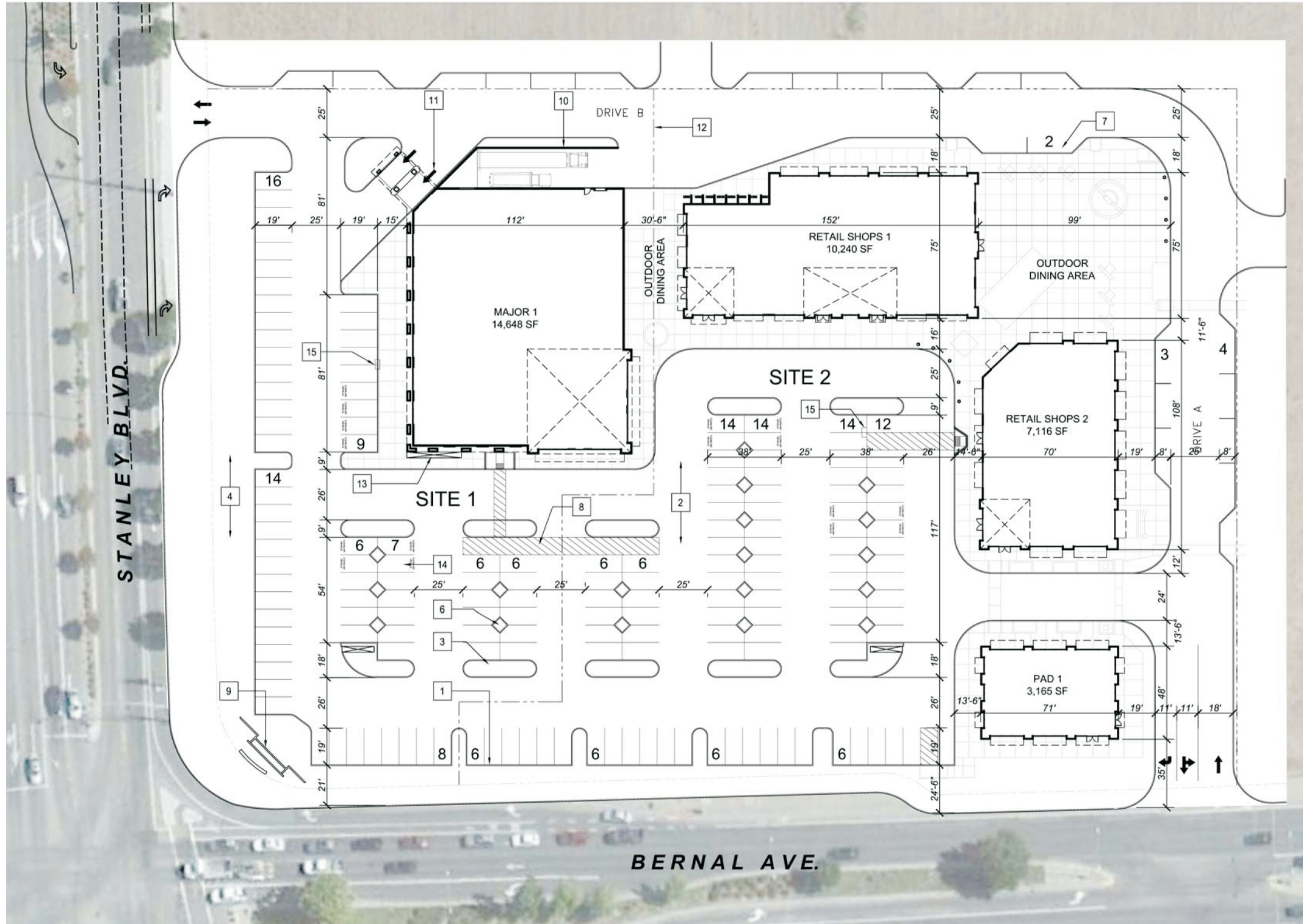
**1.4.3 - Sustainability Features**

The residential community and retail center have been designed as a sustainable mixed-use village incorporating many sustainability features. These features are summarized below.

**The Residential Community**

The Residential Community has been designed in accordance with the Green Point Rated Residential Homes program that incorporates and verifies sustainable community design; energy conservation; indoor air quality; and health, resource conservation, and water conservation features. The residential community has also been designed to be 15 percent more energy efficient than Title 24 requirements.

The Project design incorporates materials to reduce natural resource use such as pre-cut engineered lumber and 30-year shingle roofing materials. Paint and construction adhesives with low volatile organic compounds (VOCs) would be used. Utilization of dual-pane Low-E Glass would provide efficient building envelopes. All standard installed fixtures would be fluorescent or on a dimmer switch to reduce electricity usage. High-efficiency Energy Star appliances would be installed within every residential unit.



**SHEET KEYNOTES**

- 1 6" CONCRETE CURB
- 2 AC PAVING
- 3 LANDSCAPE FINGER ISLAND
- 4 LANDSCAPING AREA
- 5 PEDESTRIAN WALKWAY
- 6 9'x19' CITY STANDARD PARKING STALL
- 7 PARALLEL PARKING STALL
- 8 ACCESSIBLE PARKING STALL WITH STRIPED PASSENGER LOADING AREA (TYP. OF 6)
- 9 PROJECT SIGNAGE
- 10 SCREEN WALL AT LOADING DOCK
- 11 DRIVE THRU LANES
- 12 PROPOSED LOT LINE
- 13 SHOPPING CART AREA
- 14 DEDICATED "CLEAR AIR VEHICLE" PARKING STALL PER CALGREEN CODES
- 15 CHARGING STATION

Source: E & S Ring Management, 2013.



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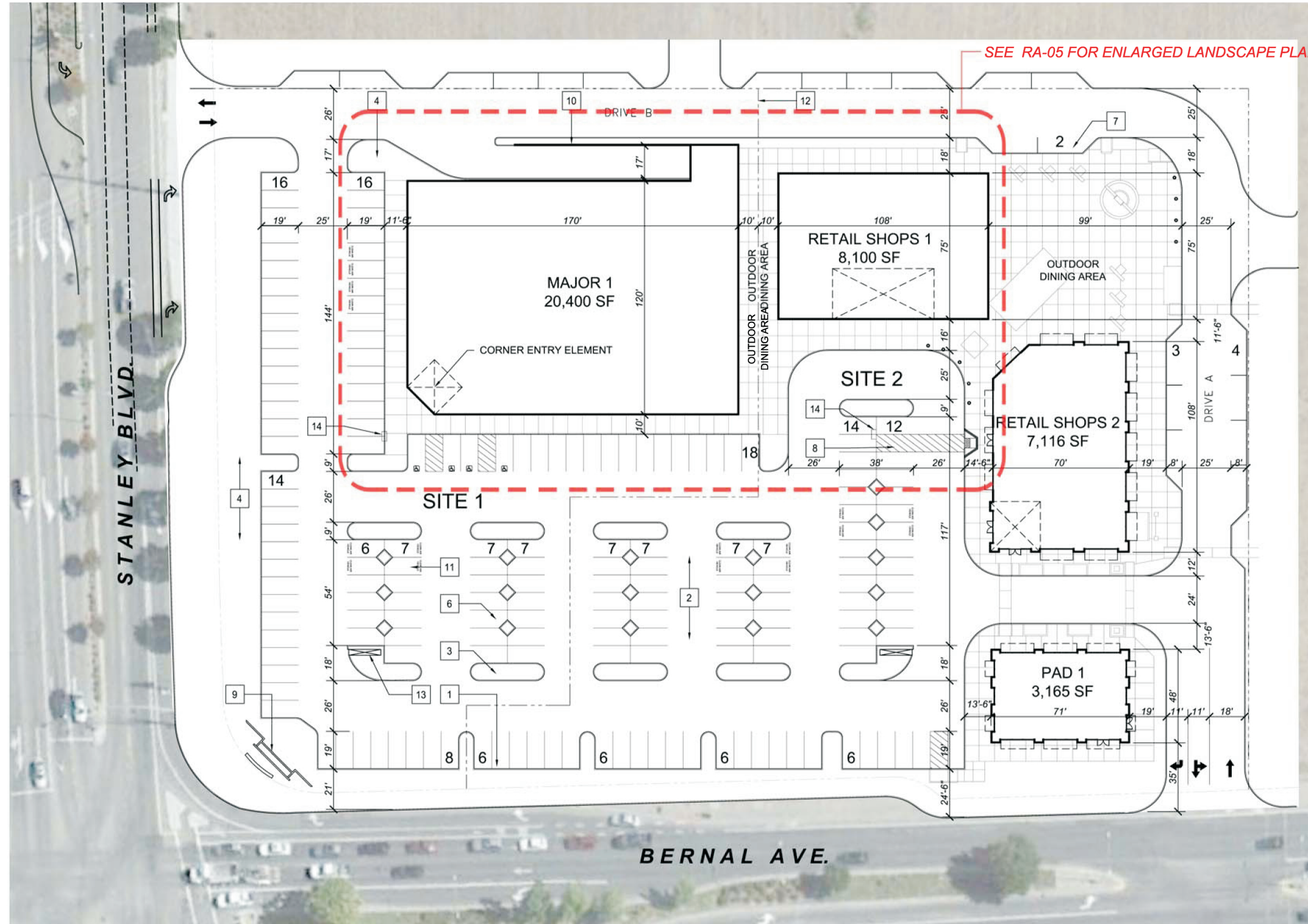
**Exhibit 4  
Proposed Retail Site Plan**





**SHEET KEYNOTES**

- 1 6" CONCRETE CURB
- 2 AC PAVING
- 3 LANDSCAPE FINGER ISLAND
- 4 LANDSCAPING AREA
- 5 PEDESTRIAN WALKWAY
- 6 9'x19' CITY STANDARD PARKING STALL
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- 10 SCREEN WALL AT LOADING DOCK
- 11 DEDICATED "CLEAR AIR VEHICLE" PARKING STALL PER CALGREEN CODES
- 12 PROPOSED LOT LINE
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- 14 CHARGING STATION



Source: E & S Ring Management, 2013.



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**Exhibit 5**  
**Alternative 1 - Retail Center Site Plan**



The landscape design would use drought-tolerant plants and intelligent irrigation controllers that adjust to actual water requirements. Faucets containing aerators would reduce water usage by limiting flow to 1.5 gallons per minute.

The residential community's amenities, such as the fitness center, pool, community room, club room, and business center, would encourage minimized traffic trips to and from the project site. The onsite business center and high-speed internet in all residential units would facilitate telecommuting. The onsite electric car charging stations would facilitate electric car use.

### **The Retail Center**

The retail center facilitates walking and biking to work opportunities by providing new employment opportunities within walking/biking distance of the proposed residential community and existing residential uses surrounding the project site. The retail center would also encourage the residential community residents to walk to the retail center to obtain goods and services that might otherwise require the use of an automobile.

The retail center would provide "Clean Air Vehicle" parking stalls. Surface parking areas would be paved with light-colored materials and include shade trees. Recycling facilities would also be provided.

### **Circulation and Site Access**

As shown on Exhibit 3, the proposed project would include four access points: one entrance on Bernal Avenue, two entrances on Stanley Boulevard, and one entrance on Nevada Street.

The Bernal Avenue entrance would be signalized to allow all turning movements. The western Stanley Boulevard entrance would be unsignalized and allow for right-in, right-out, and left-in turning movements. The eastern Stanley Boulevard entrance would also be unsignalized but would allow only right-in and right-out turning movements. The Nevada Street entrance would be unsignalized and would allow for all turning movements.

The existing bus stop eastern access point on Stanley Boulevard would remain but a bus shelter would be added. New bus stops would be added at the project site's Bernal Avenue frontage and approximately 400 feet west of the intersection of Bernal Avenue, Valley Avenue, and Stanley Boulevard for westbound travel (Exhibit 3).

### **Landscaping**

Landscaping and group open space would be provided throughout the residential portions of the project site. Trees and landscaped areas would also be provided within the retail center's parking area and frontages. The proposed project's landscaping plans include approximately 788 new trees and the retention of four existing trees along Stanley Boulevard.

## Lighting

Downward shielded outdoor lighting would be provided in all surface parking lots. Exterior downward shielded building lighting would be provided on all buildings.

## Building Materials

The materials used on the proposed project's buildings would be consistent with the City's design guidelines and would include materials such as composition shingle roofing, metal roofing, brick, lap siding, and smooth plaster.

### 1.4.4 - Project Construction

The proposed project's construction is expected to take approximately 20 months. Table 3 provides the expected duration of construction activities. All construction activity would take place simultaneously.

**Table 3: Construction Timing**

Activity	Duration
Grading	4 months
Infrastructure/utilities	4 months
Building Construction	20 months
Landscaping	2 months
Source: Busch undated.	

Construction work hours would adhere to City of Pleasanton requirements and are anticipated to occur between 8 a.m. and 5 p.m., Monday through Saturday (except holidays), unless a request is made for different hours subject to approval by the Director of Community Development.

Construction vehicle and worker parking will be provided within the project site. All construction access would be provided from either Bernal Avenue or Stanley Boulevard. Project related construction traffic would adhere to city route requirements. Construction activities would comply with the Bay Area Air Quality Management District's (BAAQMD's) Basic Construction Mitigation Measures and, if needed, BAAQMD's Additional Construction Mitigation Measures.

### 1.4.5 - Transportation Improvements

The proposed project would include the following transportation improvements:

- A traffic signal would be installed by the project at the intersection of Bernal Avenue and Utah Street. The traffic signal would have protected left-turn phasing on all approaches. On the Bernal Avenue approaches, the existing left-turn lanes in both directions would be retained.

On the Utah Street and driveway approaches, the geometry would be modified to provide a single left-turn lane and a shared through and right-turn lane on each approach.

- Pedestrian crossing facilities would be included as part of the project's planned signalization of the Bernal Avenue/Utah Street intersection, and pedestrian crossing facilities would be included as part of the City's future planned signalization of the Bernal Avenue/Nevada Street intersection pursuant to the City's Traffic Impact Fee (TIF) program.
- All landscaping, signage and buildings would be designed in a manner that maintains adequate site lines at project driveways.
- Clear sight lines would be maintained between the project's driveway on Nevada Street and the adjacent driveway for the Congregation Beth Emek Synagogue.
- A 75-foot-long, right-turn deceleration taper would be installed at each of the project's driveways on Stanley Boulevard.
- Signs would be posted to indicate restricted residential parking areas.
- If the alternative with the drive-through lane is developed, signs would be installed in the parking lot to direct drivers along the recommended access path.

#### **1.4.6 - Noise Control Measures**

The proposed project would incorporate the following noise control measures:

- No loading dock deliveries or activity would occur between 10:00 p.m. and 6:00 a.m. at the rear of the retail buildings of the commercial portion of the project in order to comply with the Pleasanton Noise Ordinance.
- All rooftop mechanical equipment at the commercial portion of the project with motors greater than 0.25 hp or with fans generating air flow greater than 1,000 CFM would be screened from view from the project residences.
- All living space windows and glass doors would be rated minimum Sound Transmission Class (STC) 33 at all living spaces within 180 feet of the centerline of Stanley Boulevard or within 140 feet of the centerline of Bernal Avenue, and minimum STC 30 at all living spaces between 180 feet and 320 feet of the centerline of Stanley Boulevard. Mechanical ventilation would be provided for all living spaces with a view to either Stanley Boulevard or Bernal Avenue.
- Construction of the project would comply with the requirements of the City of Pleasanton Noise Ordinance.



## **SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION**

### **Environmental Determination**

The Supplemental EIR analyzed the development of the project site with between 159 to 345 residential units and up to 59,000 square feet of retail space. The project as currently envisioned includes development of 345 residential units and up to 38,781 square feet of retail space, both of which are within the range previously analyzed.

As indicated by CEQA Guidelines Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the City determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.



On the basis of the record and the analysis contained herein:

- (1) The modifications proposed to the project do not require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (2) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The circumstances under which the proposed project is undertaken are substantially the same as under the Supplemental EIR.
- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Supplemental EIR was certified, that shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous Supplemental EIR;
  - (B) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (C) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Supplemental EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On the basis of the record and this evaluation, it is concluded that an addendum to the Supplemental EIR is the appropriate document to be prepared.

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## **Evaluation of Environmental Impacts**

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### **Discussion of Environmental Evaluation**

The following analysis includes a discussion of each item identified in the current CEQA environmental checklist (Appendix G). Mitigation Measures included in the Supplemental EIR are identified where necessary to ensure impacts would be less than significant, consistent with the Supplemental EIR. The 2009 Pleasanton General Plan Update EIR (State Clearinghouse Number 2005122139) and 2011 Housing Element and Climate Action Plan Subsequent Draft EIR (State Clearinghouse Number 2011052002) are herein incorporated by reference in accordance with Section 15150 of the CEQA Guidelines. Copies of these documents and all other documents referenced herein are available for review at the City Pleasanton Planning Division, 200 Old Bernal Avenue Pleasanton, California.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. Aesthetics</b> <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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The project site is currently undeveloped and consists primarily of ruderal (weedy) vegetation that has been mowed or disked in the recent past. The project site is surrounded by urban development. Arroyo del Valle is located south and east of the project site, as shown in Exhibit 2.

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### **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential development on the project site would have a less than significant impact related to each aesthetic checklist question, and no mitigation specific to the project site was required.

As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Scenic Vistas:** The Supplemental EIR concluded that implementation of goals, policies, and programs included as part of the proposed Housing Element, General Plan, applicable zoning requirements, design guidelines and specific plans, would protect Pleasanton’s visual resources—including hillsides and ridgelines—from impacts resulting from development facilitated by the proposed Housing Element, including that proposed for the project site.

Scenic resources include Mt. Diablo to the north; the Pleasanton Ridglands west of I-680; and hills to the west, southeast, and east. As shown on Exhibit 6, views of these resources from the project site are intermittently obstructed by mature trees and commercial buildings. As such, the proposed project would not introduce any new impacts to scenic vistas not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**State Scenic Highway:** The project site is located approximately 2 miles south of I-580, which is designated as an Eligible State Scenic Highway but is not officially designated as a State Scenic Highway by the California Department of Transportation (Caltrans). The project site is located approximately 2.6 miles east of I-680, which is designated as an Officially Designated State Scenic Highway.

The project site is not visible from I-580 or I-680 because of its distance and intervening developed land uses, and would not introduce any new impacts to views from State Scenic Highways not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Visual Character:** The Supplemental EIR concluded that potential adverse effects of new development on the visual character of the site and surrounding area would be reduced through the Design Review process required by Chapter 18.20 of the Pleasanton Municipal Code. The project as proposed is consistent with the land use and intensity evaluated in the Supplemental EIR and is also subject to Design Review, which would ensure that the project would be consistent with the architectural style of the surrounding area and that the heights and massing of the buildings would be appropriate given the existing visual context. Furthermore, the City-approved Housing Site Development Standards and Design Guidelines also include guidelines to ensure compatibility with surrounding buildings. Therefore, the proposed project would not introduce any new impacts to visual character that were not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Light and Glare:** The Supplemental EIR concluded that new development would introduce artificial light from residences and outdoor parking areas, and would also introduce glare. However, compliance with the State's Nighttime-Sky Title 24 Outdoor Lighting Standards, and the City's General Plan policies, Municipal Code regulations, and the site lighting guidelines of the Housing Site Development Standards and Design Guidelines would reduce potential light and glare effects to a less than significant level. The project has been designed in compliance with these regulations and therefore would not introduce any new lighting or glare impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.



1. View from Stanley Blvd. & Bernal Ave.



2. Nevada Court



3. View towards Stanley Blvd. & Bernal Ave.



4. Stanley Blvd



5. Bernal Avenue



Source: E & S Ring Management, 2013.



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## Exhibit 6 Site Photographs



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**Conclusion**

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The proposed project would not result in any aesthetic impacts beyond those considered in the Supplemental EIR. All impacts continue to be less than significant and no mitigation is required.

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**Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>2. Agriculture and Forestry Resources</b>  <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

The project site is not currently used for agricultural or forest purposes, nor are there any agricultural or forest uses in the surrounding area. The project site is developed, located in an urban area, and designated for urban uses by the General Plan and the Zoning Map. The area surrounding the project site is primarily composed of residential and commercial land uses. There are no Williamson Act lands within or near the project site.

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## **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have no impacts related to agricultural or timber resources, and no mitigation was required. No change has occurred regarding the presence of agricultural or timber land on or surrounding the project site since the adoption of the Supplemental EIR. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Important Farmland:** The Supplemental EIR concluded that the project would not result in conversion of farmland to non-agricultural use. No changes have occurred to the status of the project site's non-farmland designation as indicated by the Farmland Mapping and Monitoring Program of the California Department of Agriculture. As such, the proposed project would not introduce any new agricultural land conversion impacts not previously disclosed. No impact would occur.

**Agricultural Zoning or Williamson Act:** The Supplemental EIR concluded that the project would not result in any impacts to lands zoned for agriculture or existing Williamson Act contracts. No changes have occurred to the status of the project site's zoning, and the project site continues to be unencumbered by a Williamson Act contract. As such, the proposed project would not introduce any new agricultural zoning or Williamson Act impacts not previously disclosed. No impact would occur.

**Forest Land or Timberland Zoning:** The Supplemental EIR concluded that the project would not result in any impacts to forest land or timberland. The project site is not zoned for forest or timberland uses and does not contain any forest or timberland. As such, the proposed project would not introduce any new forest land or timberland zoning impacts not previously disclosed. No impact would occur.

**Conversion or Loss of Forest or Agricultural Land:** The Supplemental EIR concluded that the project would not result in any impacts related to the conversion or loss of agricultural land. No changes have occurred to the project or project site that would alter this conclusion.

The project site does not contain any forest or timberland and there is no forest or timberland in the surrounding area. As such, the proposed project would not result in the conversation or loss of forest or timberland land. No impacts would occur.



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**Conclusion**

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Consistent with the conclusions of the Supplemental EIR, the proposed project would not result in impacts to agricultural or timber resources. No impact would occur and no mitigation is required.

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**Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. Air Quality</b> <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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The project site is located in the Bay Area Air Quality Management District (BAAQMD). Since the certification of the Supplemental EIR by the City of Pleasanton on January 4, 2012, the Alameda County Superior Court issued a judgment, in *California Building Industry Association v. Bay Area Air Quality Management District*, finding that the BAAQMD had failed to comply with CEQA when it adopted its 2010 California Environmental Quality Act Air Quality Guidelines (2010 Air Quality Guidelines). The Air Quality Guidelines were updated with minor edits in May 2011; however, for the purposes of clarity, the document is referred to in this section by the 2010 adoption date. The Air Quality Guidelines were further updated in 2012, as described further below.

The 2010 Air Quality Guidelines included new thresholds of significance (2010 Air Quality Thresholds) for construction-related criteria pollutants (exhaust PM<sub>10</sub> and PM<sub>2.5</sub>), ozone precursors (reactive organic gases [ROG] and nitrous oxides [NO<sub>x</sub>]), toxic air contaminants (TACs), and operational-related cumulative TACs. In addition, the 2010 Air Quality Thresholds include reduced criteria pollutant thresholds for operational criteria pollutants and ozone precursors to provide a more conservative threshold.

On March 5, 2012, the Court ruled that the adoption of new thresholds (including new thresholds for toxic air contaminants and PM<sub>2.5</sub>) is considered a “project” under CEQA, and, thus, the BAAQMD should have prepared the required CEQA review and documentation for the 2010 Air Quality Guidelines, which provided the 2010 Air Quality Thresholds. The court issued a writ of mandate ordering the BAAQMD to set aside the 2010 Air Quality Thresholds and cease dissemination of them until the BAAQMD had complied with CEQA. As such, this ruling effectively nullified the BAAQMD’s adoption of the 2010 Air Quality Thresholds, and the BAAQMD has ceased recommending them for use in evaluating significance of projects. The BAAQMD currently recommends that lead agencies determine appropriate air quality thresholds of significance based on substantial evidence in the record. In the May 2012 update to the 2010 Air Quality Guidelines, the BAAQMD removed all references of the 2010 Air Quality Thresholds, including related screening criteria.

Table 4 and Table 5 compare the 2010 Air Quality Guidelines thresholds (2010 Air Quality Thresholds) to the thresholds established in 1999 (1999 Air Quality Thresholds).<sup>1</sup>

**Table 4: BAAQMD Project-Level Construction-Related Thresholds**

<b>Pollutant</b>	<b>1999 Air Quality Thresholds</b>	<b>2010 Air Quality Thresholds</b>
ROG	None	54 lbs/day
NO <sub>x</sub>	None	54 lbs/day
PM <sub>10</sub>	None	82 lbs/day (exhaust)
PM <sub>2.5</sub>	None	54 lbs/day (exhaust)
PM <sub>10</sub> /PM <sub>2.5</sub> (fugitive dust)	BMPs	BMPs
TACs	None	<ul style="list-style-type: none"> <li>• Increased cancer risk of &gt;10 in a million</li> <li>• Increased non-cancer risk of &gt;1 Hazard Index (chronic or acute)</li> <li>• Ambient PM<sub>2.5</sub> increase &gt;0.3 µg/m<sup>3</sup> annual average</li> </ul>
Cumulative TACs	None	<ul style="list-style-type: none"> <li>• Increased cancer risk of &gt;100 in a million</li> <li>• Increased non-cancer risk of &gt;10 Hazard Index (chronic)</li> <li>• Ambient PM<sub>2.5</sub> increase &gt;0.8 µg/m<sup>3</sup> annual average</li> </ul>
<p>Notes:            lbs/day = pounds per day            Ox = nitrous oxides            CO = carbon monoxide            TACs = toxic air contaminants            Source: Bay Area Air Quality Management District 1999, 2011.</p> <p>ROG = reactive organic gases            PM = particulate mater            BMPs = best management practices</p>		

<sup>1</sup> The Supplemental EIR evaluated the project’s compliance with the 2010 Air Quality Thresholds.

**Table 5: BAAQMD Project-Level Operational Related Thresholds**

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds	
		Average Daily Emissions	Maximum Annual Emissions
ROG	80 lbs/day	54 lbs/day	10 t/y
NO <sub>x</sub>	80 lbs/day	54 lbs/day	10 t/y
PM <sub>10</sub>	80 lbs/day	82 lbs/day	15 t/y
PM <sub>2.5</sub>	None	54 lbs/day	10 t/y
Local CO	9.0 ppm (8-hour average) 20 ppm (1-hour average)	9.0 ppm (8-hour average) 20 ppm (1-hour average)	
TACs	<ul style="list-style-type: none"> <li>Increased cancer risk of &gt;10 in a million</li> <li>Increased non-cancer risk of &gt;1 Hazard Index</li> </ul>	<ul style="list-style-type: none"> <li>Increased cancer risk of &gt;10 in a million</li> <li>Increased non-cancer risk of &gt;1 Hazard Index (chronic or acute)</li> <li>Ambient PM<sub>2.5</sub> increase &gt;0.3 µg/m<sup>3</sup> annual average</li> </ul>	
Cumulative TACs	None	<ul style="list-style-type: none"> <li>Increased cancer risk of &gt;100 in a million</li> <li>Increased non-cancer risk of &gt;10 Hazard Index (chronic)</li> <li>Ambient PM<sub>2.5</sub> increase &gt;0.8 µg/m<sup>3</sup> annual average</li> </ul>	
Accidental Release	Storage or use of acutely hazardous materials near receptors or new receptors near stored or used acutely hazardous materials	Storage or use of acutely hazardous materials near receptors or new receptors near stored or used acutely hazardous materials	
Odor	>1 confirmed complaint per year averaged over three years or 3 unconfirmed complaints per year averaged over three years	5 confirmed complaints per year averaged over three years	
Notes: ROG = reactive organic gases      NO <sub>x</sub> = nitrous oxides PM = particulate matter              CO = carbon monoxide TACs = toxic air contaminants      ppm = parts per million lbs/day = pounds per day              t/y = tons per year Source: Bay Area Air Quality Management District 1999, 2011.			

The Supplemental EIR utilized the 2010 Air Quality Guidelines and the 2010 Air Quality Thresholds. In addition, as shown in Table 4 and Table 5, the 2010 Air Quality Thresholds are more stringent than the 1999 thresholds. Therefore, the 2010 Air Quality Guidelines and associated thresholds were utilized in this document for screening and analysis purposes. Pursuant to the Air Quality Guidelines if a project does not exceed the thresholds contained within the 2010 Air Quality Guidelines it will result in a less than significant impact.

As with the rezonings analyzed in the Supplemental EIR, the project as currently proposed would result in emissions related to construction and operation.

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## **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would have a less than significant impact related to compliance with the applicable air quality plan. The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would result in less than significant impacts related to net increases of criteria pollutants, air quality standards or violations, sensitive receptors and exposure to objectionable odors after the implementation of mitigation.

As shown in Table 1, the project includes a total of 345 residential units, consistent with the number of units anticipated by the Supplemental EIR. The proposed retail center site plan includes 35,169 square feet of retail square footage, whereas the alternative retail center site plan includes 38,781 square feet of retail square footage. For a more conservative, worst-case-scenario analysis, this document assumes the higher alternative retail center site plan. The 38,781 square feet of retail in the alternative retail center site plan is 20,219 square feet fewer than anticipated by the Supplemental EIR. Therefore, the proposed project would be a reduction in retail area, thereby requiring less construction, a shorter construction period, and resulting in fewer construction emissions. In addition, the traffic generated by the project would be somewhat less than what was previously analyzed.

As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant air quality effect or increase the severity of any previously identified air quality effect, including application of the 2010 Air Quality Guidelines.

### **Air Quality Plan Compliance**

The Supplemental EIR concluded that the project would not conflict with the implementation Bay Area 2010 Clean Air Plan (2010 Clean Air Plan) because:

- The projected rate of vehicle miles traveled (VMT) associated with the Housing Element and associated rezonings would not be greater than the projected rate of increase in population, and
- The Housing Element and associated rezonings demonstrate reasonable efforts to implement control measures contained in the 2010 Clean Air Plan.

Implementation of following Circulation Element policies of the Pleasanton General Plan 2005–2025 would include transportation control measures (TCM) from the 2010 Clean Air Plan:

- **Policy 3:** Facilitate the free flow of vehicular traffic on major arterials.
- **Policy 4:** In the Downtown, facilitate the flow of traffic and access to Downtown businesses and activities consistent with maintaining a pedestrian-friendly environment.

- **Policy 5:** At gateway intersections, facilitate the flow of traffic and access into and out of the City, consistent with maintaining visual character, landscaping, and pedestrian convenience.
- **Policy 8:** Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.
- **Policy 9:** Work with other local jurisdictions and regional agencies such as the Metropolitan Transportation Commission (MTC), Alameda County Congestion Management Agency (ACCMA), Alameda County Transportation Improvement Authority (ACTIA), and Tri-Valley Transportation Council to plan and coordinate regional transportation improvements.
- **Policy 13:** Phase transit improvements to meet the demand for existing and future development.
- **Policy 14:** Encourage coordination and integration of Tri-Valley transit to create a seamless transportation system.
- **Policy 15:** Reduce the total number of average daily traffic trips throughout the city.
- **Policy 16:** Reduce the percentage of average daily traffic trips taken during peak hours.
- **Policy 17:** Support the continued and expanded operation of the Livermore Amador Valley Transit Authority (LAVTA).

A project would be judged to conflict with or obstruct implementation of the 2010 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process. The proposed project would not result in a substantial unplanned increase in population, employment, or regional growth in VMT, or emissions, so it could not conflict with or obstruct implementation of the air quality plan. Furthermore, the project's reduced number of dwelling units would result in effects similar to what was previously concluded, and would not introduce any new impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

### **Air Quality Standards or Violations**

The Supplemental EIR concluded that the General Plan Amendment and rezonings would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. Specifically, development anticipated by the Supplemental EIR would require demolition and removal of existing structures where applicable, grading, and site preparation and construction of new structures. Emissions generated during construction activities would include exhaust emissions from heavy-duty construction equipment, trucks used to haul construction materials to and from sites, worker vehicle emissions, as well as fugitive dust emissions associated with earth-disturbing activities. However, as indicated in the Supplemental EIR, implementation of mitigation would reduce this impact to less than significant. Compliance with Mitigation Measure 4.B-1a from the Supplemental EIR would ensure that impacts from fugitive dust would be less than significant as well as ensure the other construction emissions would adhere to the BAAQMD's requirements.

The proposed project includes 345 dwelling units and 38,781 square feet of retail space, whereas the Supplemental EIR considered the maximum of 345 dwelling units and 59,000 square feet of retail space for the project site. As discussed below, the proposed project would not introduce any new significant impacts not previously disclosed.

Consistent with the BAAQMD's guidance, the Supplemental EIR contained a plan-level analysis of potential air quality impacts of the Housing Element and associated rezonings. As such, the Supplemental EIR did not analyze the project's potential to generate a localized carbon monoxide (CO) hotspot or quantify construction emissions. The Supplemental EIR noted that subsequent projects would require analysis for project-level impacts.

The following analysis evaluates the project's potential to create a CO hotspot and also includes quantification of construction emissions, as required by the Supplemental EIR.

### **Carbon Monoxide Hotspot**

A significant impact related to carbon monoxide hotspots is identified if a project would exceed the BAAQMD Local CO threshold. The BAAQMD's 2010 Air Quality Guidelines contain a preliminary screening methodology that provides a conservative indication of whether the implementation of a proposed project would result in CO emissions that exceed the CO thresholds of significance. If a project meets the preliminary screening methodology, quantification of CO emissions is not necessary.

For a development proposal, a proposed project would result in a less than significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county Congestion Management Agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

As noted in Section 2.16, Transportation/Traffic of this addendum, the proposed project would be consistent with the County's Congestion Management Program. The proposed project would not cause any signalized study intersections to operate below acceptable level of service (LOS) standards (W-Trans 2013 [Appendix F]). Further, because the proposed project is consistent with the Housing Element of the General Plan, it is also consistent with other applicable transportation-related policies

of the General Plan. As such, the proposed project would not introduce any new impacts related to Applicable Transportation Plans and Policies not previously disclosed.

As indicated in the Traffic Impact Analysis (W-Trans 2013), in the near-term and cumulative conditions both without and with the proposed project, signalized intersections are expected to continue operating at overall acceptable service levels after implementation of traffic improvement fees and improvements proposed as part of the project.

Based on existing surface road volumes in the project vicinity, the project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, and would have no effect on any intersections where vertical and/or horizontal mixing is substantially limited. As shown in Traffic Impact Assessment (Appendix F), the project-affected intersection with the highest volume in the cumulative scenario would be the Valley Avenue/Santa Rita Road intersection, which is anticipated to experience an AM peak hour volume of 5,758 vehicles. Based on the BAAQMD screening methodology, this volume of traffic would have a less than significant impact on CO concentrations. As such, the proposed project would not introduce any new impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

### **Construction Fugitive Dust Emissions**

The Supplemental EIR concluded that the General Plan Amendment and rezonings would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. Specifically, development anticipated by the Supplemental EIR would require demolition and removal of existing structures where applicable, grading, and site preparation and construction of new structures. Emissions generated during construction activities would include exhaust emissions from heavy-duty construction equipment, trucks used to haul construction materials to and from sites, worker vehicle emissions, as well as fugitive dust emissions associated with earth disturbing activities. However, as indicated in the Supplemental EIR, implementation of mitigation would reduce this impact to less than significant. Compliance with Mitigation Measure 4.B-1a from the Supplemental EIR would ensure that impacts from fugitive dust would be less than significant as well as ensure that other construction emissions would adhere to the BAAQMD's requirements.

In summary, the proposed project would not introduce any new impacts related to air quality standards or violations not previously disclosed. Impacts would continue to be less than significant with the implementation of Mitigation Measure 4.B-1a from the Supplemental EIR.

### **Cumulatively Considerable Net Increase of a Nonattainment Pollutant**

The Supplemental EIR concluded that the project would have less than significant impacts related to cumulatively considerable net increases of criteria pollutants for which the project region is nonattainment after implementation of Mitigation Measure 4.B-4. The proposed project would be



consistent with the 345 residential units anticipated in the Supplemental EIR, and would reduce the retail square footage from the 59,000 studied in the Supplemental EIR to 38,781 square feet. As discussed below, the proposed project would not introduce any new significant impacts not previously disclosed. Further analysis of the project’s potential impacts and emissions modeling output is provided below and in Appendix B.

**Construction Exhaust Pollutants**

Construction activities would include site excavation, grading, and general construction. Heavy-duty construction equipment, construction-related on-road trucks, and worker vehicles would also result in exhaust emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> during construction of the proposed project. Exhaust emissions would vary depending on the number and type of construction equipment used, number of truck trips to the site, and number of workers present.

The CalEEMod model was used to quantify construction emissions. CalEEMod modeling was based on the known land uses and project information, as well as reasonable assumptions included for the purposes of modeling. The CalEEMod model estimates construction of the project at 15 months. The anticipated construction phasing schedule begins in August 2013 and ends in October 2014. 16,000 cubic yards of exported soil hauling was modeled. No import of fill material is expected for construction. CalEEMod construction equipment number and hours of use were modified in accordance with the construction equipment and schedule list contained in the Health Risk Analysis and Air Pollutant Emissions Assessment, provided in Appendix B.

The model default equipment values were used for computing exhaust emissions rates with the exception that load factors for equipment usage were reduced by 33 percent to be consistent with the ARB’s OFFROAD2010 modeling methodologies. In addition, ROG emissions from architectural coatings were adjusted from 250 grams per liter of VOCs to 150 grams per liter to account for BAAQMD’s Regulation 8, Rule 3 that applies to the volatile organic compound content of paints and solvents sold and used in the region.

Average daily emissions were computed by dividing the total construction period emissions by the number of anticipated construction days. Much of the emissions were anticipated to occur over about 330 work days during the approximately 15-month construction period. Resulting construction-related emissions for the proposed project are presented in Table 6.

**Table 6: Average Daily Construction Emissions**

Description	ROG	NO <sub>x</sub>	PM <sub>10</sub> (exhaust)	PM <sub>2.5</sub> (exhaust)
2013 Annual Emissions (tons)	0.39	2.74	0.13	0.13
2014 Annual Emissions (tons)	3.87	1.78	0.10	0.10
Average Daily Emissions (pounds/day)	26	27	1	1

**Table 6 (cont.): Average Daily Construction Emissions**

Description	ROG	NO <sub>x</sub>	PM <sub>10</sub> (exhaust)	PM <sub>2.5</sub> (exhaust)
Threshold of Significance	54	54	82	54
Significant Impact?	No	No	No	No
Notes: Some overlap of phases is assumed to occur. The maximum daily emissions are estimated to occur during Abbreviations: ROG = reactive organic gases                      PM <sub>10</sub> = particulate matter 10 microns and less in diameter NO <sub>x</sub> = nitrogen oxides                              PM <sub>2.5</sub> = particulate matter 2.5 microns and less in diameter. Source of emissions: Illingworth & Rodkin, Inc. 2013 (Appendix B). Source of thresholds: BAAQMD 2011.				

As shown in Table 6, the construction emissions would be below the BAAQMD thresholds of significance. As such, the proposed project would not introduce any new impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

**Operational Pollutants**

The 2010 Air Quality Guidelines provide screening criteria developed for criteria pollutants and precursors. According to the 2010 Air Quality Guidelines, if the project meets the screening criteria then its air quality impacts relative to criteria pollutants may be considered less than significant. In developing the 2010 Air Quality Guidelines, BAAQMD also considered the emission levels for which a project’s individual emissions would be cumulatively considerable. As shown in Table 7, the project’s land uses are greater than the BAAQMD’s screening size for criteria air pollutants and precursors. Therefore, the additional emissions analysis is warranted to determine if the project operation would exceed the BAAQMD’s thresholds for operational criteria pollutants. The operational emissions analysis is summarized in Table 8 (detailed information provided in Appendix B) and, as shown, the proposed project would not exceed the BAAQMD’s thresholds.

**Table 7: Criteria Air Pollutant and Precursors Screening for Operational Emissions**

Land Use	BAAQMD Screening Criteria	Project Size	Project’s Percent of Screening Criteria
Apartment Mid-Rise	494 DU	345 DU	70%
Strip Mall	99,000 sf	38,781 sf	39%
<b>Total Project Percent of Screening Criteria</b>			<b>109%</b>
Notes: DU = dwelling units; sf = square feet Source: BAAQMD 2011.			

**Table 8: Operational Emissions**

Description	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2014 Annual Emissions (tons)	5.82	9.16	4.11	0.57
Average Daily Emissions (pounds/day)	31.89	50.19	22.52	3.12
Threshold of Significance	10 tons 54 pounds/day	10 tons 54 pounds/day	10 tons 82 pounds/day	10 tons 54 pounds/day
Significant Impact?	No	No	No	No
Notes: Average daily emissions are calculated by converting tons to pounds, and dividing by 365 days per year. ROG = reactive organic gases                      PM <sub>10</sub> = particulate matter 10 microns and less in diameter NO <sub>x</sub> = nitrogen oxides                                      PM <sub>2.5</sub> = particulate matter 2.5 microns and less in diameter. Source of emissions: Michael Brandman Associates, 2013 (Appendix B). Source of thresholds: BAAQMD 2011.				

In summary, the proposed project would not introduce any new impacts related to cumulatively considerable net increases of nonattainment pollutants not previously disclosed. Impacts would continue to be less than significant.

**Expose Receptors to Substantial Pollutants:** The Supplemental EIR concluded that the project would not subject residents, neighbors, or customers and employees of nearby businesses to substantial concentrations of air pollutants after incorporation of mitigation.

Implementation of Mitigation Measure 4.B-4 requires project-specific health risk assessments, as well as the incorporation of design features, trees, high-efficiency central heating and ventilation systems, and other measures to reduce receptor exposures. As discussed below, the proposed project would not introduce any new substantial impacts not previously disclosed. Further analysis of the project’s potential TAC impacts and emissions modeling output are provided below and in the Health Risk Analysis and Air Pollutant Emissions Assessment prepared by Illingworth & Rodkin, Inc. (Appendix B-1) for the proposed project consistent with Mitigation Measure 4.B-4.

**Construction Localized Fugitive Dust**

Activities associated with site preparation, and construction would generate short-term emissions of fugitive dust. The effects of construction activities would increase dustfall and locally elevated levels of PM<sub>10</sub> and PM<sub>2.5</sub> downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. Consistent with BAAQMD’s 2010 Air Quality Guidelines, the Supplemental EIR included Mitigation Measure 4.B-1a to ensure that the current best management practices (BMPs) would be implemented to reduce fugitive dust emissions from construction activities to less than significant. Implementation of Mitigation Measure 4.B-1a by the proposed project would ensure impacts would remain less than significant.

### **Construction Toxic Air Contaminants Generation**

The 2010 Air Quality Guidelines include new construction toxic air contaminant thresholds. As stated in the Environmental Setting section, the new thresholds were rescinded by court order; however, for purposes of evaluating this project, the 2010 Air Quality Guidelines have been used for screening purposes and to determine level of impact. Accordingly, the following analyzes the proposed project against the 2010 Air Quality Guidelines, as required by implementation of Mitigation Measure 4.B-1a.

The Health Risk Analysis and Air Pollutant Emissions Assessment (Assessment) prepared by Illingworth & Rodkin (Appendix B-1) includes a detailed analysis of construction-generated toxic air contaminants. The refined health risk assessment focused on modeling the onsite construction activity using construction fleet information included in the project design features. Results of this assessment indicate that the maximum incremental child cancer risk occurred at the nearby preschool with 3.2 excess cancer cases per a million. The maximum incremental residential child cancer risk is 2.6 in a million and the adult residential incremental cancer risk is 0.1 excess cancer cases in a million. Under the BAAQMD CEQA Air Quality Guidelines, an incremental risk of greater than 10.0 cases per million from a single source would be a significant impact. Therefore, the project's cancer risks are well below the BAAQMD's cancer risk thresholds. The maximum-modeled annual average PM<sub>2.5</sub> concentration at the Maximally Exposed Individual (MEI) location was 0.02 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), which is below the BAAQMD threshold of 0.3  $\mu\text{g}/\text{m}^3$ . The maximum non-cancer risk evaluated using BAAQMD's hazard index would be 0.004, while the threshold is 1.0. Therefore, the potential TAC construction impact is less than significant.

### **Operational Toxic Air Contaminants Exposure**

The project would expose future residents to mobile and stationary sources of TACs that currently affect the site from nearby sources of TACs such as stationary and mobile sources. To assess community risks and hazards, BAAQMD's 2010 Air Quality Guidelines recommend that any proposed project involving sensitive receptors should assess associated impacts within 1,000 feet of the project, taking into account both individual and nearby cumulative sources. Cumulative sources represent the combined total risk values of each individual source within the 1,000-foot evaluation zone.

A review of the area indicates that the proposed project would locate new residences near the Union Pacific (UP) rail line to the north of the project. The residences would be located near Stanley Boulevard and Bernal Avenue. Proximity to busy streets is associated with exposure to TACs and PM<sub>2.5</sub>, predominantly from vehicle emissions. In addition, two stationary sources are located within 1,000 feet of the project site. The analysis of these sources used screening data provided by BAAQMD to identify the potential cancer risk and PM<sub>2.5</sub> exposure risks posed by roadways and stationary sources located within 1,000 feet. The project site is not located within 1,000 feet of any highways.

### ***Mobile Sources – Nearby Rail Line***

The UP rail line is about 270 feet from the northern boundary of the proposed project site. The Health Risk Analysis and Air Pollutant Emissions Assessment prepared by Illingworth & Rodkin, (Appendix B-1) estimated emissions from trains on the rail line using EPA emission factors for locomotives and California Air Resources Board (ARB) adjustment factors to account for fuels used in California. The Health Risk Analysis and Air Pollutant Emissions Assessment also prepared dispersion modeling using the EPA's ISCST3 dispersion model and a 5-year data set (1991–1995) of hourly meteorological data from the BAAQMD meteorological monitoring station in Pleasanton.

### ***Cancer Health Effects***

Using the maximum modeled long-term average diesel particulate matter (DPM) concentration, the maximum individual cancer risk at the project site was computed using methods recommended by BAAQMD and the California Office of Environmental Health Hazard Assessment (OEHHA). The maximum increased cancer risk was computed as 3.2 cases per million. This was modeled at a receptor in the northern portion of the residential area near Stanley Boulevard. Cancer risks at other residential areas within the project site would be lower than the maximum cancer risk. Under the BAAQMD CEQA Air Quality Guidelines, the cancer risk threshold of significance provides that an incremental risk of greater than 10.0 cases per million from a single source at the MEI location would be a significant impact. Therefore, this incremental risk is below the BAAQMD threshold of significance.

In addition to evaluating the health risks from DPM, potential impacts from PM<sub>2.5</sub> emissions from the locomotives traveling on the rail line adjacent to the project site were evaluated. The maximum average PM<sub>2.5</sub> concentration of 0.006 µg/m<sup>3</sup> occurred at the same receptor that had the maximum cancer risk. This concentration is well below the BAAQMD PM<sub>2.5</sub> threshold of significance, which is greater than 0.3 µg/m<sup>3</sup>.

### ***Non-Cancer Health Effects***

Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. The chronic inhalation reference exposure level (REL) for DPM is 5 µg/m<sup>3</sup>. The maximum predicted annual DPM concentration from locomotives is 0.006 µg/m<sup>3</sup>, which is much lower than the REL. Thus, the Hazard Index (HI), which is the ratio of the annual DPM concentration to the REL, would be much lower than the BAAQMD threshold of significance criterion of an HI greater than 1.0.

### ***Mobile Sources - Roadways***

The 2010 Air Quality Guidelines methodology for mobile source risks considers highways and heavily travelled surface streets (carrying 10,000 or more daily vehicle trips) within 1,000 feet of the project site. Two roadways with daily traffic greater than 10,000 vehicles were identified within 1,000 feet of the project boundary: Stanley Boulevard and Bernal Avenue. The BAAQMD's Highway Screening Analysis Tool was used to conservatively estimate risks associated with proximity to these roadways. Table 9 shows the cancer risk, chronic and acute hazard index, and

annual PM<sub>2.5</sub> concentration from these two roadways at the closest receptor along the property boundary, which are below BAAQMD individual source significance thresholds. The detailed analysis is provided in Appendix B. Therefore, the project would not expose onsite residents to a significant health risk from adjacent roadways.

**Table 9: Roadway Screening Analysis**

Roadway	Lifetime Excess Cancer Risk (in a million)	Hazard Index		PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
		Chronic Hazard Index	Acute Hazard Index	
Stanley Boulevard	5.8	<0.01	<0.01	0.25
Bernal Avenue	4.6	<0.01	<0.01	0.19
<i>Individual Source Threshold</i>	10.0	1.0	1.0	0.3
<i>Exceeds Threshold?</i>	No	No	No	No
Source: Illingsworth & Rodkin 2013; BAAQMD 2011.				

**Permitted Stationary Sources**

The BAAQMD’s Stationary Source and Risk Analysis Screening Tool provides locations of stationary sources of TACs and screening level exposures that require adjustment based on the distance from the source. This tool was used to identify sources within 1,000 feet of the site. This tool identified two sources that could affect the project site: Plant 14553, an emergency back-up generator located at 3560 Nevada Street operated by the City of Pleasanton approximately 450 feet southwest of the project and Plant G11346, an Arco gas station at 3121 Bernal Avenue approximately 200 feet west of the project. Other sources that are below the thresholds (cancer risk, annual PM<sub>2.5</sub> concentration, and Hazard Index), which would not adversely affect the site are:

- (1) Plant 10421, Diablo Auto Body at 3275 Bernal Avenue
- (2) Plant 18669, A&M Printing at 3589 Nevada Street
- (3) Plant 18150, Gil’s Body Works at 142 Wyoming Street
- (4) Plant G7927, Central Petroleum Maintenance at 176 Wyoming Street

These sources are not listed by BAAQMD as having the potential for measureable effects at the project site. As shown in Table 10, nearby stationary sources would not individually exceed applicable thresholds (cumulative risks are discussed in the following section). Therefore, the project would not expose onsite residents to a significant health risk from offsite stationary sources.

**Table 10: Offsite Stationary Source Analysis**

Facility Name (BAAQMD ID)	Lifetime Excess Cancer Risk (in a million)	Chronic Hazard Index	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
Plant 14553	8.8	<0.1	<0.1
Plant G11346	4.5	<0.1	<0.1
<i>Individual Source Threshold</i>	10.0	1.0	0.3
<i>Exceeds Threshold?</i>	No	No	No
Source: Illingsworth & Rodkin 2013; BAAQMD 2011.			

**Cumulative Risks**

Based on screening data provided by BAAMQD, the combination of exposures from the UP rail line, Stanley Boulevard, Bernal Avenue and nearby stationary sources is provided in Table 11. As shown therein, the cumulative health risk impacts do not exceed the BAAQMD’s cumulative health risk significance thresholds.

**Table 11: Summary of Cumulative Health Risks**

Metric	Lifetime Excess Cancer Risk (in a million)	Chronic Hazard Index	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
Cumulative Exposure	27	<1.0	<0.7
<i>Cumulative Source Threshold</i>	100	10	0.8
<i>Exceeds Threshold?</i>	No	No	No
Source: BAAQMD 2011 Significance Thresholds.			

In summary, the combined estimated PM<sub>2.5</sub> concentration, lifetime cancer risk, and chronic non-cancer health risk from mobile and permitted sources were found to be below the BAAQMD cumulative Community Risks and Hazards thresholds. Cumulative risks are therefore less than significant and no further mitigation is required.

**Odors:** The Supplemental EIR concluded that Policy 8, Program 8.1 and Program 8.2 of the Air Quality Element of the Pleasanton General Plan would address compatibility of residential development related to odor sources, particularly sand and gravel harvesting areas (including asphalt plants) along Stanley Boulevard that are approximately 1 mile east of the project site. However, these programs do not address potential odors from the solid waste transfer station located on Busch Road, approximately 1,500 feet northeast of the project site. As such, the Supplemental EIR included Mitigation Measure 4.B-5 as follows:

**Mitigation Measure 4.B-5:** If odor complaints associated with the solid waste transfer station operations are received from future residences of the potential sites for rezoning (Sites 6, 8, 11, and 14), the City shall work with the transfer station owner(s) and operator(s) to ensure that odors are minimized appropriately.

Implementation of Mitigation Measure 4.B-5 would ensure that potential odor impacts to the proposed residential area would be less than significant. Furthermore, the proposed project would not include uses that have been identified by BAAQMD as potential sources of objectionable odors. Therefore, impacts would continue to be less than significant and no further mitigation is necessary.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts to air quality than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation as contained within the Supplemental EIR, as cited below.

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## **Mitigation Measures**

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The following mitigation measures appear in the Supplemental EIR, and apply to the project:

### **Construction Emissions and Sensitive Receptors**

**Mitigation Measure 4.B-1a:** Prior to the issuance of a grading or building permit, whichever is sooner, the project applicant for a potential site for rezoning shall submit an air quality construction plan detailing the proposed air quality construction measures related to the project such as construction phasing, construction equipment, and dust control measures, and such plan shall be approved by the Director of Community Development. Air quality construction measures shall include Basic Construction Mitigation Measures (BAAQMD, May 2012) and, where construction-related emissions would exceed the applicable thresholds, Additional Construction Mitigation Measures (BAAQMD, May 2012) shall be instituted. The air quality construction plan shall be included on all grading, utility, building, landscaping, and improvement plans during all phases of construction.



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>4. Biological Resources</b> <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## Environmental Setting

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Ecologically, the undeveloped project site consists primarily of ruderal (weedy) vegetation that has been mowed or disked in the recent past. Street trees are located on the project site along Stanley Boulevard. A few small trees and shrubs are located near the middle of the project site. Trees are also scattered along the project site's eastern boundary. The site is surrounded by urban/developed land on all sides with the exception of the southeastern corner, which is adjacent to Arroyo del Valle.

Wildlife within the project area is limited to those species adapted to urban activities and human disturbance.

As with most urbanized environments, landscape features within the project areas such as trees, bushes, grasses, and ruderal vegetation may provide roosting habitat for bird or bat species and may provide foraging habitat. However, the only landscaping on the project site are the street trees located along Stanley Boulevard. Riparian corridors such as Arroyo del Valle may provide food, water, migration and dispersal corridors, breeding sites, and thermal cover for wildlife. Development adjacent to riparian habitat may degrade the habitat values of stream reaches throughout the project area through the introduction of human activity, feral animals, and contaminants that are typical of urban uses.

The project would provide new landscaping throughout. Fourteen street trees are located along Stanley Boulevard, of which 10 would be removed to allow for the construction of a site entrance and bus stop. The trees do not qualify as Heritage trees. There are no other onsite trees that would require removal.

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## **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have a less than significant impact related to local policies or ordinances protecting biological resources, or habitat conservation plans. The Supplemental EIR concluded that the project would have a less than significant impact related to sensitive species, riparian habitat, wetlands, and fish or wildlife movement with the implementation of mitigation. As discussed below, the proposed project would not result in any new impacts and would not exceed the level of impacts previously identified, due to specific project components, physical attributes of the project site, or new information.

**Sensitive Species:** The Supplemental EIR indicated that because of its location adjacent to Arroyo Del Valle, onsite grasslands present potential upland aestivation habitat for California red-legged frogs and California tiger salamanders. However, as noted in the Supplemental EIR, the project site is disked on a regular basis and there are few small mammal burrows present to provide aestivation habitat for special-status amphibians. Therefore, the Supplemental EIR concluded that special-status amphibians are not expected to occur onsite.

The Supplemental EIR also indicated that the site may provide suitable grassland habitat required for Western burrowing owl, but, as previously mentioned, is disked regularly, precluding the establishment of ground squirrel complexes used by burrowing owls for shelter and nesting. There is also potentially suitable breeding and foraging habitat for Cooper's hawk on the project site.

The Supplemental EIR concluded that removal of trees or other vegetation associated with the project could result in direct losses of nesting habitat, nests, eggs, nestlings, or roosting special-status bats, and that such impacts would be considered significant. As indicated in the Supplemental EIR, these impacts would require mitigation to ensure that any impacts to special-status bird and bat species are avoided or minimized. As such, the Supplemental EIR included Mitigation Measure 4.C-1a and 4.C-1b as follows:

**Mitigation Measure 4.C-1a:** *Pre-construction Breeding Bird Surveys.* The City shall ensure that prior to development of all potential sites for rezoning (Sites 1-4, 6-11, 13, 14, and 16-21) and each phase of project activities that have the potential to result in impacts on breeding birds, the project applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:

- If grading or construction activities occur only during the non-breeding season, between August 31 and February 1, no surveys will be required.
- Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31).
- During the breeding bird season (February 1 through August 31) a qualified biologist will survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys will include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.
- Based on the results of the surveys, avoidance procedures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.
- Bird nests initiated during construction are presumed to be unaffected, and no buffer would be necessary, except to avoid direct destruction of a nest or mortality of nestlings.
- If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed.

**Mitigation Measure 4.C-1b:** *Pre-Construction Bat Surveys.* Conditions of approval for building and grading permits issued for demolition and construction on Sites 6, 8, 9, 10, 13, 20, and 21 shall include a requirement for pre-construction special-status bat surveys when large trees are to be removed or underutilized or vacant buildings are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. Bat roosts initiated during construction are presumed to be unaffected, and no buffer would [be] necessary.

With the implementation of Mitigation Measure 4.C-1a and 4.C-1b from the Supplemental EIR, the project's potential impacts would continue to be less than significant as concluded in the Supplemental EIR.

**Riparian Habitat:** The Supplemental EIR concluded that construction of the project may result in degradation of water quality and aquatic habitat, degradation of wetland habitat, and accidental discharge of sediment or toxic materials into Arroyo del Valle. The project would be required to comply with the City's General Plan Policies related to protection of riparian habitat, which require site plans, design, and BMPs to be consistent with applicable water quality regulations including the applicable National Pollutant Discharge Elimination System (NPDES) permit. The City and/or the San Francisco Bay Regional Water Quality Control Board (RWQCB) would confirm compliance with these regulations and ensure that design level measures avoid and minimize potential impacts related to water quality. Adherence to these policies would provide protection for identified riparian habitat along Arroyo del Valle.

As indicated in the Supplemental EIR, properties identified for development and located along creeks, such as the project site, may contain mature and/or native trees that are part of the riparian corridor and that could serve as habitat for special-status species of concern. Removal of such trees would result in a significant impact and therefore, would require implementation of Mitigation Measure 4.C-2 as follows:

**Mitigation Measure 4.C-2:** *Riparian and Wetland Setbacks.* Consistent with the Alameda County Watercourse Protection Ordinance, no new grading or development at [the project site] shall be allowed within 20 feet of the edge of riparian vegetation or top of bank, whichever is further from the creek centerline, as delineated by a qualified, City-approved biologist.

Areas onsite and adjacent to the Arroyo del Valle corridor that would be disturbed by the proposed project currently contain ruderal (weedy) vegetation. The distance from the edge of the riparian vegetation to the project boundary is approximately 50 feet. Therefore, no new grading or development would occur onsite within 20 feet of Arroyo del Valle's riparian vegetation. The project as designed is consistent with the requirements of Mitigation Measure 4.C-2. As such, the project's impacts would continue to be less than significant as concluded in the Supplemental EIR.

**Wetlands:** As previously mentioned, the Supplemental EIR concluded that construction of the project may result in degradation of water quality and aquatic habitat, degradation of wetland habitat, and accidental discharge of sediment or toxic materials into wetlands. There are no wetlands onsite. The project would be required to comply with the City's General Plan policies related to protection of water quality, which require site plans, design, and BMPs to be consistent with applicable water quality regulations including the applicable National Pollutant Discharge Elimination System (NPDES) permit. Adherence to these policies would provide adequate protection for any nearby wetland habitats that could be affected by water quality degradation.

**Fish or Wildlife Movement:** The Supplemental EIR concluded that while the project site lacks habitat value, Arroyo del Valle and landscaped areas within the vicinity provide wildlife corridors for fish, waterfowl, other birds, bats, and mammals. As indicated in the Supplemental EIR, this impact would require implementation of Mitigation Measures 4.C-1a and 4.C-1b as previously provided. Furthermore, the project's compliance with Mitigation Measure 4.C-2 ensures no impact would occur to the adjacent riparian corridor. Implementation of these mitigation measures would ensure that any impacts to special-status species within the Arroyo del Valle riparian corridor are avoided or minimized. As such, the project's impacts would continue to be less than significant as concluded in the Supplemental EIR.

**Tree Preservation:** The Supplemental EIR concluded that residential development on rezoned sites could occur in locations where Heritage trees would be adversely affected, through damage to root zones, tree canopy, or outright removal. The Supplemental EIR concluded that impacts to Heritage trees would be less than significant with required adherence to the Tree Preservation Ordinance and mitigation would not be required. Chapter 17.16 of the Pleasanton Municipal Code outlines the City's Tree Preservation Ordinance, which protects Heritage trees, considered important resources by the City. It is the City's policy to preserve Heritage trees, whenever possible. However, when circumstances do not allow for retention, the City requires permits to remove trees that are within its jurisdiction. The City's Municipal Code requires mitigation for the removal of trees, including replacement with new trees and payment to the City's Urban Forestry Fund. In addition, removal of or construction around trees that are protected by the Heritage tree ordinance requires permission and inspection by the Director of Public Works and Utilities or the Director's designated representative. This ordinance provides adequate protection for Heritage trees in the City of Pleasanton, and

compliance would avoid significant impacts to these trees that could result from new development facilitated by the Housing Element.

Street trees are located on the project site along Stanley Boulevard. Trees are also scattered along the project site's eastern boundary but are located off site and would not be impacted by the proposed project.

According to the tree assessment letter prepared by Hort Science (Appendix C), the street trees along Stanley Boulevard consist of 14 London planes. Ten of the 14 trees would be removed to allow for the construction of a site entrance and adjacent bus stop. None of the trees meet the City of Pleasanton's criteria for Heritage status. The proposed project's landscaping plans include the planting of trees throughout the project site. Removal of onsite trees would be implemented in accordance with Chapter 17.16 of the Pleasanton Municipal Code and would not be considered a significant impact.

**Habitat Conservation Plans:** The Supplemental EIR concluded that no impact would occur with respect to conflicts with a habitat or natural community conservation plan because the City is not located within such a designated area. No changes have occurred that would alter this conclusion.

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## Conclusion

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The project would not introduce any new substantial or more severe impacts to biological resources than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation proposed in the Supplemental EIR, as cited below.

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## Mitigation Measures

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The following mitigation measures appear in the Supplemental EIR, and apply to the project:

### Sensitive Species

**Mitigation Measure 4.C-1a:** *Pre-construction Breeding Bird Surveys.* The City shall ensure that prior to development of all potential sites for rezoning (Sites 1-4, 6-11, 13, 14, and 16-21) and each phase of project activities that have the potential to result in impacts on breeding birds, the project applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:

- If grading or construction activities occur only during the non-breeding season, between August 31 and February 1, no surveys will be required.
- Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the

breeding season (February 1 through August 31). During the breeding bird season (February 1 through August 31) a qualified biologist will survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys will include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.

- Based on the results of the surveys, avoidance procedures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.
- Bird nests initiated during construction are presumed to be unaffected, and no buffer would be necessary, except to avoid direct destruction of a nest or mortality of nestlings.
- If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed.

**Mitigation Measure 4.C-1b:** *Pre-Construction Bat Surveys.* Conditions of approval for building and grading permits issued for demolition and construction [of the project] shall include a requirement for pre-construction special-status bat surveys when large trees are to be removed or underutilized or vacant buildings are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. Bat roosts initiated during construction are presumed to be unaffected, and no buffer would [be] necessary.

## **Fish or Wildlife Movement**

**Mitigation Measure 4.C-1a:** Implement this mitigation measure, as listed above.

**Mitigation Measure 4.C-1b:** Implement this mitigation measure, as listed above.

<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5. Cultural Resources</b> <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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No historic properties or archaeological resources were identified on the project site during the cultural resource assessment conducted for the Supplemental EIR. No unique paleontological resource or unique geologic features are present on the project site.

The project site is located in an urban, developed area. The project area was essentially agricultural from at least 1949 with some evidence of a quarry located in the northern portion of the site, connecting to more extensive quarries to the east and west (NETR Online 2013). Based on reviews of aerial photography between 1949 and 2005, the project site has never been developed, and there is no evidence of any onsite historical structures.

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### **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would result in less than significant impacts to cultural resources after the implementation of mitigation. The Supplemental EIR also concluded that less than significant impacts would result regarding the disturbance of human remains after the implementation of mitigation. Finally, the Supplemental EIR concluded that less than significant impacts would result to archaeological resources, and no impact to paleontological resources or unique geologic features would occur.

As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes



on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Historical Resources:** The Supplemental EIR showed no information indicating the presence of historic structures in the vicinity of the project site. Examination of historical aerial photography of the project site dating back to 1949 indicates previous agricultural use and mining.

The Supplemental EIR also concluded that the site is located in a “Low Sensitivity” zone for cultural resources, which include historical resources, because the site is not located within the Downtown Historic Neighborhoods and Structure Area (refer to Figure 4.D-1 of the Supplemental EIR) and no other historic structures were identified in the vicinity of the proposed project. As such, no impacts to historic resources are anticipated.

**Archaeological Resources:** The Supplemental EIR indicated that project-related construction activities involving ground-disturbance during construction could result in significant impacts if any unknown culturally significant sites are discovered. The Supplemental EIR states that:

In general, it may be expected that portions of the city lying in the flat valley would reveal a low sensitivity for prehistoric sites, except along drainages. In contrast, the hills to the south and west, particularly around springs and creeks, would be expected to have a relatively high sensitivity for containing prehistoric sites. While the majority of the potential sites for rezoning identified in the proposed Housing Element are located in the flat valley area and on parcels that have had some level of previous development or disturbance, some sites, such as Sites 6 or 7 may have only been minimally disturbed in the past and, while they are located in the flat valley and are expected to reveal a low sensitivity for prehistoric sites, they may contain unknown archaeological resources.

The proposed project clearly lies within the flat valley areas of the City but is located directly adjacent to Arroyo del Valle and has been only minimally disturbed in the past. A portion for the site may have had materials removed in associate with sand and gravel mining activities. This would have occurred prior to the 1949 aerial photograph. It is unknown how much surface disturbance occurred as a result of mining activities. As such, the potential for archaeological resources to occur onsite is present.

As indicated by the Supplemental EIR, current federal, state, and local laws, as well as goals, policies, and programs included in the General Plan (specifically Programs 5.1 through 5.3 of the Conservation and Open Space Element) address potential impacts to archaeological resources that may be discovered during implementation of future residential development planned for under the Housing Element. The City requires a standard condition of approval for projects requiring Planning Division

approval that would require that all construction to stop in the event that cultural resources were uncovered during excavation. However, because of the project site's undeveloped state, the Supplemental EIR also include the following mitigation measure:

**Mitigation Measure 4.D-2:** Prior to the issuance of grading permits for development on the potential sites for rezoning that have not been previously developed or have only experienced minimal disturbance, including Sites 6, 7, 8 [the project site], and 18, the applicant shall submit to the City an archeological mitigation program that has been prepared by a licensed archeologist with input from a Native American Representative. The applicant shall implement the requirements and measures of this program, which will include, but not be limited to:

- Submission of periodic status reports to the City of Pleasanton and the NAHC
- Submission of a final report, matching the format of the final report submitted for CA-Ala-613/H, dated March 2005, to the City and the NAHC.
- A qualified archeologist and the Native American Representative designed by the NAHC will be present on site during the grading and trenching for the foundations, utility services, or other onsite excavation, in order to determine if any bone, shell, or artifacts are uncovered. If human remains are uncovered, the applicant will implement Mitigation Measure 4.D-4.

Compliance with applicable regulation and General Plan policies and programs, as well as implementation of Mitigation Measure 4.D-2 would ensure the proposed project would not introduce any new impacts to archaeological resources that were not previously disclosed. Impacts would be less than significant and no further mitigation is necessary.

**Paleontological Resources:** The Supplemental EIR concluded that Pleasanton is directly underlain by Quaternary Alluvium (see Section 4.F, Geology and Soils of the Supplemental EIR), which is unlikely to contain vertebrate fossils. However, it is possible that the City is also underlain by older Quaternary deposits that are known to contain vertebrate fossils. Fossils have been found within 5 miles of areas in similar deposits. Therefore, the City has moderate paleontological sensitivity. While shallow excavation or grading is unlikely to uncover paleontological resources, deeper excavation into older sediments may uncover significant fossils.

If a paleontological resource is uncovered and inadvertently damaged, the impact to the resource could be substantial. As previously indicated, the City has moderate paleontological sensitivity, and it is possible that paleontological resources could be disturbed during deeper construction activities.

Therefore, implementation of the proposed project could result in significant impacts to paleontological resources. The City requires a standard condition of approval for projects requiring Planning Division approval that would require that all construction stop in the event that paleontological resources were uncovered during excavation. With implementation of this standard condition, future projects in the Planning Area would be expected to have a less than significant effect on unknown paleontological resources. In addition, the Supplemental EIR included Mitigation Measure 4.D-3 as follows:

**Mitigation Measure 4.D-3:** In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated by the Lead Agency. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources.

With the implementation of the City's standard conditions of approval regarding paleontological discovery and Mitigation Measure 4.D-3, the proposed project's potential impacts would be reduced to less than significant, consistent with the conclusions of the Supplemental EIR.

**Human Remains:** The Supplemental EIR states that there is no indication in the archaeological record that the project site has been used for human burial purposes in the recent or distant past. However, in the unlikely event that human remains are discovered during project construction, including those interred outside of formal cemeteries, human remains could be inadvertently disturbed, which would be a significant impact. The City requires a standard condition of approval for projects requiring Planning Division approval that would require that all construction stop in the event that cultural resources were uncovered during excavation. In addition, the Supplemental EIR included Mitigation Measure 4.D-4 as follows:

**Mitigation Measure 4.D-4:** In the event that human remains are discovered during grading and construction of development facilities by the Housing Element, work shall stop immediately. There shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains.

With implementation the City's standard conditions of approval and Mitigation Measure 4.D-4, the proposed project's potential impacts to inadvertently disturb human remains would be less than significant.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts to cultural resources than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation proposed in the Supplemental EIR, as cited below.

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## **Mitigation Measures**

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The following mitigation measures appear in the Supplemental EIR, and apply to the project:

**Mitigation Measure 4.D-2:** Prior to the issuance of grading permits for development on the potential sites for rezoning that have not been previously developed or have only experienced minimal disturbance, including Sites 6, 7, 8 [the project site], and 18, the applicant shall submit to the City an archeological mitigation program that has been prepared by a licensed archeologist with input from a Native American Representative. The applicant shall implement the requirements and measures of this program, which will include, but not be limited to:

- Submission of periodic status reports to the City of Pleasanton and the NAHC
- Submission of a final report, matching the format of the final report submitted for CA-Ala-613/H, dated March 2005, to the City and the NAHC.
- A qualified archeologist and the Native American Representative designed by the NAHC will be present on site during the grading and trenching for the foundations, utility services, or other onsite excavation, in order to determine if any bone, shell, or artifacts are uncovered. If human remains are uncovered, the applicant will implement Mitigation Measure 4.D-4.

**Mitigation Measure 4.D-3:** In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated by the Lead Agency. Excavation or disturbance may continue in other areas of the

site that are not reasonably suspected to overlie adjacent or additional paleontological resources.

**Mitigation Measure 4.D-4:** The site has no known human remains, including those interred outside of formal cemeteries. However, it is impossible to be sure about the presence or absence of human remains on a site until site excavation and grading occurs. As required by State law, in the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The County Coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. Geology and Soils</b> <i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

The project site is generally flat and ranges between 351 and 361 feet in elevation. According to the General Plan, active faults in or near the Pleasanton Planning Area include the Calaveras, Verona, Concord-Green Valley, Greenville, Hayward, Mt. Diablo Thrust, and San Andreas Faults. Figure 5-3 of the General Plan indicates that the project site is located in an area susceptible to severe to violent intensity of peak ground shaking during earthquakes. The Calaveras and Verona Faults are the nearest faults designated as Alquist-Priolo Earthquake Fault Zones; however, these faults do not

transverse the project site (City of Pleasanton 2009). Figure 5-4 of the City of Pleasanton General Plan indicates the project site is located in an area susceptible to liquefaction.

According to the Natural Resource Conservation Service Web Soil Survey, the project site's soils contain a mixture of Yolo loam (0 to 3 percent slopes) and gravel pit. The project site has previously been used for mining purposes and may contain undocumented fill.

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## **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have less than significant impacts related to fault rupture, seismic ground shaking, seismic-related ground failure, landslides, erosion, or unstable soils. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Fault Rupture:** The Supplemental EIR concluded that development facilitated by the proposed Housing Element would result in less than significant exposure of people and structures to surface rupture on a known earthquake. The Supplemental EIR indicated that while an Alquist-Priolo zone associated with the Calaveras fault occurs near the City, it is not located within the project site. In addition, the Alquist-Priolo zone located near the City and associated with the Verona Fault is not located within the project site. No changes have occurred to the project site that would alter this conclusion. As such, the proposed project would not result in any impacts related to fault rupture.

**Seismic Ground Shaking:** The Supplemental EIR concluded that ground shaking in the City of Pleasanton could cause significant damage to housing units developed on potential sites for rezoning if not engineered appropriately. However, as indicated in the Supplemental EIR, the proposed project would be subject to goals and policies of the Public Safety Element of the Pleasanton General Plan that would minimize the risk from ground shaking, including a requirement for site-specific soil and geological studies that include recommendations for minimizing seismic hazards. Consistent with Goal 2, Policy 5 of the Public Safety Element of the Pleasanton General Plan, a site-specific soil study is required for the new project prior to the issuance of a building permit and prior the approval of final improvement plans. Recommendations from the soil study would be incorporated into the proposed project to ensure ground shaking risks are minimized. In addition, compliance with the California Building Code, as adopted by the City of Pleasanton would mitigate, to the extent feasible, structural failure resulting from seismic-related ground shaking. Compliance with the California Building Code is required under state law and as a condition of building occupancy permits. As such, the proposed project would not introduce any new impacts related to seismic ground shaking not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Seismic-Related Ground Failure:** The Supplemental EIR concluded that seismic-related ground failure is a risk that exists throughout much of the City, particularly risks related to liquefaction. The Supplemental EIR specifically identified the project site as a site within a liquefaction hazard zone. The Supplemental EIR indicated that compliance with the soil and foundation support parameters in Chapter 16 and 18 of the California Building Code (CBC), as well as the grading requirements in Chapter 18 of the CBC, as required by city and state law, would ensure the maximum practicable protection available from ground failure for structures and their foundations. In addition, the project would be required to adhere to the requirements of Special Publication 117 in accordance with the Seismic Hazards Mapping Act. Moreover, General Plan Public Safety Element Goal 2, Policy 5, Program 5.1 requires a site-specific soil study to address liquefaction hazards. Program 5.4 requires technical review of the soil study by the City and the incorporation of recommendations into the project design. As such, the proposed project would not introduce any new seismic-related ground failure risks not previously disclosed. Impacts would continue to be less than significant.

**Landslides:** The Supplemental EIR indicated that because of the flat topography, the development facilitated by the proposed General Plan Amendment and rezonings would not expose people or structures to landslides. The project site is generally flat and no changes have occurred to the project site that would alter this conclusion. As such, the proposed project would not introduce any new landslide-related impacts not previously disclosed. Impacts would continue to be less than significant.

**Erosion:** The Supplemental EIR concluded that the potential impacts related to erosion as the result of site grading would be less than significant. The Supplemental EIR indicated that the project site would be required to adhere to the National Pollutant Discharge Elimination System (NPDES) General Construction Permit, which contains requirements for erosion control of exposed soils including implementation of a Stormwater Prevention Plan's BMPs. In addition, policies in the Public Safety Element of the General Plan minimize the risk of soil erosion and mitigate its effects further (Goal 1, Policy 2; Goal 2, Policy 5). No project site or regulatory conditions have changed that would alter this conclusion. As such, the proposed project would not introduce any new erosion-related impacts not previously disclosed. Impacts would continue to be less than significant.

**Unstable Soils:** The Supplemental EIR concluded that residential development would be required to implement geotechnical tests and reports specific to the development site to identify the suitability of soils and measures to minimize unsuitable soil conditions must be applied. The Supplemental EIR also indicated that the design of foundation support must conform to the analysis and implementation criteria described in the CBC, Chapters 16 and 18. Adherence to the City's codes and policies would ensure maximum practicable protection from unstable soils, resulting in a less than significant impact.

Programs 5.1, 5.2, and 5.3 of Goal 2, Policy 5 of the Public Safety Element of the General Plan requires a site-specific geotechnical engineering study and mitigation measures to mitigate potential



geologic safety hazards for a project site. The geotechnical engineering study would identify any onsite undocumented fills that may be unstable and the resulting recommendations would be implemented as part of the project. As such, the proposed project would not introduce any new impacts related to unstable soils not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Expansive Soils:** The Supplemental EIR concluded that expansive soils are typically found within the upper 5 feet of ground surface, and are often found in low-lying alluvial valleys such as the valley in which Pleasanton is located. The Supplemental EIR indicated that adherence to the City's codes and policies and the California Building Code Chapter 16 and 18, would ensure maximum practicable protection from expansive soils. Furthermore, Programs 5.1, 5.2, and 5.3 of Goal 2, Policy 5 of the Public Safety Element of the General Plan requires a site-specific geotechnical engineering study and mitigation measures to mitigate potential geologic safety hazards, including expansive soils, for a project site. As such, the proposed project would not introduce any new impacts related to unstable soils not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Septic Tanks:** The Supplemental EIR did not analyze the use of septic tanks. However, the proposed project would be required to connect to the city sewer system and would not utilize a septic tank or alternative wastewater disposal system. As such, no impact would occur related to the use of a septic system or alternative wastewater disposal system.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe geologic or soils impacts than those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

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## **Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>7. Greenhouse Gas Emissions</b> <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Environmental Setting

After the City certified the Supplemental EIR on January 4, 2012, the Alameda County Superior Court issued a judgment, in *California Building Industry Association v. Bay Area Air Quality Management District*, finding that the BAAQMD had failed to comply with CEQA when it adopted its 2010 California Environmental Quality Act Air Quality Guidelines (2010 Air Quality Guidelines). The Air Quality Guidelines were updated with minor amendments in May 2011; however, for the purposes of clarity, the document is referred to in this section by the 2010 adoption date. The Air Quality Guidelines were further updated in 2012, as described below. The 2010 Air Quality Guidelines included new quantitative and qualitative thresholds of significance (2010 Air Quality Thresholds) for plan-level and project-level greenhouse gas generation.

On March 5, 2012, the Court ruled that the adoption of new thresholds is considered a “project” under CEQA, and, thus, the BAAQMD should have prepared the required CEQA review and documentation. The court issued a writ of mandate ordering the BAAQMD to set aside the 2010 Air Quality Thresholds and cease dissemination of them until the BAAQMD had complied with CEQA. As such, this ruling effectively nullified the BAAQMD’s adoption of the 2010 Air Quality Thresholds, and the BAAQMD has ceased recommending them for use in evaluating significance of projects. The BAAQMD currently recommends that lead agencies to determine appropriate air quality thresholds of significance based on substantial evidence in the record. In the May 2012 update to the 2010 Air Quality Guidelines, the BAAQMD removed all references of the 2010 Air Quality Thresholds, including related screening criteria.

Table 12 compares the 2010 Air Quality Guidelines thresholds (2010 Air Quality Thresholds) with the thresholds established in 1999 (1999 Air Quality Thresholds).<sup>2</sup>

<sup>2</sup> The 2012 Supplemental EIR evaluated the project’s compliance with the 2010 Air Quality Thresholds.

**Table 12: BAAQMD Operational Greenhouse Gas Thresholds**

Analysis Level	1999 Air Quality Thresholds	2010 Air Quality Thresholds
Project-level	None	<ul style="list-style-type: none"> <li>• Compliance with a Qualified GHG Reduction Strategy, or</li> <li>• 1,100 MT of CO<sub>2</sub>e/yr, or</li> <li>• 4.6 MT of CO<sub>2</sub>e /SP/yr</li> </ul>
Plan-level	None	<ul style="list-style-type: none"> <li>• Compliance with a Qualified GHG Reduction Strategy, or</li> <li>• 6.6 MT of CO<sub>2</sub>e /SP/yr</li> </ul>
Notes: MT = metric tons      CO <sub>2</sub> e = carbon dioxide equivalent yr = year                SP = service population (employees + residents) Source: Bay Area Air Quality Management District 1999, 2011.		

The Supplemental EIR utilized the 2010 Air Quality Guidelines and 2010 Air Quality Thresholds. In addition, the 2010 Air Quality Thresholds are more stringent than the 1999 Air Quality Thresholds, as shown above. Therefore, the 2010 Air Quality Guidelines and associated thresholds were utilized in this document for screening and analysis purposes. As with the rezonings analyzed in the Supplemental EIR, the proposed project would result in emissions related to construction and operation.

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## Findings

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The Supplemental EIR included both a quantitative and qualitative approach to analyzing the potential significance of the rezoning of the 17 sites for residential development. It concluded that rezoning of the project site for eventual residential and retail development would have a less than significant impact related to generation of greenhouse gases and consistency with an applicable plan, policy, or regulation of an appropriate regulatory agency adopted for the purposes of reducing greenhouse gas emissions.

As shown in Table 1, the project includes a total of 345 residential units, consistent with the number of residential units anticipated by the Supplemental EIR. The proposed retail center site plan includes 35,169 square feet of retail square footage, whereas the alternative retail center site plan includes 38,781 square feet of retail square footage. For a more conservative, worst-case-scenario analysis, this document assumes the higher alternative retail center site plan square footage. The 38,781 square feet of retail in the alternative retail center site plan is far less than the 59,000 square feet anticipated by the Supplemental EIR. Therefore, the proposed project would constitute reduction in residential units and retail area, thereby requiring less operational activity. In addition, the traffic generated by the project would be somewhat less than what was previously analyzed.

As discussed below, the project as currently modified would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in

any new significant greenhouse gas impact or increase the severity of any previously identified greenhouse gas impact.

**Greenhouse Gas Generation and Plan Consistency:** For the purposes of analyzing the proposed project, the BAAQMD's 2011 Air Quality Guidelines were used. The Supplemental EIR determined that, because the quantifiable thresholds established in the BAAQMD 2011 Air Quality Guidelines were based on AB 23 reduction strategies, a project cannot exceed the numeric thresholds without also conflicting with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Supplemental EIR utilized the BAAQMD's 2011 plan-level threshold of 6.6 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) per service population (SP) per year to determine significance.

The Supplemental EIR quantified emissions from the development of the project site as a component of the development facilitated by the Housing Element and associated rezonings. URBEMIS2002 and the BAAQMD's Greenhouse Gas Model (BGM) were used to quantify emissions in the Supplemental EIR. For this analysis, the CalEEMod program was used to estimate construction and operational emission of greenhouse gases for the proposed project.

Project construction emissions were calculated as 932 MTCO<sub>2</sub>e, to be emitted over the construction period. Construction emissions are generally considered separately from operational emissions because construction emissions are a one-time event, while operational emissions would be continuous over the life of the project. The 2010 Air Quality Guidelines do not contain a threshold for construction-generated greenhouse gases, but they recommend quantification and disclosure of these emissions. Because the Supplemental EIR included the annualized construction emissions in the significance analysis, the construction greenhouse gas generation is included in the significance analysis below.

Operational GHG emissions by source are shown in Table 12. Total operational emissions were estimated at 4,172 MTCO<sub>2</sub>e, with incorporation of annualized construction emissions. The Supplemental EIR indicates an average of 2.79 persons per household. Therefore, the project is assumed to accommodate 963 residents. The number of employees is unknown. Based upon the U.S. Energy Information Agency's metric of 945 square feet of floor space per retail/service employee, the 38,781 square feet of proposed retail space would generate approximately 41 employees. Therefore, the project's total service population of 1,004 persons.

As shown in Table 13, the project would not exceed the BAAQMD's 2011 thresholds and would not have a significant generation of greenhouse gases (The CalEEMod output is included in Appendix B).

**Table 13: Project Greenhouse Gas Emissions**

Source	Annual Emissions (MTCO <sub>2</sub> e)
Area Sources	47
Energy	703
Mobile (Vehicles)	3,229
Waste	91
Water	79
Construction (Annualized over 40 years)	23
<b>Total Emissions*</b>	<b>4,172</b>
<b>Service Population (Residents)</b>	<b>1,004</b>
<b>Project Emission Generation</b>	<b>4.16 MTCO<sub>2</sub>e/SP</b>
<b>BAAQMD 2010 Threshold</b>	<b>4.6 MTCO<sub>2</sub>e/SP</b>
<b>Does project exceed threshold?</b>	<b>No</b>
Notes: * Based on non-rounded emissions output MTCO <sub>2</sub> e = metric tons of carbon dioxide equivalent Source: MBA 2013, Appendix B.	

The City adopted a Climate Action Plan as part of the adoption of the Supplemental EIR. As described in the Supplemental EIR, the Climate Action Plan includes the project site in its community-wide analysis of vehicle miles traveled and associated greenhouse gas emissions. The Supplemental EIR analysis of the Climate Action Plan shows that the City of Pleasanton can meet a community-wide 2020 emissions reduction target that is consistent with the provisions of AB 32, as interpreted by BAAQMD. The Supplemental EIR further found that the Housing Element, associated rezonings, and Climate Action Plan would improve the local jobs-housing balance and provide for additional greenhouse gas emissions mitigation, and would not conflict with AB 32 or any plan, policy, or regulation regarding greenhouse gases.

This project would construct 345 dwelling units and 38,781 square feet of retail space on a mixed-use site, consistent with the parameters analyzed within the Supplemental EIR. Therefore, the project would not conflict with City's Climate Action Plan or any other applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses.

Applying the City's General Plan Policies and Climate Action Plan, this project would not result in the City exceeding the levels set forth above. As a result, the greenhouse gas impacts would be less than significant.

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**Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts to greenhouse gas emissions than those of the prior project. All impacts would continue to be less than significant and no mitigation is required.

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**Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>8. Hazards and Hazardous Materials</b> <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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The project site is currently undeveloped and consists primarily of ruderal (weedy) vegetation that has been mowed or disked in the recent past. A Phase I Environmental Site Assessment (ESA), prepared by ENGE0, dated February 19, 2013 (Appendix D), indicates that the project site is not listed on any

federal, state, or local databases of hazardous sites or conditions. Multiple sites were listed on various databases of hazardous sites within 1 mile of the project site. However, the Phase I ESA determined that none posed a significant environmental concern to the project site.

The Phase I ESA also reviewed previous environmental reports prepared for the project site, including two Phase I ESAs and one Phase II ESA (Terrasearch 2002, ENGEO 2010a, ENGEO 2010b). As indicated in the previous environmental reports, the Phase I ESA indicated that the project site was formerly used for quarry operations and contains undocumented fill. The undocumented fill was tested for contaminants during the Phase II ESA but was considered appropriate for reuse as engineered fill onsite.

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## **Findings**

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The Supplemental EIR concluded that, after mitigation, implementation of housing development on sites contemplated for rezoning, including the project site, would have less than significant impacts related to hazards and hazardous materials. As discussed below, the proposed project would not result in any new impacts that would not exceed the level of impacts previously identified, due to specific project components, physical changes on the property, or new information.

**Routine Hazardous Material Use:** The Supplemental EIR concluded that residential development consistent with the proposed Housing Element would involve use of construction equipment that would require the use of hazardous materials such as fuel or solvents. These materials could accidentally spill and may cause a potentially significant impact to the public and/or environment. However, the Supplemental EIR indicated that development such as the proposed project would be required to comply with all applicable regulations for management of hazardous materials during construction. These policies include Title 22 and 26 of the California Code of Regulations governing hazardous material transport, Title 8 Standards for handling asbestos and lead during construction, and Title 19 of the California Code of Regulations and Chapter 6.95 of the Health and Safety Code for site remediation. In addition, the Pleasanton General Plan's Public Safety Element's Goal 5 and Policies 16 through 19 include regulations regarding the use and transport of hazardous materials and waste. Compliance with these regulations would ensure potential hazards resulting from hazardous material use during construction activities would be less than significant. Furthermore, because there are no onsite buildings, no demolition activities that could potentially disturb existing hazardous building materials would be required.

The Supplemental EIR also concluded that new residential development, such as the proposed project, may routinely use commonly available hazardous substances such as fuels, lubricants, and household cleaners. The proposed project would also consist of retail uses that would be likely to use similar substances. However, such use typically consists of limited quantities and would not be expected to present a significant risk to the environment.



Overall, the Supplemental EIR concluded that because of a limited potential for exposure of people or the environment to hazardous materials—largely as a result of compliance with federal, state, and local regulations—impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant. No changes have occurred to the project site or to the proposed development that would alter this conclusion. As such, the proposed project impacts related to the routine use of hazardous materials would continue to be less than significant and no mitigation is necessary.

**Hazardous Material Upset or Accident:** The Supplemental EIR concluded that construction of residences on sites for rezoning would disturb soils that could be contaminated from past releases of hazardous substances into the soil or groundwater. The project site was not identified in the Supplemental EIR as potentially containing contaminated soil or groundwater. Nonetheless, implementation of Mitigation Measure 4.G-2 as required by the Supplemental EIR required both the preparation of a Phase I ESA to determine the potential presence of onsite contamination and the provision of documentation indicating that any onsite contamination has been appropriately remediated. The Supplemental EIR concluded that with the implementation of Mitigation Measure 4.G-2, and adherence to General Plan Public Safety Element Policy 17—which requires contamination to be remediated prior to development—impacts related hazardous materials or accidents would be reduced to a less than significant level.

Below is Mitigation Measure 4.G-2 from the Supplemental EIR:

**Mitigation Measure 4.G-2:** The City shall ensure that each project applicant retain a qualified environmental consulting firm to prepare a Phase I environmental site assessment in accordance with ASTM E1527-05 which would ensure that the City is aware of any hazardous materials on the site and can require the right course of action. The Phase I shall determine the presence of recognized environmental conditions and provide recommendations for further investigation, if applicable. Prior to receiving a building or grading permit, project applicant shall provide documentation from overseeing agency (e.g., ACEH or RWQCB) that sites with identified contamination have been remediated to levels where no threat to human health or the environment remains for the proposed uses.

In accordance with Supplemental EIR Mitigation Measure 4.G-2, a Phase I ESA was prepared by EN GEO Incorporated, dated February 19, 2013 (Appendix D). As indicated in the Phase I ESA, the project site is not listed on a hazardous materials database, there is no documented soil or groundwater contamination onsite, and there are no onsite features indicative of hazardous materials or hazardous material use. The Phase I ESA indicated that soil testing conducted during a previous Phase II ESA identified isolated elevated concentrations of target analytes, but that onsite soils were

appropriate for reuse onsite as engineered fill because the elevated concentrations would be mitigated when onsite soils are engineered. As previously noted, General Plan Safety Element Policy 17 requires that hazardous materials and potential contaminations are remediated prior to development. In compliance with this policy, the proposed project is required to perform necessary remediation and documentation prior to development.

The Supplemental EIR also indicated that excavation involved in construction and maintenance of development facilitated by the Housing Element could lead to the rupture of a Pacific Gas and Electric (PG&E) or other pipeline. The project site was identified as situated close to a PG&E natural gas pipeline that runs along the Sunol Boulevard/First Street/Stanley Boulevard roadways. In addition, the project site is adjacent to a PG&E electrical substation and connecting electrical transmission lines. As noted in the Supplemental EIR, prior to commencement of site development the project proponents would be required to coordinate with the City of Pleasanton's Public Works Department and utility owners through notification of the Underground Service Alert system to precisely locate any subsurface utilities, thereby ensuring avoidance of utility interference.

In summary, the proposed project would not introduce any new impacts related to hazardous material upset or accident not previously disclosed. Because Mitigation Measure 4.G-2 has already been implemented through the preparation of Phase I ESA for the project site, any onsite soil contamination would be required to be remediated in accordance with General Plan Safety Element Policy 17; impacts would be less than significant as concluded in the Supplemental EIR.

**Hazardous Materials in Proximity to Schools:** The Supplemental EIR concluded that development facilitated by the Housing Element would not result in the handling of significant quantities of hazardous materials, substances, or wastes; therefore, risk of hazardous material releases within the vicinity of schools would be less than significant. Although residential and retail land uses do involve the handling, storage and disposal of limited quantities of hazardous materials, they are generally not associated with any releases that would adversely affect any schools located within a quarter mile of the project site including the preschool located at the synagogue to the south. As such, the proposed project would not introduce any new impacts related to hazardous materials close to schools not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Contaminated Site:** The Supplemental EIR concluded that development of sites known to be contaminated by hazardous materials or wastes could occur on potential sites for rezoning. However, the project site was not identified by the Supplemental EIR as containing hazardous materials. In compliance with Mitigation Measure 4.G-2 as discussed above, a Phase I ESA has been completed for the project site that identified onsite soils as appropriate for reuse onsite and should be remediated as necessary during soil engineering. Also previously mentioned, General Play Safety Element Policy 17 requires that hazardous material and potential contamination are remediated prior to

development. In compliance with this policy, the proposed project is required to perform any necessary remediation and documentation prior to development. As such, the proposed project would not introduce any new impacts related to hazardous material sites not previously disclosed. Because Mitigation Measure 4.G-2 has already been implemented through the preparation of a Phase I ESA for the project site and compliance with General Plan Safety Element Policy 17 would require any further remediation deemed necessary prior to development, impacts would be less than significant as concluded in the Supplemental EIR. No further mitigation is required.

**Public Airport Safety:** The Supplemental EIR concluded that a conflict between the Livermore Municipal Airport Land Use Compatibility Plan (ALUCP) and potential rezoning sites for housing development was not anticipated. However, at the time the Supplemental EIR was written, the ALUCP was being revised, therefore, the Supplemental EIR indicated that, without specific project site details and a newly adopted ALUCP, additional analysis regarding residential development consistency with the Livermore Municipal Airport would be speculative. As such, the Supplemental EIR included Mitigation Measure 4.G-5 as follows:

- Mitigation Measure 4.G-5:**
- a. Prior to PUD approval for Sites 11 (Kiewit), 14 (Legacy Partners), 6 (Irby-Kaplan-Zia), 8 (Auf de Maur/Richenback), 10 (CarrAmerica), 16 (Vintage Hills Shopping Center), 17 (Axis Community Health), and 21 (4202 Stanley): 1) the project applicant shall submit information to the Director of Community Development demonstrating compliance with the ALUPP, as applicable, including its height guidance; and 2) the Director of Community Development shall forward this information and the proposed PUD development plans to the ALUC for review.
  - b. Prior to any use permit approval for Sites 11 (Kiewit), and 14 (Legacy Partners): the project applicant shall submit information to the Director of Community Development demonstrating compliance with the ALUPP, as applicable; and 2) the Director of Community Development shall forward this information and the proposed use permit to the ALUC for review.
  - c. The following condition shall be included in any PUD development approval for all the potential sites for rezoning: Prior to the issuance of a grading permit or building permit, whichever is sooner, the project applicant shall submit verification from the FAA, or other verification to the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460 review) review for construction on the project site.

Since the completion of the Supplemental EIR, a revised ALUCP for the Livermore Municipal Airport has been completed. The project site is located approximately 2.5 miles southwest of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or Federal Aviation Regulation (FAR) Part 77 height restriction space as indicated by the ALUCP. Furthermore, none of the proposed onsite buildings would exceed 200 feet in height. As such, Mitigation Measure 4.G-5 part a. no longer applies, as the project site is not regulated by the newly adopted ALUCP.

Furthermore, Mitigation Measure 4.G-5 part b. does not apply to the project because Site 8 (the project site) is not included under part b. However, as required by part c. of Mitigation Measure 4.G-5, prior to the issuance of a grading or building permit for the proposed project, verification of compliance with the FAR Part 77 height restriction would be required. The project site is located approximately 2.5 miles southwest of the Livermore Municipal Airport and is not located within an Airport Protection Area, an Airport Influence Area, or a FAR Part 77 height restriction space as indicated by the ALUCP. Therefore, verification of compliance with FAR Part 77 as required by Mitigation Measure HAZ-4.G-5 part c. in the Supplemental EIR is not necessary and no impacts to air traffic patterns would occur. As such, the proposed project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Private Airport Safety:** The Supplemental EIR concluded that no private airstrips exist in the vicinity of the City. Therefore, there would be no safety hazards related to the use of private airstrips and no impact would occur related to the development of housing under the General Plan Amendment and rezonings. No changes have occurred regarding the location of private airports in the vicinity of the project site. As such, the proposed project would not introduce any new private airstrip safety hazards not previously disclosed. No impact would occur.

**Emergency Response or Evacuation Plan:** The Supplemental EIR concluded that the buildout of the proposed Housing Element would not interfere with current guidelines set forth in the Pleasanton Comprehensive Emergency Management Plan and impacts would be less than significant. No changes have occurred that would alter this conclusion. As such, the proposed project would not impact implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would continue to be less than significant.

**Wildland Fires:** The Supplemental EIR concluded that all of the sites considered for rezoning, including the project site, are located outside of the designated wildland-urban interface threat areas within Pleasanton; therefore, impacts related to wildlife fires would be less than significant. Furthermore, the project would be required to comply with policies of the Public Safety Element of the City of Pleasanton General Plan and the Pleasanton Building Code that set standards for building sprinklers, fire response systems and built-in fire protection systems. No changes have occurred to

the status of the project site's location outside of the wildland-urban interface area. As such, the proposed project would not introduce any new wildland fire hazards not previously disclosed and impacts would continue to be less than significant.

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### **Conclusion**

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The proposed project would not introduce any new substantial or more severe hazards or hazardous materials impacts than those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is necessary.

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### **Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>9. Hydrology and Water Quality</b> <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## **Environmental Setting**

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The project site is undeveloped and does not contain any impervious surfaces with the exception of a sidewalk along Stanley Boulevard.

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## **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would have less than significant impacts related to hydrology and water quality. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Water Quality, Flooding or Polluted Runoff:** The Supplemental EIR concluded that development on rezoned sites could affect drainage patterns and create new impervious surfaces that cause changes to stormwater flows and water quality. However, the Supplemental EIR indicated that compliance with the Alameda Countywide Clean Water Program (ACCWP) NPDES Permit, including the C.3 provision, and implementation of a Construction SWPPP would reduce impacts to a less than significant level. As part of issuance of building and/or grading permits, the proposed project would be required to demonstrate compliance with these regulations. Compliance would be further ensured by the City and/or the RWQCB through their review and approval of applicable permits, ensuring that the proposed project would not substantially worsen existing water quality problems and no net increase in stormwater rates and runoff would occur. In compliance with C.3 requirements, the project includes bioretention treatment areas located throughout the residential and retail portions of the project site (E & S Ring Management. 2013). The bioretention areas would slow stormwater rates and ensure no net increase in offsite flow of stormwater. The proposed project's grading and drainage plans will be reviewed by the City's Engineering Division of the Community Development Department for compliance with city ordinance codes regarding flooding and drainage (including properly sized storm sewers and building within FEMA flood hazard zones). As such, the proposed project would not introduce any new water quality, flooding, or polluted runoff related impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

**Groundwater:** The Supplemental EIR concluded that development of impervious surfaces on rezoning sites could potentially reduce groundwater infiltration and that the addition of new housing and retail space would result in an increase in consumption of municipal water supply, which could potentially increase demand on groundwater supplies. However, these impacts were determined to be less than significant because the City has already planned for the residential growth and because the Housing Element includes policies to protect water supplies.

Because the development of the project site was considered in the Supplemental EIR and is now included in the City of Pleasanton's General Plan, the project site's growth has been included in future water supply planning and would not deplete groundwater supplies. The project site is not an identified groundwater recharge location. Implementation of the project would result in the addition of impervious surface area on the project site; however, it would not be expected to substantially interfere with regional groundwater recharge. Furthermore, the planned bioretention basins would allow for groundwater recharge to continue to occur onsite. In summary, the proposed project would not introduce any new groundwater impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

**Drainage Resulting in Erosion or Flooding:** The Supplemental EIR concluded that compliance with existing regulatory requirements including the NPDES Construction General Permit requirements, provision C.3 of the ACCWP NPEDES permit, and Goal 6 of the Public Facilities and Community Programs Element of the City of Pleasanton General Plan would ensure that development resulting from the Housing Element would not result in any erosion or flooding. As previously discussed under Water Quality, Flooding, or Polluted Runoff, the proposed project would be required to demonstrate compliance with these regulations as part of issuance of building and/or grading permits. As such, the proposed project would not introduce any new groundwater impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

**Flood Hazards:** The Supplemental EIR concluded that development proposals resulting from the Housing Element would be reviewed by the City's Engineering Division of the Community Development Department for compliance with city ordinance codes regarding flooding and drainage, including properly sized storm sewers and building within FEMA flood hazard zones. The Supplemental EIR indicated that compliance with applicable regulations would ensure that development within flood hazard zones would be less than significant.

As indicated by Federal Emergency Management Agency Flood Insurance Rate Map 06001C0336G, the project site is located within Zone X and is not located within a 100-year flood zone. Arroyo del Valle, which is located south and east of the site, is located within Zone AE; however, 100-year flood waters are contained within the Arroyo and would not be expected to affect the project site. As such, the proposed project would not introduce any new flood hazard impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

**Levee or Dam Failure:** The Supplemental EIR indicated that most of the City of Pleasanton is within the 5- to 40-minute inundation area in the event of the failure of Del Valle Dam. However, catastrophic dam failure is considered highly unlikely, as the dam is regularly maintained and inspected. Flood retention facilities, including levees, throughout the City are undergoing updates under the Stream Management Master Plan. Residential development is not allowed within levee failure zones without being designed to acceptable flood protection standards. Accordingly, the



Supplemental EIR concluded that impacts related to levee or dam failure would be less than significant. As such, the proposed project would not introduce any new levee or dam failure hazard impacts not previously disclosed in the Supplemental EIR and impacts would be less than significant.

**Seiche, Tsunami or Mudflow:** The Supplemental EIR concluded that no impacts would occur related to seiche, tsunami, or mudflow because the City is inland from the ocean and in a relatively flat area. No changes have occurred that would alter this conclusion.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts related to hydrology and water quality than those considered in the Supplemental EIR. All impacts would continue to be less than significant with adherence to applicable regulations.

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## **Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>10. Land Use and Planning</b>				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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### Environmental Setting

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The project site is located in an area of residential and commercial land uses. The project site has two General Plan land use designations. The 11.5-acre proposed residential community portion of the project site is designated High Density Residential. The 4.5-acre proposed retail center portion is designated Retail, Highway, Service Commercial, Business and Professional Offices. Similarly, the project site has two zoning designations. The 11.5-acre proposed residential community is zoned Planned Unit Development High Density Residential (PUD- HDR) while the remaining 4.5-acre proposed retail center portion is proposed is zoned Planned Unit Development – Commercial (PUD-C).

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### Findings

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The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impact related to conflicts with applicable land use plans, policies or regulations, or the division of an established community. No impact was found regarding conflict with habitat conservation or natural community conservation plans. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Division of an Established Community:** The Supplemental EIR indicated that sites selected for rezoning met certain criteria established by the City as being suitable for high-density housing

development, including compatibility with surrounding residential development and location within existing neighborhoods. As such, the Supplemental EIR concluded construction of residential units as allowed by the Housing Element would result in less than significant impacts related to the division of an established community. The proposed project would consist of 345 residential units and up to 38,781 square feet of commercial retail space in an area surrounded by commercial and residential land uses. The project would be consistent with the surrounding existing uses and with the zoning designations of the site. As such, the proposed project would not introduce any new impacts related to the division of an established community. Impacts would continue to be less than significant.

**Land Use Plan, Policy, or Regulation Consistency:** The Supplemental EIR indicated that several of the potential sites for rezoning are located in areas that, if not properly addressed, could result in conflicts with General Plan policies related to air quality and noise, due to their proximity to point sources of air pollution and to noise sources. However, the Supplemental EIR indicated that compliance with mitigation measures set forth in Section 4.B, Air Quality and 4.J, Noise, as well as consistency with applicable policies of the Housing Element would ensure that sites rezoned for residential development would be consistent with the General Plan and impacts would be less than significant.

**General Plan Consistency:** The project site has two General Plan land use designations: (1) High Density Residential and (2) Retail, Highway, Service Commercial, Business and Professional Offices. The General Plan identifies High Density Residential as having greater than eight dwelling units per gross developable acre (City of Pleasanton 2009). The proposed project's 345 residential units would be consistent with the General Plan's eight dwelling units per acre or greater requirement. The General Plan identifies the Retail, Highway, Service Commercial, Business and Professional Offices land use designation as having a maximum floor to area ratio (FAR) of 60 percent. The retail center portion of the project site would have a FAR of 20 percent (38,781 square feet of building area ÷ 4.5 acres [194,611 square feet]) and would be well within the maximum allowable FAR. As such, the proposed project would be consistent with the purpose of the project site's land use designations.

**Zoning Consistency:** Since the certification of the Supplemental EIR, and because of City of Pleasanton Ordinance No. 2032 (January 10, 2012), an 11.5-acre portion of the project site has been rezoned to PUD-HDR. PUD-HDR zoning allows residential development at a minimum density of 30 units per acre. Consistent with this requirement, the proposed project would result in a residential density of 30 units per acre.

As part of the rezoning of the project site, the City of Pleasanton adopted Ordinance No. 2047, the Housing Site Development Standards and Design Guidelines, which provide direction regarding use, density, building mass and height, setbacks, architectural features, parking, access, and street character. The project has been designed to be consistent with the Housing Site Development

Standards and Guidelines including the provision of pedestrian and bicycle connections, group usable open space, landscaping and lighting. Furthermore, the development application for the project site must be reviewed through the PUD process, which includes review and recommendations by the Planning Commission and approval or denial by the City Council.

As indicated by City of Pleasanton Ordinance No. 2032, the 4.5-acre portion of the project site zoned PUD-C allows for uses and development standards of the Neighborhood Commercial (C-N) district. As indicated by the Pleasanton Municipal Code, the purpose of the C-N district is to provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area, and to permit development of neighborhood shopping centers according to standards that minimize adverse impact on adjoining residential uses.

The project applicant is requesting that additional uses be either permitted or conditionally permitted within the C-N portion of the project site. Table 14 summarizes the additionally requested uses to be allowed.

**Table 14: Requested Changes to Permitted Onsite Uses**

Use	Existing		Requested	
	Permitted	Conditionally Permitted	Permitted	Conditionally Permitted
Building materials sales, including showrooms, shops, and stores with ancillary design services and indoor display and storage only.		●	●	
Carpet, drapery, and floor-covering stores, with design services.		●	●	
Gymnasiums and health clubs, including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24. This use is limited to individual tenant spaces less than 5,000 square feet in buildings identified as Retail Shops 1 and Retail Shops 2 on Exhibit 4.		●	●	
Food markets, including supermarkets, convenience markets, and specialty stores.		●	●	
Drugstore and prescription pharmacies with 24-hour drive-through operation. Drive-through sales shall be limited to prescription medications only.			●	
Furniture stores			●	

**Table 14 (cont.): Requested Changes to Permitted Onsite Uses**

Use	Existing		Requested	
	Permitted	Conditionally Permitted	Permitted	Conditionally Permitted
Interior decorator shops and design services, including showrooms.			●	
Electronic retail sales with no repair services, of telephones, pagers, cellular telephones, personal computers and software, televisions, radios, stereos, and similar items.			●	
Kitchen supply stores and accessories with ancillary demonstration, classes, and cutlery sharpening.			●	
Medical offices including dental, optometry, chiropractic, and other such uses typically found in neighborhood shopping centers. Total square footage of medical office tenants in the subject shopping center shall not exceed 5,000 square feet.			●	
Wine shops and tasting rooms for wineries, excluding liquor stores.			●	
Source: E& S Ring Management 2013.				

Occupants of the proposed retail portion of the project are currently unknown. All occupants would be required to be consistent with permitted and conditionally permitted uses for the C-N district as modified. The additionally requested permitted uses are substantially similar to those that are already permitted and conditionally permitted within the C-N zoning district. As such, the proposed project would be consistent with the project site’s zoning designations.

In summary, the proposed project has been designed to be consistent with existing General Plan and Zoning Designations, as well as the Housing Site Development Standards and Design Guidelines. Impacts would continue to be less than significant as concluded in the Supplemental EIR and no mitigation is necessary.

**Habitat or Natural Community Conservation Plan:** The Supplemental EIR concluded that no impact would occur with respect to conflicts with a habitat or natural community conservation plan because the City is not located within such a designated area. No changes have occurred that would alter this conclusion.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe land use impacts than those considered in the Supplemental EIR. All impacts would continue to be less than significant with no mitigation required.

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## **Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>11. Mineral Resources</b> <i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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### **Environmental Setting**

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As noted in the California Department of Conservation, Division of Mines and Geology Special Report 146, the project site is located in an area designated as Mineral Resource Zone (MRZ) 2(a). MRZ-2a is defined as areas underlain by mineral deposits where geologic data shows significant measured or indicated resources are present. Land included in the MRZ-2a category is of prime importance because it contains known economic mineral deposits.

Historical aerial photographs and topographic maps indicate that mining occurred throughout the site between 1949 and 1954. As such, onsite mineral deposits have likely been depleted.

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### **Findings**

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The Supplemental EIR concluded that the residential development facilitated by the General Plan Amendment and rezoning would have no impact related to each mineral resource checklist question, and no mitigation was required. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

While the project site is located in an area defined as containing mineral deposits, past mining activities have likely depleted existing resources. There are no current mining operations onsite. As such, the proposed project would not introduce any new mineral resource impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

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**Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts to mineral resources than those identified in the Supplemental EIR. No impact would occur and no mitigation is required.

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**Mitigation Measures**

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None required.



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>12. Noise</b> <i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## **Environmental Setting**

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The project site is located in a developed area with existing transportation and commercial noise sources. The project site is adjacent to four-lane arterial roadways to the north (Stanley Boulevard) and west (Bernal Avenue). The project site is located within the future (2025) 65 dBA L<sub>dn</sub> and 70 dBA L<sub>dn</sub> noise contour of Stanley Boulevard, and the 65 dBA L<sub>dn</sub> of Bernal Avenue as indicated by General Plan Figure 11-2. The Union Pacific Railroad (UPRR) line runs along the north side of Stanley Boulevard.

As indicated on General Plan Figure 11-4, a preschool, considered a noise sensitive receptor, is located directly to the south of the project site across Nevada Street. In addition, a high-density residential area, also considered a noise sensitive receptor, is located south of Arroyo del Valle (City of Pleasanton 2009). Other sensitive receptors in the area include the Pleasanton Fire Station and commercial uses across Bernal Avenue to the West.

The Noise Element of the City of Pleasanton General Plan contains guidelines for land use compatibility. The proposed new residential uses are a noise sensitive land use and are subject to the following guidelines:

- Exterior traffic noise exposure limits (applied at common recreation areas) of 60 dBA  $L_{dn}$  and 65 dBA  $L_{dn}$  for single-family and multi-family residential uses, respectively. Acceptable exposure limits may be as high as 75 dBA  $L_{dn}$  given a detailed analysis of all reasonable noise mitigation and compliance with the interior and exterior noise exposure criterion (General Plan Noise Element).
- Interior traffic noise exposure limits of 45 dBA  $L_{dn}$  (General Plan Noise Element).

The City of Pleasanton Municipal Code also establishes noise limits as follows:

- Stationary/non-transportation noise limit of 60 dBA  $L_{max}$  at any point outside of the property line (City of Pleasanton Municipal Code).
- Construction noise limit from individual construction equipment/tools of 83 dBA  $L_{eq}$  at a distance of 25 feet or a cumulative construction noise limit of 86 dBA  $L_{eq}$  outside of the project boundary (City of Pleasanton Municipal Code).

The State of California maintains noise standards applicable to multi-family uses. The standards are contained in Title 24, Part 2, of the State Building Code, which sets forth Noise Insulation Standards applicable to new multi-family housing. The environmental portion of the standard applies to projects located in a noise environment of 60  $L_{dn}$  or greater and establishes a maximum interior noise limit of 45  $L_{dn}$ .

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## **Findings**

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The Supplemental EIR concluded that the rezoning of the project site and the eventual residential and retail development would have less than significant impacts related to noise with the implementation of mitigation. As discussed below, the project would not result in any new impacts and would not exceed the level of impacts previously identified, due to specific project components, physical attributes of the project site, or new information.

**Construction Noise Levels:** The Supplemental EIR indicated that construction activities on rezoning sites would involve the use of heavy equipment in addition to small power tools, generators, and hand tools. Noise would vary based on construction location relative to receptors and type and quantity of construction equipment. The Supplemental EIR concluded that because the development projects would be required to comply with Municipal Code 9.04.100, individual project construction equipment would not produce a noise level in excess of 83 dBA  $L_{eq}$  at a distance of 25 feet, nor would total construction noise exposure exceed 86 dBA  $L_{eq}$  outside of project boundaries. In addition, to

ensure construction noise resulting from project development resulted in less than significant impacts, the Supplemental EIR included Mitigation Measure 4.J-1 as follows:

- Mitigation Measure 4.J-1:** In addition to requiring that all project developers comply with the applicable construction noise exposure criteria established within the City’s Municipal Code 9.04.100, the City shall require developers on the potential sites for rezoning to implement construction best management practices to reduce construction noise, including:
- a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.
  - b. Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
  - c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and federal holidays. If complaints are received regarding the Saturday construction hours, the Community Development Director may modify or revoke the Saturday construction hours. The Community Development 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 Community Development Director that the construction and construction traffic noise will not affect nearby residents.
  - d. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.
  - e. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

The nearest sensitive receptors to the project site are a preschool and high-density residential area south of the project site, as well as the Pleasanton Fire Station and commercial uses across Bernal Avenue to the west. As shown in Table IV of the Noise Assessment Study prepared for the proposed project (Appendix E), construction noise from the loudest equipment (an air compressor) would range from 56 to 37 dBA  $L_{eq}$  at the sensitive receptors, well below the allowable cumulative noise level of

86 dBA  $L_{eq}$  outside of project boundaries. As the Supplemental EIR indicated, the proposed project would be required to abide by construction noise limits outlined by Municipal Code 9.04.100 and would be required to implement Mitigation Measure 4.J-1. As such, the proposed project would not introduce any new impacts related to construction noise not previously disclosed. Impacts would continue to be less than significant after the implementation of mitigation.

**Construction Vibration Levels:** The Supplemental EIR concluded that vibration exposure at neighboring sensitive uses, which are expected to be greater than 100 feet removed from the rezoned construction sites, would not be expected to exceed the applicable criteria outlined by the Caltrans Transportation- and Construction-Induced Vibration Guidance Manual, except in situations where pile driving occurs. Should pile driving occur, the Supplemental EIR concluded that implementation of Mitigation Measure 4.J-2 would reduce construction-related vibration to a less than significant level.

**Mitigation Measure 4.J-2:** The City shall require developers on the potential sites for rezoning to conduct a vibration study which will estimate vibration levels at neighboring sensitive uses, and if required, provide mitigation efforts needed to satisfy the applicable construction vibration level limit established in table 4.j-4. It is expected that vibration mitigation for all project sites will be reasonable and feasible.

Consistent with Mitigation Measure 4.J-2, a Noise Assessment Study (Appendix E) was prepared for the proposed project that included the analysis of potential construction vibration impacts to nearby sensitive receptors. The project site is more than 100 feet from the nearby preschool but is approximately 95 feet from the synagogue building in which the preschool is located. According to the Noise Assessment Study the vibration levels produced by the Rapid Impact Compaction (RIC), system equipment that may be used at the project site would result in a vibration value of 0.9 in/sec at 66 feet. The RIC system would generate a vibration level of 0.18 in/sec at the synagogue building setback of 95 feet from the nearest point where the RIC system could be used. Thus, the RIC system vibration levels would be within the 0.24 in/sec peak particle velocity criterion of transient vibration annoyance criterion established in Table 4.J-4 of the Supplemental EIR. As such, the proposed project would not introduce any new construction-related vibration impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Exposure to Train Noise:** The Supplemental EIR concluded that train-related noise exposure would require the implementation of Mitigation Measure 4.J-3 for sites that are close to the UP mainline tracks, including the project site.

**Mitigation Measure 4.J-3:** The City shall require project applicants (Sites 8, 11, 14, 18, and 21) to conduct site-specific acoustical assessments to determine train-related noise exposure, impact, and mitigation. Recommendations in the acoustical assessment shall be sufficient to satisfy the applicable City of

Pleasanton 70 dBA  $L_{dn}$  and 50/55 dBA  $L_{max}$  exterior and interior noise exposure criteria, respectively, using appropriate housing site design and building construction improvements.

Consistent with Mitigation Measure 4.J-3, the Noise Assessment Study included an analysis of potential train-related noise impacts. The UPRR line runs parallel with Stanley Boulevard on the north side of the street approximately 205 feet from the centerline of the road. The UP line carries 5 to 11 freight trains per day and the trains may run at any time, since they are unscheduled. The Altamont Commuter Express (ACE) train also uses this line and operates three westbound trains in the morning between 5:00 a.m. and 8:00 a.m. and three eastbound trains in the evening between 5:00 p.m. and 8:00 p.m.

Noise exposures were calculated to be 68 dBA  $L_{dn}$  on both days of measurements along the centerline of Stanley Boulevard, 205 feet from the UP line. To segregate Stanley Boulevard traffic noise from UPRR/ACE train noise, computer modeling of Stanley Boulevards traffic noise was used. The computer model yielded a result of 67 dBA  $L_{dn}$  of traffic noise at the measurement location. Subtracting 67 dBA  $L_{dn}$  of traffic noise from the total measured noise exposure of 68 dBA  $L_{dn}$  yielded a difference of 56 dBA  $L_{dn}$ , which is attributable to rail noise.

The project site boundary is an additional 50 feet (approximately) from the point at which the rail noise was calculated and, assuming a typical noise attenuation of 6 dBA per doubling of distance, rail noise at the project site boundary would be further reduced to approximately 54 dBA. Rail noise at 54 dB at the project boundary is well within the allowable exterior 70 dBA  $L_{dn}$  limit defined within Mitigation Measure 4.J-3 of the Supplemental EIR. Interior maximum noise levels due to rail operations in the most impacted living spaces were calculated to range from 40 to 47 dBA. Thus, the noise levels would be within the 50 dBA  $L_{max}$  limit for bedrooms and the 55 dBA  $L_{max}$  limit for other living spaces as defined by Mitigation Measure 4.J-3. As such, the proposed project would not introduce any new train-related noise impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Exposure to Train Vibration:** The Supplemental EIR concluded that train-related vibration exposure may be substantial for sites that are close to the Union Pacific Railroad mainline tracks. Goal 1, Policy 1, Program 1.2 of the City's Noise Element requires a site-specific vibration analysis to address the applicable Federal Transit Administration vibration impact criteria. Compliance with Goal 1, Policy 1, Program 1.2 would ensure that this impact is less than significant. Furthermore, as recognized by the Supplemental EIR, buildings sited more than 100 feet from the centerline of UP tracks would substantially decrease the likelihood of significant vibration impacts. The proposed project's northern boundary is located approximately 280 feet from the UP tracks. Buildings on the project site would be set back even further; therefore, the proposed project would not be likely to experience significant train vibration. As such, the proposed project would not introduce any new

train-related vibration impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Traffic Noise Increase:** The Supplemental EIR indicated that existing plus project traffic noise level increases from traffic pattern changes due to the land use changes on the rezoning sites would be expected in the range of 1 to 3 dBA along some roadway segments. The Supplemental EIR concluded that project-related traffic noise level increases of 1 dBA along two segments (Hopyard Road between West Las Positas Boulevard and Valley Avenue, and Stoneridge Drive between West Las Positas Boulevard and Santa Rita Road) may increase traffic noise exposure to above 60 dBA  $L_{dn}$  within single-family residential backyards and therefore would be potentially significant. To reduce this impact to less than significant, the supplemental EIR included Mitigation Measure 4.J-5a, which requires rezoned residential sites that add traffic noise in excess of 55 dBA as described in Table 4.J-6 of the Supplemental EIR to conduct an offsite noise study. The noise study would determine the project's contribution to offsite roadway noise and would also determine the fair-share monetary contribution to mitigate the established noise impact.

As indicated in Table III of the Noise Assessment Study (Appendix E), project traffic would generate noise exposures lower than 55 dB  $L_{dn}$  near the project site. Because the project would not add traffic noise in excess of 55dBA, an offsite noise study is not required according to Mitigation Measure 4.J-5a. As such, the proposed project would not substantially contribute to offsite traffic noise impacts in the existing plus project scenario.

The Supplemental EIR also considered roadway noise impacts in the cumulative noise scenario (Year 2035). Potentially significant, cumulatively considerable traffic noise increases were identified along two additional roadway segments: Stoneridge Drive between Johnson Drive and Hopyard Road, and Hopyard Road between Stoneridge Drive and West Las Positas Boulevard. At these locations, increased traffic noise exposure may exceed the City's 60 dB  $L_{dn}$  limit within neighboring single-family residential backyards. To reduce this impact to less than significant, the supplemental EIR included Mitigation Measure 4.J-9 which, similar to Mitigation Measure 4.J-5a, requires projects that would add traffic noise in excess of 55 dBA  $L_{dn}$  as described in Table 4.J-7 of the Supplemental EIR to conduct an offsite noise study. The noise study would determine the project's contribution to offsite roadway noise and would also determine the fair-share monetary contribution to mitigate the established noise impact. As explained above, the project would not add traffic noise in excess of 55 dBA, would not need to complete an offsite noise study, and would not result in a considerable contribution to the cumulative noise scenario.

The Supplemental EIR also concluded that developments on rezoned sites may be exposed to exterior traffic noise in excess of 65 dB and interior traffic-related noise exposure in excess of the acceptable 45 dB  $L_{dn}$  threshold; therefore, impacts would be potentially significant. To ensure compliance and

reduce impacts to less than significant, the Supplemental EIR included Mitigation Measure 4.J-5b and 4.J-5c as follows:

**Mitigation Measure 4.J-5b:** Any residential or office buildings shall be built to California's interior-noise insulation standard so that interior traffic noise exposure does not exceed 45 dBA  $L_{dn}$ . Before building permits are issued, the project applicant shall be required to submit an acoustical analysis demonstrating that the buildings have been designed to limit interior traffic noise exposure to a level of 45 dBA  $L_{dn}$ /CNEL or less.

**Mitigation Measure 4.J-5c:** Any locations of outdoor activity for sensitive uses associated with the project site shall be designed so that the noise exposure from traffic does not exceed 65 dBA  $L_{dn}$  at these activity areas. This shall be done thru site orientation (i.e., location of activity areas away from roadways or shielded by project buildings) or with the inclusion of appropriate noise barriers. Prior to PUD approval, the project applicant shall be required to submit an acoustical analysis demonstrating that outdoor activity spaces associated with sensitive uses do not exceed 65 dBA  $L_{dn}$  within these spaces.

*Interior Noise:* Residential development is required to comply with Title 24 of the California Code of Regulations, which requires an interior noise exposure of 45 dBA  $L_{dn}$ /CNEL or less within any habitable room and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. To evaluate the interior noise exposures, a 28-dBA reduction was applied to the exterior noise exposures (at the building setback) to account for the attenuation provided by the building shell under a closed window condition. The closed window condition assumes, consistent with the project description, that all living space windows would be rated minimum Sound Transmission Class (STC) 33 at all living spaces within 180 feet of the centerline of Stanley Boulevard or within 140 feet of the centerline of Bernal Avenue, and minimum STC 30 at all living spaces between 180 feet and 320 feet of the centerline of Stanley Boulevard. In addition, mechanical ventilation would be provided for all living spaces within view of either Stanley Boulevard or Bernal Avenue.

According to the Noise Assessment Study, within the greatest impacted living spaces of residences closest to Stanley Boulevard and the UPRR, the interior noise exposures would be 40 and 42 dBA  $L_{dn}$  under existing and future traffic conditions, respectively. Thus, the noise exposures would be within the 45 dBA  $L_{dn}$  limit of the City of Pleasanton Noise Element and Title 24 standards.

*Exterior Noise:* The Noise Assessment Study indicated that proposed outdoor activity areas (recreational area/swimming pool) of the residential portion of the project would be exposed to traffic noise levels between 52 and 54 dBA  $L_{dn}$  under existing and future traffic conditions, respectively.

These noise exposure levels include an 8-dBA noise reduction factor for the acoustic shielding provided by the interposed project buildings. Thus, the noise exposures would be within the 65 dBA  $L_{dn}$  limit of the City of Pleasanton Noise Element standards.

In conclusion, provision of the Noise Assessment Study to the City of Pleasanton fulfills the requirements of both Mitigation Measure 4.J-5b and 4.J-5c and ensures that impacts related to exterior and interior traffic noise would be less than significant as concluded in the Supplemental EIR. As such, the proposed project would not introduce any new transportation noise exposure impacts not previously disclosed. Impacts would continue to be less than significant.

**Exposure to Stationary Noise Sources:** The Supplemental EIR concluded that development on rezoned sites could be exposed to stationary noise sources (e.g., industrial/commercial area loading noise and late or 24-hour operations noise) and that impacts would be potentially significant. To ensure impacts would be reduced to a less than significant level, the Supplemental EIR included the following mitigation measures:

**Mitigation Measure 4.J-6a:** For all of the potential sites for rezoning the City shall require site-specific acoustical assessments to determine noise exposure, impact, and mitigation regarding non-transportation sources. Noise exposure shall be mitigated to satisfy the applicable City Code criterion using appropriate housing site design.

**Mitigation Measure 4.J-6c:** For all of the potential sites for rezoning, the City shall require noise disclosures and noise complaint procedures for new residents at the project site. The requirement shall include a) a disclosure of potential noise sources in the project vicinity; b) establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints.

The Noise Assessment Study prepared for the proposed project considered the potential for exposure to stationary noise sources, including noise resulting from the project's retail component and the adjacent Pacific Gas & Electric (PG&E) substation.

The proposed commercial center's rooftop mechanical equipment and loading dock would result in stationary noise sources. The project description indicates that all rooftop mechanical equipment with motors greater than 0.25 horsepower or with fans generating an air flow greater than 1,000 cubic feet per minute would be screened. The City of Pleasanton Noise Ordinance requires that rooftop equipment be no louder than 70 dBA at a distance of 35 feet; therefore, the loudest allowable equipment noise level would be 62 dBA at the property line between the proposed commercial use and residential use (65 feet from the rooftop equipment). With the incorporation of the planned rooftop equipment screens, a 6-dBA noise reduction would be realized and therefore would result in a



noise level of 56 dBA at the property line. As such, the rooftop mechanical equipment noise levels would be within the 60 dBA limit of the City of Pleasanton Noise Ordinance standards for noise generated between 10:00 p.m. and 6:00 a.m. where commercial uses are adjacent to residential uses.

As noted in the project description, all commercial loading dock activity would take place between 6:00 a.m. and 10:00 p.m. to comply with the requirements of the City of Pleasanton Noise Ordinance. As indicated in the Noise Assessment study, truck and loading activities at the loading dock would generate an average sound level of 51 dBA  $L_{eq}$  at a distance of 35 feet from the side of the truck (i.e., the distance to the adjacent residential property line). This noise level assumes that the truck is parked with its engine off. For daytime operations, 2 hours of 51 dBA  $L_{eq}$  yields a noise exposure of 40 dBA DNL and therefore would be within the allowable Noise Ordinance limits.

The closest residence would be approximately 205 feet from the nearest PG&E substation transformer. The Noise Assessment Study determined that this closest building would experience noise of 56 dBA DNL, which would be within the 60-dBA DNL criterion of Title 24.

In conclusion, the proposed project would not introduce any new significant stationary noise source exposure impacts not previously disclosed. Impacts would continue to be less than significant with the implementation of Mitigation Measure 4.J-6c.

**Aviation Noise:** The Supplemental EIR concluded that maximum noise levels from aircraft departures to the west from Livermore Municipal Airport may exceed the applicable 50/55 dBA  $L_{max}$  criteria within habitable rooms at sites near the left-hand pattern of Runway 25L, resulting in potentially significant impacts. To ensure impacts would be reduced to a less than significant level, the Supplemental EIR included Mitigation Measure 4.J-7 for sites located in affected areas. However, the proposed project is not located near the left-hand pattern of Runway 25L and, therefore, would not be exposed to aircraft-related noise. As such, the proposed project would not introduce any new aviation noise impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe noise impacts than noise considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation as provided below.

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## **Mitigation Measures**

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The following mitigation measures appear in the Supplemental EIR, and apply to the project:

**Mitigation Measure 4.J-1:** In addition to requiring that all project developers comply with the applicable construction noise exposure criteria established within the City's Municipal Code 9.04.100, the City shall require developers on the

potential sites for rezoning to implement construction best management practices to reduce construction noise, including:

- a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.
- b. Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
- c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and federal holidays. If complaints are received regarding the Saturday construction hours, the Community Development Director may modify or revoke the Saturday construction hours. The Community Development 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 Community Development Director that the construction and construction traffic noise will not affect nearby residents.
- d. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.
- e. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

**Mitigation Measure 4.J-6c:** For all of the potential sites for rezoning, the City shall require noise disclosures and noise complaint procedures for new residents at the project site. The requirement shall include a) a disclosure of potential noise sources in the project vicinity; b) establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>13. Population and Housing</b> <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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According to the California Department of Finance, as of January 2012, the City of Pleasanton had a population of 71,269 persons, an average of 2.79 persons per household, and a total of 26,132 housing units (California Department of Finance 2012). The proposed project would result in the construction of 345 residential units and up to 38,781 square feet of retail space.

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### **Findings**

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The Supplemental EIR concluded that the rezoning of the project site for eventual residential and retail development would have a less than significant impact related to population and housing, and no mitigation was required. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Substantial Population Growth:** The Supplemental EIR concluded that development of all the sites considered for rezoning could result in substantial population growth; however, the Supplemental EIR indicated that not all of the sites considered for rezoning would actually be rezoned and, in fact, only nine of the 21 sites contemplated for rezoning under the Supplemental EIR have been rezoned. The remaining sites considered for rezoning are not expected to be rezoned since they are not needed to meet the City of Pleasanton’s Regional Housing Needs Allocation. Furthermore, the Supplemental EIR indicated that implementation of Housing Element policies would reduce any potential impacts

related to future population and housing to less than significant while still meeting Regional Housing Needs Allocation (RHNA) need, and without stressing the City's current infrastructure.

The proposed project site is one of the nine sites that have been rezoned by the City for the development of residential uses to ensure housing allocations of the RHNA are met. In the Supplemental EIR, the project site was contemplated as containing 159 to 345 residences and up to 59,000 square feet of retail space. Consistent with the Supplemental EIR, the proposed project includes 345 residences, but includes a reduced amount of retail space (38,781 square feet). At a rate of 2.79 persons per household, the proposed project would house approximately 963 people. The additional housing could result in direct population growth. Furthermore, the proposed 38,781 square feet of retail space would be expected to provide additional jobs, resulting in indirect population growth. Based upon the U.S. Energy Information Agency's metric of 945 square feet of floor space per retail/service employee, the 38,781 square feet of proposed retail space would generate approximately 41 employees. According to the California Employment Development Department, as of December 2012, the City of Pleasanton had 1,500 unemployed persons. Accordingly, it would be expected that newly created jobs could be readily filled from local workforce and the project's retail jobs would not be expected to create substantial indirect population growth. Furthermore, as a result of the reduced project size, potential population growth would be less than that assumed and analyzed in the Supplemental EIR. The project would not include the extension of road or infrastructure that could result in indirect population growth.

The proposed project would develop less than the maximum number of residential units and retail space considered in the Supplemental EIR, and would assist the City in meeting the housing allocation as determined by RHNA. Furthermore, the proposed project has been designed to be consistent with the policies included in the Housing Element. As such, impacts would continue to be less than significant and no mitigation is necessary.

**Displace Housing:** The Supplemental EIR concluded that impacts related to the displacement of existing homes, necessitating the construction of replacement housing elsewhere would be less than significant. The Supplemental EIR identified four existing homes that may be displaced as a result of rezoning; however, the project site does not contain any housing. The proposed project would result in the addition of 345 residences that would assist the City in meeting RHNA needs. As such, impacts would continue to be less than significant and no mitigation is needed.

**Displace Persons:** The Supplemental EIR indicated that development of potential sites for rezoning, such as the proposed project, would not displace residents, but would build on existing neighborhoods by utilizing infill development, would be compatible with surrounding residential development and would be consistent with land use and housing policies in the General Plan. As such, the Supplemental EIR concluded that impacts related to the displacement of substantial numbers of people would be less than significant.

The project site does not contain any existing housing. The proposed project would result in the addition of 345 residences that would assist the City in meeting RHNA needs. The proposed project would not result in the displacement of people. As such, impacts would continue to be less than significant and no mitigation is needed.

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### **Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts to population or housing than those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

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### **Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>14. Public Services</b> <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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### Environmental Setting

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Public services are provided to the project site by the Livermore-Pleasanton Fire Department (LPFD), Pleasanton Police Department, and the Pleasanton Unified School District.

The nearest fire station to the project site is located at 3560 Nevada Street, approximately 200 feet from the project site.

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### Findings

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The Supplemental EIR concluded that the rezoning of the project site for eventual residential and retail development would have less than significant impacts related to fire, police, school, parks, and other public service facilities. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Fire Protection:** The Supplemental EIR concluded that impacts to fire protection services would be less than significant because all the proposed rezoning sites, including the project site, are located within a 5-minute response radius of a fire station; and, as required by the General Plan’s Public Safety Element, Program 8.2, new development would be required to pay for related fire safety improvements.

In accordance with General Plan’s Public Safety Element, Program 8.2, the project developer is required to pay a Public Facilities Fee. Payment of this fee would effectively mitigate any increase in

demand for services. As such, the proposed project would not introduce any new impacts related to fire services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Police Protection:** The Supplemental EIR concluded that impacts to police protection would be less than significant because the General Plan Public Safety Element's Program 26.2 requires that all new development pay for police safety improvements required of that development.

In accordance with Program 26.2, the project developer would be required to pay for police safety improvements required of the proposed project, which would provide for capital facilities and equipment costs. As such, the proposed project would not introduce any new impacts related to police protection not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**School Services:** The Supplemental EIR indicated that new development on sites proposed for rezoning, such as the project site, would increase enrollment at schools, which could require additional facilities and staff. The Supplemental EIR concluded that with the payment of developer fees as collected by the Pleasanton Unified School District, impacts to schools would be less than significant.

The proposed project would result in the construction of 345 residential units that would increase enrollment at nearby schools. However, the project developer would be required to pay fees to the Pleasanton Unified School District that would cover related facility costs. As such, the proposed project would not introduce any new impacts related to school services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Park Services:** The Supplemental EIR indicated that additional population resulting from sites rezoned for residential development, including the project site, could result in impacts to park services. The Supplemental EIR concluded impacts to park services would be less than significant because the City plans to build approximately 131 acres of new community parks in Pleasanton by 2025.

The proposed project would provide onsite recreation opportunities to serve the onsite residents. Furthermore, the project would be subject to park fees that would support the City's plans to construct additional parks to serve the expected population growth of the City, including the population growth of the proposed project. As such, the proposed project would not introduce any new impacts to park services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Other Public Facility Services:** The Supplemental EIR did not specifically address public facility services other than fire, police, school, and recreation. However, the project is located in an

urbanized area currently served by a variety of public facilities; therefore, the proposed infill project would not be expected to significantly change or impact public services or require the construction of new or remodeled public service facilities. As previously noted, the proposed project would be required to pay applicable development fees related to incremental increases in demand on public services. As such, impacts would be less than significant and no mitigation is required.

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### **Conclusion**

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The proposed project would not introduce any new substantial or more severe public service impacts than those than those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is necessary.

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### **Mitigation Measures**

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None required.



Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>15. Recreation</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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There are no existing recreational or park facilities on the project site. As indicated by Figure 3-13 of the Pleasanton General Plan, a paved path is planned along the north side of Arroyo del Valle, south of the project site, and along Stanley Boulevard, north of the project site. Parks nearest to the project site include Shadow Cliffs Regional Recreation Area, BMX Park, and Tawny Park.

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### **Findings**

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The Supplemental EIR concluded that the rezoning of the project site for eventual residential and retail development would result in less than significant impacts related to the use or construction recreational facilities. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Construction or Expansion:** The Supplemental EIR indicated that that future park development has been planned for and accounted for in the General Plan and the impacts of this development have been analyzed in the General Plan EIR. Therefore, the Supplemental EIR concluded that adverse physical impacts associated with new parks and recreational facilities would be less than significant.

The proposed project would include recreational amenities, including a lap pool, spa, cabanas, a tot lot, open space areas, barbeque areas located throughout the community, an outdoor kitchen, outdoor televisions, outdoor fireplaces, fountains, a fitness center, a club room, and a community room. The environmental effects of constructing these components have been considered in this document, and the implementation of mitigation and compliance with applicable regulations as discussed throughout

would ensure that any potential impacts would be reduced to less than significant. Furthermore, increased offsite recreational facility use resulting from the proposed project has been planned for in the General Plan and analyzed by the General Plan EIR. As such, the proposed project would not introduce any new impacts related to the construction or expansion of recreational facilities not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Use of Recreational Facilities:** The Supplemental EIR indicated that rezoned sites, such as the project site, would result in additional residents and a corresponding increased demand for park and recreational facilities. However, because the City plans to build approximately 131 acres of new community parks by 2025, the City would be able to offer 5.9 acres of parkland per capita and would exceed the goal of 5 acres per capita established in the General Plan. Based on this planned expansion of park facilities, the Supplemental EIR concluded that impacts to recreational facilities associated with buildout of the rezoned sites would be less than significant.

Although the Supplemental EIR indicates that recreational impacts would be less than significant, the proposed project would provide additional onsite recreation amenities to serve the existing residents that would decrease the project's overall demand for public recreational facilities and would further reduce potential impacts related to recreational resources. The proposed project would not introduce any new impacts related to the substantial physical deterioration of a recreational facility. Impacts would continue to be less than significant and no mitigation is necessary.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe recreation impacts than those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

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## **Mitigation Measures**

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None required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>16. Transportation/Traffic</b> <i>Would the project:</i>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## Environmental Setting

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The project site is currently undeveloped, has no designated vehicular access points, and has no onsite roadways.

Local roadways that serve the project site include Bernal Avenue, Nevada Street, Utah Street, Vineyard Avenue, Stanley Boulevard, Valley Avenue, Santa Rita Road, and California Avenue. The project site is approximately 4.5 miles southeast of the East Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The Livermore Amador Valley Transit Authority (LAVTA), or Wheels, provides fixed route bus service to the City of Pleasanton. Route 10 stops along the project's Stanley

Boulevard frontage in the eastbound direction at an unimproved bus stop. In the westbound direction, Route 10 stops on Stanley Boulevard just west of California Avenue-Reflections Drive, which is about 0.5 mile from the project site. Pedestrian facilities in the immediate project site vicinity include a network of sidewalks, crosswalks, pedestrian signals, and curb ramps. The project site is bounded by a sidewalk along Stanley Boulevard. No sidewalk exists along the project's frontage on Bernal Avenue and there is no marked crosswalk connecting the northbound right-turn splitter island with the adjacent sidewalk of the Stanley Boulevard/Bernal Avenue-Valley Avenue intersection.

Class II bike lanes exist on Bernal Avenue south of Stanley Boulevard and on Stanley Boulevard west of Bernal Avenue. In addition, the Arroyo Bike Trail, an off-road, Class I multi-use path is located along eastbound Stanley Avenue east of Bernal Avenue.

## **Project Site Access, Circulation, and Transportation Improvements**

### **Access**

As indicated in the Traffic Impact Analysis (Appendix F), the project site would be accessed via four access points: one on Bernal Avenue, one on Nevada Street, and two on Stanley Boulevard. The Bernal Avenue entrance would be signalized to allow all turning movements and a protected left-hand turn phase on all approaches. The Nevada Street entrance would be unsignalized and would allow for all turning movements. The western Stanley Boulevard entrance would be unsignalized to allow for right-in, right-out, and left-in turning movements. To accommodate a left-turn pocket for the western Stanley Boulevard entrance, the Stanley Boulevard/Bernal Avenue-Valley Avenue intersection's westbound left-turn pocket lane would be reduced from 290 feet to 250 feet and a break in the center median would be created. The eastern Stanley Boulevard entrance would also be unsignalized, but it would allow only right-in and right-out turning movements.

### **Onsite Circulation**

Five primary drive aisles would provide vehicle circulation through the site, connecting the various parking areas. They are configured in a manner that allows residents to access their homes without needing to travel through the shopping center. The most direct access routes to the shopping center are via Stanley Boulevard and Bernal Avenue and, as such, would discourage shopping center users from driving through the proposed residential areas.

### **Transportation Improvements**

The City of Pleasanton has established a Traffic Impact Fee (TIF) program to fund future enhancements to the transportation network based on anticipated needs. As part of the City's program, there are plans to modify the intersection of Stanley Boulevard/Bernal Avenue-Valley Avenue to convert the westbound right-turn lane to be an uncontrolled movement. Additionally, the eastbound approach would be modified to provide a single left-turn lane, two through lanes, and a shared through and right-turn lane. These improvements were included in the Analysis of Existing plus Approved Projects and Cumulative scenarios.

Furthermore, the intersection of Bernal Avenue and Nevada Street has been identified by the City for future signalization; therefore, the intersection is assumed to be signalized under the Cumulative scenario for the purposes of this analysis.

As noted in the project description, the proposed project would include the following transportation system improvements:

- To accommodate a left-turn pocket for the western Stanley Boulevard entrance, the Stanley Boulevard/Bernal Avenue-Valley Avenue intersection's westbound left-turn pocket lane would be reduced from 290 feet to 250 feet and a break in the center median would be created.
- A traffic signal would be installed by the project at the intersection of Bernal Avenue and Utah Street. The traffic signal would have protected left-turn phasing on all approaches. On the Bernal Avenue approaches, the existing left-turn lanes in both directions would be retained. On the Utah Street and driveway approaches, the geometry would be modified to provide a single left-turn lane and a shared through and right-turn lane on each.
- Pedestrian crossing facilities would be included as part of the project's planned signalization of the Bernal Avenue/Utah Street intersection, and pedestrian crossing facilities would be included as part of the City's future planned signalization of the Bernal Avenue/Nevada Street intersection pursuant to the City's TIF program.
- All landscaping, signage and buildings would be designed in a manner that maintains adequate site lines at project driveways.
- Clear sight lines would be maintained between the project's driveway on Nevada Street and the adjacent driveway for the Congregation Beth Emek Synagogue.
- A 75-foot-long, right-turn deceleration taper would be installed at each of the project's driveways on Stanley Boulevard.
- Signs would be posted to indicate restricted residential parking areas.
- If the alternative with the drive-through lane is developed, signs would be installed in the parking lot to direct drivers along the recommended access path.

### **Study Area and Analysis Scenarios**

Whitlock and Weinberger Transportation Inc. prepared a Traffic Impact Analysis (Appendix F) for the proposed project dated June 4, 2013. The study area consists of the following six intersections as well as a project driveway:

- 1) Valley Avenue/Santa Rita Road
- 2) Stanley Boulevard/California Avenue-Reflections Drive

- 3) Stanley Boulevard/Bernal Avenue-Valley Avenue
- 4) Bernal Avenue/Utah Street (will be signalized as a result of the project)
- 5) Bernal Avenue/Nevada Street
- 6) Bernal Avenue/Vineyard Avenue
- 7) Stanley Boulevard/Proposed left-turn into site

Operating conditions during the AM and PM peak periods were evaluated to capture the highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The morning peak hour occurs between 7:00 a.m. and 9:00 a.m. and reflects conditions during the home to work or school commute, while the PM peak hour occurs between 4:00 p.m. and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

The operations of the study intersections were evaluated for the following scenarios:

- **Existing conditions:** traffic volume data were obtained directly from the model City of Pleasanton's traffic model for the existing conditions without project scenario.
- **Existing plus Project conditions:** project traffic volumes were added to the existing conditions traffic volumes to represent existing plus project conditions.
- **Existing plus Approved Projects conditions:** short-term future traffic volume data provided in the traffic model includes traffic that would be generated by the proposed project. Therefore, the project's traffic volumes were subtracted out from the traffic model volumes.
- **Existing plus Approved Projects plus Project conditions:** short-term future traffic volume data provided in the traffic model already includes traffic that would be generated by the proposed project, so no adjustments were made to the data provided.
- **Cumulative conditions:** to develop the Cumulative without project scenario, the project's traffic volumes were subtracted out from those presented in the traffic model.
- **Cumulative plus Project conditions:** the future traffic volumes were applied directly from the City's traffic model.

The anticipated trip generation for the proposed project (based on the larger 38,781-square-foot Alternative 1) was estimated using standards rates for Apartment (Land Use 220) and Shopping Center (Land Use 820) published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 9th Edition, 2012. In addition, internal capture trips and pass-by trips were accounted for in determining the proposed project's trip generation. As shown in Table 15, the project is expected to generate 3,819 daily vehicle trips, with 191 trips occurring during the AM peak hour and 285 trips occurring during the PM peak hour. This analysis is under the assumption that a drive-through lane would not be present in the shopping center. Although not applied to the analysis,

trip generation estimates were developed for the smaller 35,169-square-foot retail site plan that would include a drive-through lane in the shopping center. It was estimated that an average of 3,487 net new daily trips would be generated, of which 189 would occur during the AM peak hour and 275 would occur during the PM peak hour. Overall, the smaller square footage would generate slightly fewer trips than the alternative without the drive-through lane. Therefore, to ensure a conservative analysis, the larger retail alternative (without the drive-through lane) was analyzed.

**Table 15: Project Trip Generation Estimates**

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Apartment	345 du	6.42	2,214	0.50	173	35	138	0.60	207	135	72
Shopping Center	38,781 ksf	94.61	3,669	1.12	44	27	17	8.19	318	152	166
Shopping Center Internal Capture	—	-15%	-664	-15%	-13	-8	-5	-15%	-62	-41	-21
Shopping Center Pass by	—	-35%	-1,400	-25.5%	-13	-8	-5	-51%	-178	-85	-93
Total	—	—	3,819	—	191	46	145	—	285	161	124

Note:  
 du = dwelling unit; ksf = 1,000 square feet  
 Pass-by deductions were applied to the shopping center component only, after internal capture deductions were applied.  
 Rates based on ITE Trip Generation, 9th Edition, 2012.  
 Source: Whitlock & Weinberger Transportation, Inc. 2013.

**Findings**

The Supplemental EIR concluded that development facilitated by the General Plan Amendment and rezoning would have less than significant impacts to the levels of service at local intersections under existing plus project conditions. The Supplemental EIR also concluded that less than significant impacts would result related to traffic safety hazards, emergency vehicle access, temporary construction traffic, and consistency with adopted policies, plans, or programs supporting alternative transportation. The Supplemental EIR concluded that no impact would result related to air traffic.

The Supplemental EIR concluded that impacts to the regional roadway network under cumulative plus project conditions would be significant and unavoidable. As discussed below, the proposed project would not result in any new impacts and would not exceed the level of impacts previously identified, due to specific project components, physical attributes of the project site, or new information.

**Consistency with Applicable Transportation Plans and Policies Establishing Effectiveness:** The Supplemental EIR concluded that development facilitated by the rezoning of sites for residential development would be consistent with applicable transportation policies establishing effectiveness.

As discussed below under the following Level of Service standards discussion, upon payment of fair-share fees consistent with General Plan Circulation Element Program 1.1, the proposed project would not cause any study intersections to operate below an acceptable level of service (LOS). Furthermore, because the proposed project is consistent with the Housing Element of the General Plan, it is also consistent with other applicable transportation related policies of the General Plan. As such, the proposed project would not introduce any new impacts not previously disclosed. Impacts would be less than significant and no mitigation is necessary.

## **Level of Service Standards**

### ***Intersection Operations***

The Supplemental EIR concluded that development facilitated by rezonings would result in less than significant impacts to levels of service at the local study intersections under existing plus project conditions because all of the study intersections would continue to operate at LOS D or better during both peak periods evaluated. Note that the Supplemental EIR assumed that the project site would be built out to include 159 to 345 residences and up to 59,000 square feet of retail space. Consistent with the Supplemental EIR, the proposed project includes 345 residential units, but has reduced the retail space to 38,781 square feet; therefore, the Supplemental EIR analyzed a higher level of traffic increase at the project site.

As indicated in the Traffic Impact Analysis and as shown in here in Table 16, all of the study intersections would operate at acceptable levels of service during existing plus project, existing plus approved projects plus project, and cumulative plus project conditions with the implementation improvements outlined in the City's Traffic Impact Fee and Nexus Report (May 2010). The conclusions under each analysis scenario are summarized below.

Under existing conditions, all study intersections operate acceptably at LOS D or better except for the unsignalized intersection of Bernal Avenue/Utah Street, which currently operates at LOS F during the PM peak hour; however, this does not represent unacceptable operations because the City's thresholds only apply to signalized intersections.

Under the Existing plus Project conditions, and with the proposed signalization of Bernal Avenue/Utah Street (as included in the proposed project), all study intersections are expected to operate acceptably at LOS D or better. To coincide with the signalization of Bernal Avenue/Utah Street, it was assumed that the traffic signal timing at Stanley Boulevard/Bernal Avenue-Valley Avenue would be adjusted to coordinate with the newly signalized Bernal Avenue/Utah Street, which would result in less average delay for motorists at the intersection. Furthermore, it was noted that the side street approaches to Bernal Avenue/Nevada Street would operate at LOS E and F during the PM peak period; however, since the intersection would operate at LOS B overall, the intersection is considered to operate acceptably. Delay projected for drivers exiting the site is well within the limits of what would typically be considered tolerable.



Under the existing plus approved projects plus project conditions and with the proposed signalization of Bernal Avenue/Utah Street, the study intersections are expected to operate acceptably,. However, once the planned TIF improvements are implemented at that intersection, it is expected to operate acceptably at LOS D or better. The proposed driveway on Stanley Boulevard is expected to experience delays averaging less than 10 seconds, well within the range that would be considered acceptable for drivers entering an arterial from a driveway. Therefore, these side-street approaches and driveways do not need to meet the LOS D or better standard, according to the General Plan (although they have still been analyzed here from a traffic circulation standpoint). As such, impacts to LOS at these approaches would not be considered significant.

Under cumulative plus project conditions, and with the planned TIF improvements, all of the study intersections are expected to operate acceptably, and delays for drivers exiting the site to Stanley Boulevard would remain well within tolerable limits for this type of movement.

The Supplemental EIR concluded that development facilitated on the potential sites for rezoning, such as the proposed project, would result in significant unavoidable impacts to the regional roadway network under both Year 2015 and Year 2025 scenarios to the Sunol Boulevard (First Street) roadway segment between Vineyard Avenue and Stanley Boulevard and the Hopyard Road roadway segment (Year 2025 only) between Owns Drive and I-580. Development would worsen preexisting LOS F conditions and would increase the volume to capacity ratio by more than 0.03. As indicated in the Supplemental EIR, widening of these roadways is not feasible or desirable because of the surrounding built environment, and improvements to nearby parallel corridors to create more attractive alternative routes and additional capacity is preferred. As such, the Supplemental EIR included Mitigation Measure 4.N-7 as follows:

**Mitigation Measure 4.N-7:** The City shall require developers on the potential sites for rezoning to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional traffic impact fees to help fund future improvements to local and regional roadways.

The proposed project would be required to pay any applicable fair-share funds as required by Mitigation Measure 4.N-7 and, as previously, mentioned, consistent with General Plan Transportation Element Program 1.1.

In summary, the proposed project would not introduce any new impacts related to LOS not previously disclosed. Impacts would continue to be less than significant with the implementation of Mitigation Measure 4.N-7.

Table 16: Peak-Hour Intersection Levels of Service

Intersection	Control	Peak Hour	Existing		Existing plus Project		Existing plus Approved Projects		Existing plus Approved Projects plus Project		Cumulative		Cumulative plus Project	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
			Valley Avenue/ Santa Rita Avenue	Signalized	AM PM	34.2 43.1	C D	34.7 46.2	C D	36.4 41.5	D D	37.1 43.6	D D	40.6 39.9
Stanley Boulevard/ California Avenue- Reflections	Signalized	AM PM	15.8 8.9	B A	12.2 8.9	B A	12.4 11.7	B B	12.3 11.7	B B	20.8 23.3	C C	20.5 23.6	C C
Stanley Boulevard/ Bernal Avenue-Valley Avenue	Signalized	AM PM	52.2 47.4	D D	41.2 40.8	D D	<b>59.8</b> 33.4	<b>E</b> C	<b>61.7</b> 35.4	<b>E</b> D	49.6 38.6	D D	53.6 40.3	D D
<i>With planned improvements</i>	Signalized	N/A	N/A	N/A	N/A	N/A	49.5 31.0	D C	52.5 30.2	D C	39.6 31.0	D C	47.2 32.3	D C
Bernal Avenue/ Utah Street	Stop controlled	AM PM	0.7 <b>75.7</b>	A <b>F</b>	14.4 31.0	B D	1.4 **	A <b>F</b>	15.8 41.1	B D	4.8 **	A <b>F</b>	24.0 42.5	C D
<i>Eastbound Utah Street</i>	Signalized	AM PM	13.7 **	B <b>F</b>	<b>Signalized with project</b>		18.7 **	C <b>F</b>	<b>Signalized with project</b>		61.1 **	<b>F</b> <b>F</b>	<b>Signalized with project</b>	
Bernal Avenue/ Nevada Street	Stop controlled	AM PM	1.9 2.1	A A	2.9 4.1	A B	1.8 1.6	A A	2.8 2.9	A B	4.2 3.9	A A	4.5 4.4	A A
<i>Eastbound Bernal Avenue</i>	Stop controlled	AM PM	24.0 33.3	C D	31.7 40.5	D E	26.4 24.0	D C	34.1 29.2	E D	N/A	N/A	N/A	N/A
<i>Westbound Bernal Avenue</i>	Stop controlled	AM PM	0.1 0.4	A A	33.5 54.5	D F	0.0 23.8	A C	39.0 36.5	E E	N/A	N/A	N/A	N/A
Bernal Avenue/ Vineyard Avenue	Signalized	AM PM	15.8 11.5	B B	15.8 11.6	B B	18.6 11.3	B B	18.6 11.4	B B	24.8 12.3	C B	24.9 12.5	C B
Stanley Boulevard/ Project Driveway	Stop controlled	AM PM	<b>Project driveway</b>											

Table 16 (cont.): Peak-Hour Intersection Levels of Service

Intersection	Control	Peak Hour	Existing		Existing plus Project		Existing plus Approved Projects		Existing plus Approved Projects plus Project		Cumulative		Cumulative plus Project	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Northbound Project Driveway	Stop controlled	AM	N/A	N/A	9.4	N/A	N/A	N/A	9.9	N/A	Project driveway	8.8	N/A	
		PM			10.1	N/A			9.9	N/A		10.1	N/A	

Notes:  
 Delay is measured in average seconds per vehicle  
 LOS= Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in italics  
 \*\* = delay greater than 120 seconds  
**Bold text** = deficient operation  
 Shaded text: Conditions with TIF planned improvements  
 Source: Whitlock and Weinberger Transportation, Inc. 2013

**Air Traffic Patterns:** As discussed in Section 8, Hazards and Hazardous Materials, of this document, the Supplemental EIR concluded that a conflict between the Livermore Municipal Airport Land Use Compatibility Plan (ALUCP) and potential rezoning sites for housing development was not anticipated. However, at the time the Supplemental EIR was written, the ALUCP was being revised; therefore, the Supplemental EIR indicated that, without specific project site details and a newly adopted ALUCP, additional analysis regarding residential development consistency with the Livermore Municipal Airport would be speculative. As such, the Supplemental EIR included Mitigation Measure 4.G-5 requiring compliance with the ALUCP and verification of compliance with the FAA Part 77 air space.

Since the completion of the Supplemental EIR, a revised ALUCP for the Livermore Municipal Airport has been completed. The project site is located approximately 2.5 miles southwest of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or Federal Aviation Regulation (FAR) Part 77 height restriction space as indicated by the ALUCP. Therefore, verification of compliance with FAR Part 77 as required by Mitigation Measure HAZ 4.G-5 in the Supplemental EIR is not necessary and no impacts to air traffic patterns would occur. As such, the proposed project would not introduce any new impacts related to air traffic patterns not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Roadway Hazards:** The Supplemental EIR concluded that impacts related to roadway hazards and traffic safety would be less than significant because each individual residential development would be required to adhere to design standards and traffic safety protocols outlined in the City's General Plan, Caltrans's Highway Design Manual, the California Manual of Uniform Traffic Control Devices, and the City Standard Specifications and Details.

### ***Queuing***

As a part of the Traffic Impact Analysis, a queuing analysis was performed at the study intersection of Stanley Boulevard/Bernal Avenue-Valley Avenue as well as the project driveway along Stanley Boulevard to determine if there would be adequate left-turn lane storage at these locations with the addition of project-generated traffic. The queuing analysis was performed assuming that the planned improvements to Stanley Boulevard/Bernal Avenue-Valley Avenue would be in place. As part of the proposed project, the westbound left-turn lanes at Stanley Boulevard/Bernal Avenue-Valley Avenue would be modified to allow for installation of the left-turn lane at the project driveway (reducing storage length from the existing 290 feet to approximately 250 feet).

As indicated in the Traffic Impact Analysis (Appendix F), the project does not change the length of left-turn queues on the eastbound and southbound approaches to Stanley Boulevard/Bernal Avenue-Valley Avenue that exceed storage length during the AM peak hour under short-term conditions, indicating no impact. Under Cumulative Conditions, the queue on the westbound approach is

expected to exceed available storage to a greater degree without the project than with it, even with the reduced storage length proposed to accommodate the left-turn pocket to the site.

Should the site plan with the drive-through be implemented on the project site, the drive-through lane would include storage space for approximately two to three vehicles. If a longer queue forms, it would partially block the main drive-aisle. To assist drivers, it is recommended that signs be installed in the parking lot directing users to preferred drive-through access.

### **Site Access**

The Traffic Impact Analysis determined that access would be provided via four driveways: one on Bernal Avenue, one on Nevada Street, and two on Stanley Boulevard. The proposed project would signalize Bernal Avenue with a full access driveway and protected left-turn phasing on all approaches. As a result, both inbound and outbound traffic would be allowed to make right turns and left turns. The proposed signalization would reduce the westbound left-turn pocket storage length at Stanley Boulevard/Bernal Avenue-Valley Avenue from 290 feet to 250 feet in order to install a left-turn pocket for the project's western access point on Stanley Boulevard. It was determined that there is adequate street width on the eastbound Utah Street approach for this configuration; however, some on-street parking adjacent to the intersection may need to be restricted to allow for this modification. The Nevada Street access would remain stop-controlled on the Nevada Street approaches; however, it is assumed that by the cumulative horizon year the intersection would be signalized. A limited access driveway that allows inbound left-turn movements and prohibits outbound left-turn movements would be constructed on Stanley Boulevard approximately 360 feet east of Bernal Avenue-Valley Avenue. Both inbound and outbound right-turn movements would be allowed. Additionally, a limited access driveway would be constructed on the eastern edge of the project site that would allow only inbound and outbound right-turn movements. Since left-turn movements would be prohibited, installation of this driveway would not require any modifications to the existing center median.

### **Site Distance**

At unsignalized intersections and driveways, a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad or on the driveway and the driver of an approaching vehicle. For the posted 45-mile-per-hour speed limit, the recommended stopping sight distance is 360 feet, or approximately the distance to the intersection of Stanley Boulevard/Bernal Avenue-Valley Avenue to the west. The proposed unsignalized driveways and landscaping on Stanley Boulevard would be designed in a manner that would allow clear view of the adjacent intersection of Stanley Boulevard/Bernal Avenue-Valley Avenue. Since outbound left-turns would not be permitted at this driveway, it is not necessary to maintain clear sight lines to the east.

Additionally, the Traffic Impact Analysis suggested that the proposed unsignalized driveway on Nevada Street be designed in a manner that would provide clear sight lines be maintained to the intersection of Bernal Avenue/Nevada Street. As Nevada Street has no posted speed limit, the 300

feet to the Bernal Avenue/Nevada Street intersection would be adequate stopping sight distance. Furthermore, a clear view of the adjacent driveway for the Congregation Beth Emek Synagogue would be maintained.

### ***Collision History***

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in its Statewide Integrated Traffic Records System (SWITRS) reports. The Traffic Impact Report determined that all study intersections experienced a calculated collision rate lower than the statewide average rate for similar facilities. Collision rate calculations are provided in the Traffic Impact Analysis (Appendix F).

In summary, the proposed project would not introduce any new impacts related to roadway hazards not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Emergency Access:** The Supplemental EIR concluded that impacts related to emergency access would be less than significant because development facilitated by the proposed Housing Element, such as the proposed project, would not significantly alter or modify the circulation system in the Planning Area and therefore would not adversely affect travel times of emergency vehicles. Further, compliance the City's Fire Code and Subdivision regulations would ensure adequate onsite emergency vehicle access. The proposed project's roadways and circulation infrastructure have been designed in accordance with the applicable regulations and would not be expected to result in any roadway hazards or traffic safety issues. Emergency access to the project site would be provided via four newly created driveways, which will consist of two on Stanley Boulevard, one on Nevada Street, and one on Bernal Avenue. It is expected that Nevada Street would be able to adequately serve both a project driveway and the adjacent Congregation Beth Emek Synagogue driveway.

Based on the level of access to the site, and the extent of the internal roadway system, the project is not expected to result in inadequate emergency access. The project's plans are subject to review by the City and the Fire Department as part of the standard building permit process to ensure consistency with the City's Fire Code to allow apparatus access and maneuverability. As such, the proposed project would not introduce any new impacts related to roadway hazards not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Alternative Transportation:** The Supplemental EIR concluded that residential development resulting from rezoned sites would not eliminate or modify existing or planned pedestrian or bicycle facilities, and transit ridership generated would be accommodated by existing services that have available capacity to accommodate future demand. Further, future residential development would be required to adhere to General Plan policies regarding alternative transportation. As such, the

Supplemental EIR concluded that impacts to alternative transportation including policies in support of alternative transportation would be less than significant.

**Pedestrians:** In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the project site; however, currently, there is no sidewalk on the east side of Bernal Avenue along the project site. Marked crosswalks and pedestrian signal phasing are provided at all signalized intersections. (The intersection of Stanley, Bernal, and Valley Avenues include crosswalks at two of the four areas of the intersection: from east-west across the southern portion of Bernal Avenue and from north-south across the western portion of Stanley Boulevard.) The proposed project would include a sidewalk on the east side of Bernal Avenue, connecting to the surrounding network of sidewalks. As such, continuous sidewalks would be provided to nearby recreational facilities including Tawny Park, the Arroyo Bike Trail, and the City's BMX park. In addition to driveways, pedestrian entrances are also planned along Bernal Avenue and Stanley Boulevard. Currently, marked crosswalks are not provided across Bernal Avenue at either Utah Street or Nevada Street. Crosswalks would be demarcated when these two intersections are signalized. Combined, these facilities are expected to provide adequate pedestrian connectivity with the surrounding pedestrian network.

**Bicycle facilities:** Class II bike lanes exist on Bernal Avenue south of Stanley Boulevard and on Stanley Boulevard west of Bernal Avenue. In addition, the Arroyo Bike Trail, an off-road, Class I multi-use path is located along eastbound Stanley Avenue east of Bernal Avenue. As indicated in the Traffic Impact Analysis, these facilities would provide adequate bicycle facilities for the proposed project.

**Transit:** LAVTA, or Wheels, provides fixed route bus service to the City of Pleasanton. Route 10 stops along the project's Stanley Boulevard frontage in the eastbound direction at an unimproved bus stop. In the westbound direction, Route 10 stops on Stanley Boulevard just west of California Avenue-Reflections Drive, which is approximately 0.5 miles from the project site. Another westbound bus stop is proposed, approximately 400 feet from the intersection of Stanley, Bernal, and Valley Avenues.

The Traffic Impact Analysis indicated that existing transit routes are adequate to accommodate any project-generated transit trips. The proposed project would include installation of a bus shelter at the existing bus stop on Stanley Boulevard. New bus stops would be added at the project site's Bernal Avenue frontage and approximately 400-feet west of the intersection of Bernal Avenue, Valley Avenue, and Stanley Boulevard for westbound travel. Existing and proposed stops located along the project's frontage are within acceptable walking distance of the site.

In summary, as indicated in the Supplemental EIR, sufficient alternative transportation capacity and infrastructure exists to accommodate future demand. The project does not conflict with any adopted

policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. As such, the proposed project would not introduce any new impacts related to alternative transportation not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe transportation/traffic impacts than those than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation proposed in the Supplemental EIR, as cited below.

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## **Mitigation Measures**

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The following mitigation measure appears in the Supplemental EIR, and applies to the project:

**Mitigation Measure 4.N-7:** The City shall require developers on the potential sites for rezoning to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional traffic impact fees to help fund future improvements to local and regional roadways.



<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>17. Utilities and Service Systems</b> <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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Utilities and services including water, sewer, stormwater, and solid waste collection would be provided to the project site by the City of Pleasanton. Water, sewer, and stormwater facilities are located within the Stanley Boulevard and Bernal Avenue right-of-ways.

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### **Findings**

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The Supplemental EIR concluded that the rezoning of the project site for eventual residential and retail development would require mitigation to reduce impacts related to water supply, but that impacts to wastewater treatment, stormwater, landfills, and solid waste regulations would be less than significant. As discussed below, the proposed project would not result in any new substantial impacts

and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Wastewater Treatment Requirements of the RWQCB:** The Supplemental EIR indicated that the rezonings would result in a less than significant impact regarding wastewater treatment requirements of the RWQCB.

The proposed project would be served by the City of Pleasanton's sewer collection services, which directs wastewater to the Dublin-San Ramon Services District's Regional Wastewater Treatment Facility. The Treatment Facility treats and disposes of wastewater in accordance with applicable requirements of the RWQCB. As noted in the Supplemental EIR, the treatment facility has adequate capacity to serve the buildout demand associated with the rezonings. As such, impacts related to the exceedance of wastewater treatment requirements would be less than significant and no mitigation is necessary.

**Construction or Expansion of Water or Wastewater Treatment Facilities:** The Supplemental EIR indicated that development on rezoned sites would increase demand for water. The Supplemental EIR concluded that because the City of Pleasanton has planned for such residential growth by supporting Zone 7's capital improvement projects, impacts related to the construction or expansion of water treatment facilities would be less than significant. The Supplemental EIR also concluded that because sufficient wastewater treatment capacity is available now and in the future at the Dublin-San Ramon Services District Regional Wastewater Treatment Facility, impacts related to the construction or expansion of wastewater treatment facilities would be less than significant.

The proposed project would include the construction of 345 apartment units, all of which were considered as part of the demand generated by the rezonings contemplated in the Supplemental EIR. As such, the proposed project would not result in impacts related to the construction or expansion of water or wastewater treatment facilities not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Stormwater Drainage Facilities:** The Supplemental EIR discussed stormwater drainage in Section 4.H, Hydrology and Water Quality. As indicated therein, development on rezoned sites would be required to implement C.3 provisions of the ACCWP NPDES Permit requiring that there be no net increase in stormwater rates and runoff after project construction through preparation of a hydromodification and stormwater management plan. The City and/or the RWQCB would ensure compliance with the NPDES Permit through review and approval of applicable permits and grading and drainage plans. As such, the Supplemental EIR concluded that impacts related to stormwater drainage facilities would be less than significant.

The project includes bioretention treatment areas located throughout the residential and retail portions of the project. These areas would slow stormwater runoff rates to ensure no net increase in offsite stormwater flow in accordance with C.3 guidelines. As such, the proposed project would not require or result in the construction of new offsite water or wastewater treatment facilities or expansion of existing facilities. Impacts would continue to be less than significant and no mitigation is necessary.

**Water Supply:** The Supplemental EIR indicated that new development as facilitated on the potential sites for rezoning would increase demand for water and could require new water supply sources. However, because the City has already planned for this growth by supporting Zone 7's capital improvement projects to secure more water, and the residential development contemplated in the Supplemental EIR would not exceed Zone 7's allocated of contractual water supply, sufficient water supply exists and impacts would be less than significant. To further ensure supply is adequate, the City's 2011 Water Supply Assessment (WSA) includes a condition of approval for residential development on the potential sites for rezoning, including the project site. The WSA's condition of approval was included in the Supplemental EIR as Mitigation Measure 4.L-2 as follows:

**Mitigation Measure 4.L-2:** Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand. This approval does not guarantee the availability of sufficient water capacity to serve the project.

With the implementation of Mitigation Measure 4.L-2 and applicable water conserving programs included in the General Plan's Water Element, the Supplemental EIR concluded that impacts on water supply would be less than significant.

**Landfill Capacity:** The Supplemental EIR indicated that development on rezoned sites would contribute to an increase in solid waste generation within the City of Pleasanton. The Supplemental EIR concluded that because waste would be diverted from landfills pursuant to AB 939, sufficient space remains at the Vasco Landfill for waste that cannot be diverted, and residential projects are required to implement a Waste Diversion Plan consistent with General Plan Program 26.18, impacts related to landfill capacity would be less than significant.

The proposed project's 345 residential units would be expected to produce solid waste to be disposed of at the Vasco Road Landfill via the Pleasanton Garbage Service. The project would implement a Waste Diversion Plan consistent with General Plan Program 26.18, which would include onsite disposal, composting and recycling facilities, as well as construction debris and disposal recycling.

This plan will be reviewed and approved by the City as part of the land entitlement process. As such, the proposed project would not introduce any new impacts related to landfill capacity not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Solid Waste Regulations:** The Supplemental EIR concluded that impacts related to solid waste regulations would be less than significant because of the City's compliance with AB 939 and the General Plan's Program 26.18 requiring Waste Diversion Plans to be implemented by residential development.

As indicated, the project would implement a Waste Diversion Plan consistent with General Plan Program 26.18, which would include onsite disposal, composting and recycling facilities, as well as construction debris and disposal recycling. This plan will be reviewed and approved by the City as part of the land entitlement process. As such, the proposed project would not introduce any new solid waste regulation impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts to utility and service systems than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation proposed in the Supplemental EIR, as cited below.

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## **Mitigation Measures**

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The following mitigation measure appears in the Supplemental EIR, and applies to the project:

**Mitigation Measure 4.L-2:** Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand. This approval does not guarantee the availability of sufficient water capacity to serve the project.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>18. Mandatory Findings of Significance</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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### **Environmental Setting**

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The project site is located in an urban area surrounded by commercial and residential development. The project proposes the construction of 345 residential units with associated amenities and up to 38,781 square feet of retail space with associated surface parking.

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### **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential development would require mitigation associated with adverse effects on human beings that would be reduced to less than significant with the implementation of mitigation. The Supplemental EIR also concluded that cumulatively considerable and unavoidable impacts would result related to regional transportation and historic resources. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property, or new information or changed circumstances that would result in any new significant impact or increase the severity of any previously identified impact.

**Impacts to the Environment, Animals, Plants, or Historic/Prehistoric Resources:** The Supplemental EIR concluded that the project would result in less than significant impacts regarding the potential to significantly degrade the quality of the environment, including effects on animals or plants, or eliminate historic or prehistoric resources.

As discussed in the preceding sections, mitigation from the Supplemental EIR is required to reduce the proposed project's impacts to a less than significant level. With the implementation of mitigation measures from the Supplemental EIR, the proposed project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric resources.

**Cumulatively Considerable Impacts:** The Supplemental EIR concluded that implementation of the proposed project in combination with potential development in the surrounding areas would result in significant and unavoidable impacts under cumulative conditions related to transportation. As indicated in the Supplemental EIR, transportation impacts are considered significant and unavoidable on regional roadways under the buildout of the General Plan. The proposed project's generation of traffic on regional roadways was considered as part of the Buildout Scenario in the Supplemental EIR, and was therefore identified as a contributor to this significant and unavoidable cumulative impact. The project as currently proposed is consistent with the level of impact already identified, and would not result in a greater effect that has already been disclosed and evaluated as part of the Supplemental EIR.

**Adverse Effects on Human Beings:** The Supplemental EIR concluded that the project would have less than significant impacts related to direct or indirect adverse effects on human beings, after the implementation of mitigation.

The proposed project would result in similar impacts that may affect human beings, including air quality emissions and noise. Implementation of mitigation measures included in the Supplemental EIR as included herein would ensure impacts to human beings remain less than significant.

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## **Conclusion**

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The proposed project would not introduce any new substantial or more severe impacts than those considered in the Supplemental EIR. Implementation of the applicable mitigation measures contained in the Supplemental EIR as outlined herein and in the conditions of approval as defined by the City, as well as consistency with applicable General Plan policies, and project plans, would ensure that impacts related to mandatory findings of significance would be less than significant with the exception of cumulatively considerable impacts related to regional transportation impacts.

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## **Mitigation Measures**

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Refer to mitigation measures throughout this document.



### **SECTION 3: REFERENCES**

- Bay Area Air Quality Management District (BAAQMD). 1999. California Environmental Quality Act Air Quality Guidelines.
- Bay Area Air Quality Management District (BAAQMD). 2011. California Environmental Quality Act Air Quality Guidelines. Updated May.
- Bay Area Air Quality Management District. 2011. California Environmental Quality Act Air Quality Guidelines. Updated May.
- Bay Area Air Quality Management District. 2012. California Environmental Quality Act Air Quality Guidelines. Updated May.
- Busch, Ken. undated. Draft: Vintage (formerly Auf De Maur) Sustainability Mixed Use Village Project Description.
- California Department of Conservation, Division of Mines and Geology. 1987. Special Report 146. Mineral Lad Classifications: Aggregate Materials in the San Francisco-Monterey Bay Area.
- California Department of Finance. 2012. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark. May.
- Caltrans. 2004. Transportation- and Construction-Induced Vibration Guidance Manual.
- City of Pleasanton. 2012. Planning Commission Work Session PUD-87. December 12.
- City of Pleasanton. 2009 as amended February 13, 2012 and June 5, 2012. Pleasanton General Plan 2005-2025. July 21.
- City of Pleasanton. 2011. Draft Supplemental Environmental Impact Report for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings. September.
- City of Pleasanton. 2012 Planning Commission Work Session. December 12.
- City of Pleasanton. 2012. Final Supplemental Environmental Impact Report for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings. January.
- City of Pleasanton. 2012. Housing Element Background. February.
- E & S Ring Management. 2013. Sustainable Mixed-Use Village Housing Element, Auf de Maur/Rickenbach Site 8 Stanley Blvd. and Bernal Ave Site Plans. February 21.
- ENGE0 2010b. Phase II Environmental Site Assessment, Remillard Station, Pleasanton California. May 25.
- ENGE0. 2010a. Phase I Environmental Site Assessment. Remillard Station, Pleasanton, California. May 25.



**References**

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Federal Emergency Management Agency. Flood Insurance Rate Map 06001C0336G.

NETR Online. 2013. Historical Aerials. Website: <http://www.historicaerials.com/>. Accessed May 6.

Terrasearch. 2002. Environmental Site Assessment, Proposed Development 18.13-acre parcel APN 946-4542-442, 2500 Stanley Boulevard, Pleasanton CA Project No. 9620.E. September 19.

**SECTION 4: LIST OF PREPARERS**

Michael Brandman Associates - Environmental Consultant  
2633 Camino Ramon, Suite 460  
San Ramon, CA 94583  
Phone: 925.830.2733

Project Director .....	Mary Bean
Project Manager .....	Janna Waligorski
Air Quality Analyst .....	Chryss Meier
Senior Noise Analyst.....	Katie Wilson
Cultural Resource Specialist.....	Ken Lord
Biologist .....	Angela McIntire
Editor .....	Ed Livingston
GIS/Graphics .....	Ian McIntire
Word Processing.....	Ed Livingston
Reprographics.....	José Morelos
Reprographics.....	Octavio Perez



## EXHIBIT F

### ORDINANCE NO. 2032

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF THE AUF DER MAUR/RICKENBACH PROPERTY (3150 BERNAL AVENUE), AS FILED UNDER CASE P11-0917**

**WHEREAS**, the City of Pleasanton has initiated the rezoning of the Auf der Maur/ Rickenbach property (Site 8) located at 3150 Bernal Avenue (APN 946-4542-045-03) from the Planned Unit Development - Commercial (PUD-C) District to the Planned Unit Development – High Density Residential and Commercial (PUD-HDR and C) Districts; and

**WHEREAS**, a Supplemental Environmental Impact Report was prepared for this project, and a resolution certifying the Environmental Impact Report as complete and adequate in compliance with the California Environmental Quality Act was adopted on January 4, 2012; and

**WHEREAS**, at its meeting of January 4, 2012, the City Council received the Planning Commission's positive recommendation for approval of the rezoning of the Auf der Maur/Rickenbach property; and

**WHEREAS**, a duly noticed public hearing was held on January 4, 2012; and

**WHEREAS**, after consideration of the staff report, the materials presented, and comment at the public hearing, the City Council determined that the proposed rezoning of the Auf der Maur/Rickenbach property is appropriate; and

**WHEREAS**, the rezoning of the Auf der Maur/ Rickenbach property is consistent with the General Plan, adopted on July 21, 2009, as amended on January 4, 2012.

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

**Section 1.** The City Council finds that the rezoning of the Auf der Maur/ Rickenbach property is consistent with the General Plan, adopted on July 21, 2009, as amended on January 4, 2012.

**Section 2.** The rezoning of the Auf der Maur/Rickenbach property (Site 8) located at 3150 Bernal Avenue (APN 946-4542-045-03) from the Planned Unit Development - Commercial (PUD-C) District to the Planned Unit Development – High Density Residential and Commercial (PUD-HDR and C) Districts, is hereby approved.

**Section 3.** The portion of the site designated PUD-HDR shall be developed as multifamily residential with a minimum density of 30 units per acre.

**Section 4.** Uses allowed and development standards applicable to the portion of the site designated PUD-C are those of the C-N (Neighborhood Commercial) district.

**Section 5.** Except as otherwise specified herein, all existing conditions and requirements of Ordinance 1010 shall remain in full force and effect.

**Section 6.** The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 484, attached hereto as Exhibit A, dated January 4, 2012, and incorporated herein by this reference.

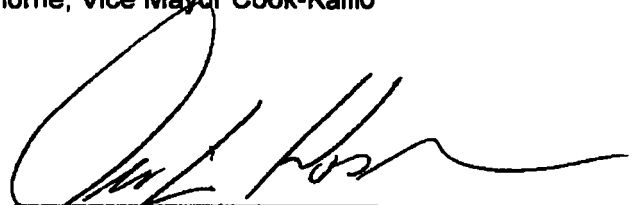
**Section 7.** The full text of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation within the City of Pleasanton.

**Section 8.** This ordinance shall be effective thirty (30) days after its passage and adoption.

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman  
Noes: None  
Absent: None  
Abstain: None


And adopted at a regular meeting of the City Council of the City of Pleasanton on January 10, 2012 by the following vote:

Ayes: Councilmembers McGovern, Sullivan, Thorne, Vice Mayor Cook-Kallio  
Noes: None  
Absent: Mayor Hosterman  
Abstain: None



Jennifer Hosterman, Mayor

ATTEST:

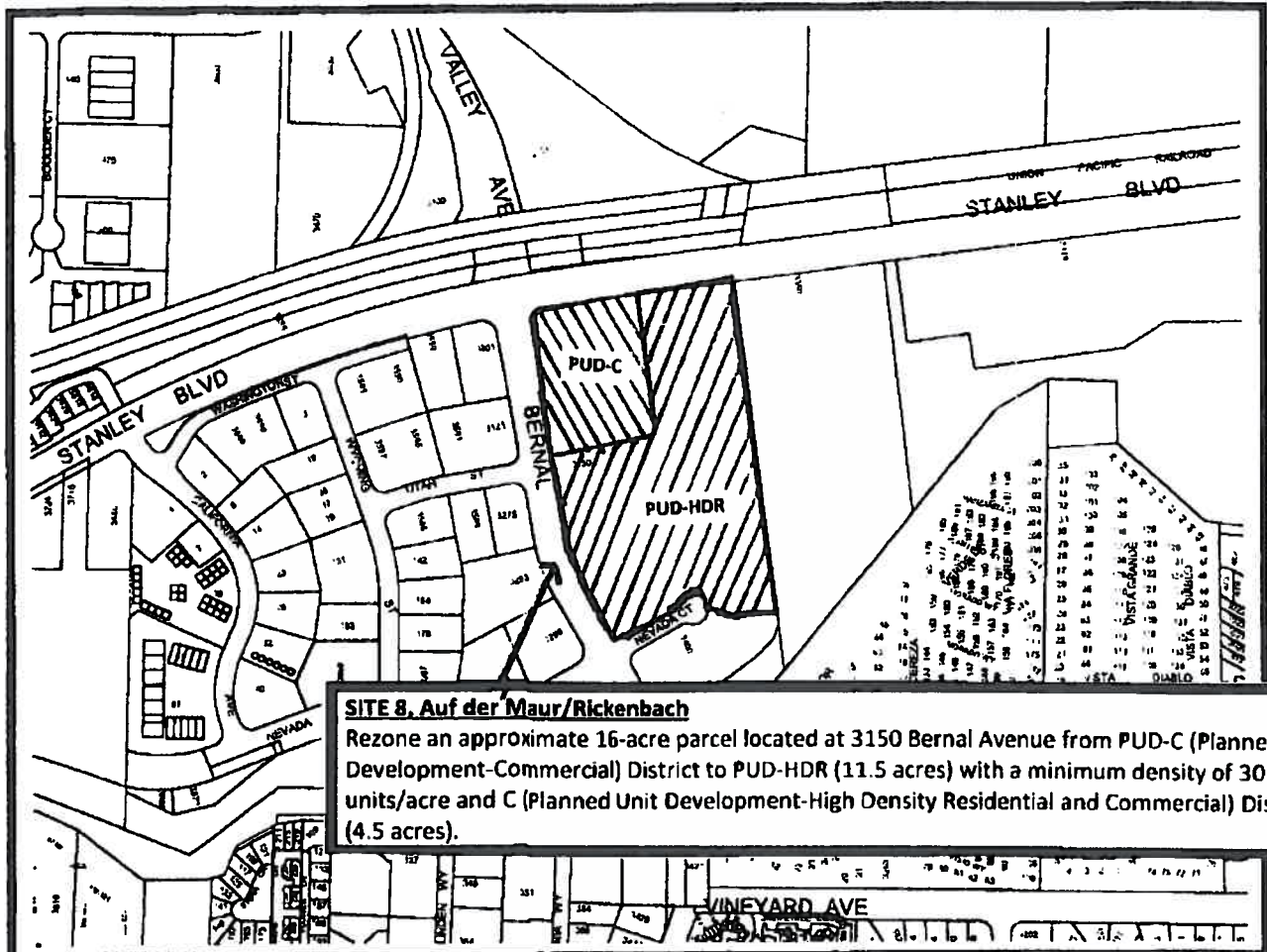


Karen Diaz, City Clerk

APPROVED AS TO FORM:



Jonathan P. Lowell, City Attorney



**SITE 8, Auf der Maur/Rickenbach**

Rezzone an approximate 16-acre parcel located at 3150 Bernal Avenue from PUD-C (Planned Unit Development-Commercial) District to PUD-HDR (11.5 acres) with a minimum density of 30 units/acre and C (Planned Unit Development-High Density Residential and Commercial) District (4.5 acres).

**CITY OF PLEASANTON  
PLANNING DIVISION**

**Ordinance No. 2032  
Zoning Unit Map No. 484**

**DRAWN BY:**

T. Snyder

**APPROVED BY:**

*Brian De...*  
**DIRECTOR of  
COMMUNITY DEVELOPMENT**

**DATE:**

January 4, 2012

**SCALE:**

1" = 300'

**SEC. NO.:**

P11-0917 (Rezzone)

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**From:** Shweta Bonn  
**Sent:** Sunday, June 30, 2013 11:05 AM  
**To:** yue feng  
**Subject:** RE: concern

**EXHIBIT G**

Thank you for your email. A copy of your correspondence will be provided to members of the Planning Commission for their consideration.

**From:** yue feng  
**Sent:** Sunday, June 30, 2013 10:19 AM  
**To:** Shweta Bonn  
**Subject:** concern

Hi

I am writing regarding the PUD-87, P13-1981 Sares Regis

We have to commute through 1st street to get on I-680 daily. the traffic has already been terrible now in rush hours. if the project go as planned, it will cause a lot more problem and make it miserable. Hope the city will consider this very important factor when deciding more development plan.

Yue Feng  
Pleasanton resident

**From:** Shweta Bonn  
**Sent:** Monday, July 01, 2013 3:26 PM  
**To:** Art Gwerder  
**Cc:** Mike Tassano  
**Subject:** RE: PUD-87, P13-1981 Sares Regis/E&S Ring Opposition

Thank you for your email. A copy of your correspondence will be provided to members of the Planning Commission for their consideration.

I have copied Mike Tassano, City Traffic Engineer on this reply so that he can see your question below regarding the Busch Road extension.

**From:** Art Gwerder  
**Sent:** Monday, July 01, 2013 8:55 AM  
**To:** Shweta Bonn  
**Subject:** PUD-87, P13-1981 Sares Regis/E&S Ring Opposition

Dear Shweta Bonn,

I believe the intersection of Stanley and Bernal/Valley cannot adequately handle another 345 residents (possibly 690 more vehicles). The Valley/Bernal southbound right turn lane into town needs to be a dedicated right lane added/improved to accommodate existing/added traffic flow.

On a side note, what is the Busch Road extension planning status?

Thank you.  
Arthur Gwerder  
Pleasanton, CA 94566.



**From:** Shweta Bonn  
**Sent:** Tuesday, July 02, 2013 3:43 PM  
**To:** Ladrillono, Wanda  
**Subject:** RE: PUD-87, P13-1981 Sares Regis/E&S Ring

Thank you for your email. A copy of your correspondence will be provided to members of the Planning Commission for their consideration.

**From:** Ladrillono, Wanda  
**Sent:** Tuesday, July 02, 2013 2:56 PM  
**To:** Shweta Bonn  
**Subject:** PUD-87, P13-1981 Sares Regis/E&S Ring

What a great addition to the Southeast of town.  
And it would provide shopping & dining alternatives too!

I support this plan!!

I live at \_\_\_\_\_ – just off of Stanley Blvd!

Warm regards,

Wanda

Please consider the environment before printing this email.

**From:** Shweta Bonn  
**Sent:** Friday, July 05, 2013 11:21 AM  
**To:** Annie Rivoire  
**Subject:** RE: Vintage (former Auf Der Maur) site - arroyo trail access

Annie,

Thank you for your email below and your voice message. The City's Pedestrian and Bicycle Master Plan (dated January 2010) indicates a trail near the south-eastern portion of the subject property as a "proposed unpaved trail."

At this time, plans for the project show a pedestrian and bicycle path from the southeast corner of the site to the adjoining property line for a future connection. An easement from PG&E would need to be secured in order to connect this pathway to this planned trail along the Arroyo del Valle. A condition of approval for the project encourages the applicant to work with PG&E to secure this easement.

Thank you again for your comments. A copy of your correspondence will be provided to members of the Planning Commission for their consideration.

Best regards,  
Shweta Bonn  
Associate Planner  
City of Pleasanton  
200 Old Bernal Avenue  
P.O. Box 520  
Pleasanton, California 94566  
P: (925) 931-5611  
F: (925) 931-5483  
E: [sbonn@cityofpleasantonca.gov](mailto:sbonn@cityofpleasantonca.gov)

**From:** Annie Rivoire  
**Sent:** Wednesday, July 03, 2013 11:49 AM  
**To:** Shweta Bonn  
**Subject:** Vintage (former Auf Der Maur) site - arroyo trail access

Hello Shweta,

I have confirmed with our staff that the trail located to the south of the Vintage site, running from Bernal Ave behind the PGE substation and connecting to Shadow Cliffs, is not a publicly accessible trail and is not currently operated or maintained by EBRPD. I notice that on the plan materials for the project (Sheet 06- Sustainability Concepts- November 26, 2012) there is a call-out that reads: "Designed for Walking and Biking- Provided secure bike parking and access to the Arroyo del Valle Creek Trail." In fact, there is no such official trail.

I believe that the Park District would be in support of the applicant pursuing discussions with the necessary agencies (EBRPD, PGE and Zone 7 Water Agency) to make this a publicly-

accessible trail, but it is somewhat inappropriate to call it out as an existing amenity and connection to the project.

Thanks,  
Annie Rivoire



**Annie Rivoire**  
*Senior Planner* | Interagency Planning  
East Bay Regional Park District

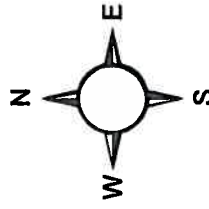
PUD-87/P13-1981, SaresRegi:

City of Pleasanton

GIS

Department

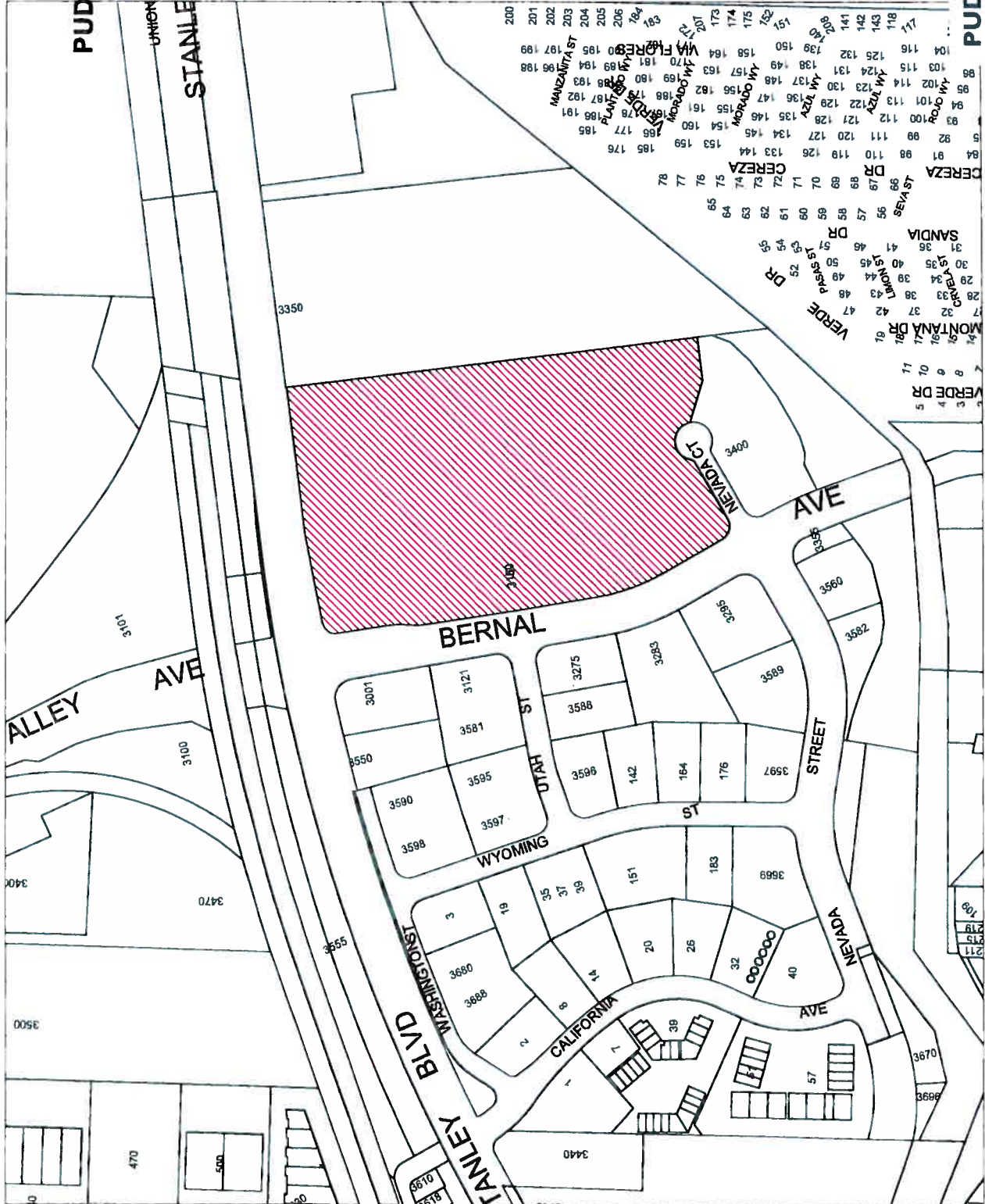
3150 Bernal Ave



PUD-87, P13-1981, P13-2065

VINTAGE - Auf der Maur/Rickenbach

**EXHIBIT H**





**Exhibit H**

PUD-87, P13-1981, P13-2065  
E&S Ring  
3150 Bernal Avenue  
Notification Area