

## EXHIBIT A

### CONDITIONS OF APPROVAL PUD-81-30-89D Summerhill

#### PROJECT SPECIFIC CONDITIONS

##### Planning Division

1. The permitted and conditional uses of this project shall be those of the R-M District of the Pleasanton Municipal Code.
2. The PUD development plan shall expire two years from the effective date of this ordinance or later as approved by a development agreement unless a tentative or parcel map, as applicable, is approved. If a tentative or parcel map is approved, the PUD development plan approval shall lapse when the tentative map or parcel map approval expires. If a final map is recorded before the tentative map or parcel map expires, then the PUD development plan approval shall not lapse.
3. In the event of a conflict between any of these PUD conditions of approval and a development agreement for the project, the terms and conditions of the project development agreement shall govern.
4. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits or as provided for in a development agreement. The type and amount of the fees shall be those in effect at the time the permit is issued unless otherwise provided in a development agreement covering the project.
5. A Homeowners Association (HOA) shall be created for the proposed development. The HOA shall be responsible for the maintenance of the development. The project developer shall submit a copy of Covenants, Conditions & Restrictions (CC&Rs) governing the ownership and maintenance responsibilities of the project site, including but not limited to: maintenance of building exteriors including roofs, landscaping, bio-retention areas, private utilities, common areas, etc. The CC&Rs shall be reviewed and approved by the City Attorney's Office prior to recordation of the final map. The CC&Rs shall be recorded concurrently with the final map.
6. Prior to issuance of a building permit, the applicant/developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters, applicable to the portion or phase of the project covered by the permit. Additionally, the developer shall pay any applicable Dublin-San Ramon Services District (DSRSD) sewer permit fee.

7. Prior to issuance of a building permit, the applicant/developer shall pay the applicable City and Tri-Valley regional traffic impact fees for the project as determined by the City Traffic Engineer, or as identified in a project development agreement.
8. The in-lieu park dedication fees shall be paid to the City prior to approval of the map.
9. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to the recordation of a Final Map, issuance of a grading permit, issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant/developer 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/developer may need to offset the project's water demand.
10. The project shall meet all requirements of the City's Growth Management Ordinance, as described in a Growth Management Agreement approved by the (City Council Resolution No. 14-665) for the project and the First Amendment to Development Agreement between the City and SHAC Las Positas Apartments LLC for the proposed 94-unit condominium project.
11. The parking/storing of boats, campers, recreational vehicles, and/or trailers on site or in any parking space (i.e., garage or uncovered space) shall be prohibited. The garages shall not be modified or used for storage in a manner that would interfere with the ability to park two cars within the garage. In addition, the storage of materials in the uncovered parking spaces shall be prohibited. The above parking restrictions for the development shall be included in the project CC&Rs. Said restrictions shall be submitted for review and approval by the City Attorney and Director of Community Development prior to recordation of the final map.
12. All parking spaces shall be striped. Wheel stops shall be provided for the surface parking spaces unless the spaces are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
13. The windows at all units on all elevations shall be "punched" in from the exterior building wall or defined by well-designed trims subject to the satisfaction of the Director of Community Development. Window specifications and typical installation details shall be included with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
14. The applicant/developer shall use relatively smooth hand-troweled stucco finish, such as the Santa Barbara style texture to the buildings fronting West Las Positas Boulevard. The stucco texture shall be noted on the plans submitted for issuance

of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.

15. The applicant/developer shall install Sound Transmission Class (STC) 30 rated or better windows and doors in all units along West Las Positas Boulevard, as recommended in the Environmental Noise Assessment. The applicant shall install STC 28 rated or better windows and doors in all other units. The design and sound insulation ratings shall be reviewed by an acoustical consultant prior to construction, and the final design and sound insulation rating requirements shall be set accordingly by the Director of Community Development. A verification letter from the acoustical consultant shall be provided to the City prior to issuance of building permit.
16. The STC rating for all windows and doors shall be noted on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
17. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
18. If any project identification is desired, the applicant shall submit a comprehensive sign program for review approval by the Director of Community Development.
19. The applicant/developer shall provide garage door design and material details in the plans submitted to the Building and Safety Division for plan check. The garage doors shall be subject to the review and approval of the Director of Community Development prior to the issuance of a building permit.
20. The plans submitted for building permit plan check review shall clearly show the bicycle storage area inside the garage. Bicycle(s) may be suspended from the garage ceiling or mounted on the garage wall. The bicycle storage area shall not interfere with the required 20' by 20' interior garage dimensions.
21. The project developer shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
22. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. The project/building developer shall submit a final lighting plan including photometrics

and drawings and/or manufacturer's specification sheets showing the size and types of light fixtures. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.

23. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
24. The placement of trash and recycle bins inside the garage shall not interfere with the required 20' by 20' interior garage dimensions.
25. The final location of pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping to the satisfaction of the Director of Community Development. All transformers shall be shown on the plans submitted for issuance of building permits.
26. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structures.
27. All excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. Unless otherwise approved by the Director of Community Development, no stockpiling of dirt on this site shall occur.
28. Prior to the issuance of a grading or building permit, whichever is sooner, the project applicant/developer 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 2011) and, where construction-related emissions would exceed the applicable thresholds, additional Construction Mitigation Measures (BAAQMD, May 2011) 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, access roads, parking areas, and staging areas at construction sites.
29. Pre-construction Breeding Bird Surveys: Prior to development of the subject site and each phase of project activities that have the potential to result in impacts on breeding birds, the project applicant/developer shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:

- a) If grading or construction activities occur only during the nonbreeding season, between August 31 and February 1, no surveys shall be required.
  - b) 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).
  - c) During the breeding bird season (February 1 through August 31) a qualified biologist shall survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys shall include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.
  - d) Based on the results of the surveys, avoidance procedures shall 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.
  - e) Bird nests initiated during construction are presumed to be unaffected, and no buffer is necessary except to avoid direct destruction of a nest or mortality of nestlings.
  - f) 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.
30. Pre-construction Bat Surveys: Prior to issuance of a building or grading permit, a qualified biologist shall conduct a pre-construction special status bat survey 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 is necessary.
31. No new grading or development shall be allowed within 20 feet of the edge of riparian vegetation or top of bank of Arroyo Mocho, whichever is further from the creek centerline, as delineated by a qualified, City-approved biologist that shall be hired by the applicant/developer. Prior to issuance of a building or grading permit, the biologist shall certify in writing to the Director of Community Development that the project is in compliance with this condition.
32. 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 and approved by the City of Pleasanton. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources.
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These requirements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development.

33. In the event that human remains are discovered during grading or construction, 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. These requirements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development.
34. The applicant/developer shall 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 Friday, and 9:00 a.m. to 5:00 p.m. on 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. Prior to construction, the hours of construction shall be posted on site.
  - d) All construction equipment must meet DMV and City 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.

- f) Construction activities conducted on the subject property shall not exceed 86 dBA at any point outside of the property plane of the subject property (Pleasanton Municipal Code Section 9.04.100.B.).

These requirements shall be printed on the construction plans to the satisfaction of the Director of Community Development.

- 35. Prior to issuance of a building or grading permit, the applicant/developer shall provide a vibration study prepared by a qualified vibration consultant acceptable to the Director of Community Development which estimates vibration levels at neighboring sensitive uses. If the applicable vibration level limits established in Table 4.J-4 of the Supplemental Environmental Impact Report for the “City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings” are exceeded, mitigation shall be required to reduce vibration levels so they do not exceed the applicable limits, subject the satisfaction of the Director of Community Development.
- 36. Prior to issuance of a building permit, the applicant’s noise consultant shall certify in writing to the Director of Community Development that the construction drawings comply with the applicable City and State interior noise standards.
- 37. Prior to issuance of a grading or building permit, whichever is sooner, the project applicant/developer 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 for construction on the project site.
- 38. The applicant and/or project developer shall develop and implement a program for reclaimed water, grey water, and/or rainwater harvesting systems for the subject site or as otherwise approved by the Director of Community Development. The program shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
- 39. Rain gutters shall discharge into landscaping planter areas where feasible. These details shall be shown on the plans submitted to the Building and Safety Division for plan check and are subject to the review and approval of the Director of Community Development prior to building permit issuance.
- 40. The project shall comply with the State of California’s Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. A licensed landscape architect shall verify the project’s compliance with the ordinance and checklist: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.

41. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior to issuance of a building permit. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought-tolerant nature and suitable for reclaimed water, and the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.
42. A minimum three-inch mulch layer shall be required in the planting areas.
43. Unless otherwise shown on the approved PUD landscape plan, all trees used in landscaping be a minimum of fifteen (15) gallons in size and all shrubs a minimum of five (5) gallons.
44. The residential buildings shall be constructed to allow for future installation of a Photovoltaic (PV) system and solar water heating systems. The project applicant/developer shall comply with the following requirements for making all apartment buildings photovoltaic-ready and solar-water-heating-ready:
  - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;
  - b. An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current;
  - c. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a prototypical photovoltaic system beyond that anticipated for roofing;
  - d. Plumbing shall be installed for solar-water heating; and
  - e. Space shall be provided for a solar-water-heating tank.

These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit.

45. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.
46. Energy Star appliances shall be installed in each residential unit. The proposed appliances shall be stated on the plans submitted for the issuance of a building permit.
47. PUD-81-30-89D provides for no pedestrian access from the subject property to the north side of the arroyo. If pedestrian access to the north side of the arroyo is desired in the future, this request shall require an application for a major modification to the approved PUD.



48. The kitchenette shown on the first floor of Plan 6 shall be removed. This revision shall be reflected in the construction plans submitted for issuance of a building permit.
49. The applicant shall incorporate the following to enhance the architectural appearance of the buildings:
  - a. a different material/color shall be used at building base and/or the building base shall project slightly out from the building wall;
  - b. trellises shall be added above the garage doors;
  - c. the entry to each residential unit shall be enhanced to be more prominent.

These revisions shall be reflected on the construction plans submitted for plan check review and are subject to review by the Director of Community Development prior to issuance of a building permit.

50. No additions to the residential units or garages, or accessory structures are allowed.
51. Prior to issuance of a building permit, the applicant shall prepare an updated arborist report to re-evaluate the tree preservation and removal of the project site. The updated arborist report shall be prepared based on the construction plans and final tree preservation and removal shall be is subject to review and approval by the City's Landscape Architect and Director of Community Development.

### **Engineering Division**

52. The developer shall abandon all utility services (water, sewer, and storm) stubbed to the site which will not be used to serve this development.
53. Each residential unit shall have a separate water and sewer connection to a public mainline, including its own separate water meter.
54. The developer shall dedicate public service easements for the on-site public water and sanitary sewer lines.
55. Prior to occupancy, the applicant shall reconstruct a 7-foot x 20-foot wide section of sidewalk along the West Las Positas Boulevard frontage that is located near the eastern driveway.
56. Prior to occupancy, the applicant shall reconstruct both driveways on West Las Positas Blvd. to meet ADA standards.

### **Traffic Division**

57. The applicant shall design and install all needed modifications to the traffic signal system at the intersection of West Las Positas Boulevard at Hacienda Drive to provide full eight phase operation with protected left turns. This includes:
- modifying the south leg of the intersection to provide one left turn and one shared through/right turn lane
  - modifying the north leg of the intersection to provide one left turn lane, one through lane, and one right turn lane and modification to the roadway median to reduce the through lane offset.
  - all needed changes to signal heads and equipment
  - upgrade of vehicle detection system to current standards including bicycle detection
  - provide accessible pedestrian push buttons
  - intersection striping and signing
  - any additional modifications needed to upgrade traffic signal system to current standards
58. Comprehensive traffic control measures shall be implemented during construction, including scheduling of major truck trips and deliveries, to avoid peak travel hours. If necessary, as determined by the Traffic Engineer, proper lane closure procedures such as flagger stations, signage, cones, and other warning devices shall be implemented during construction.

### **Livermore-Pleasanton Fire Department**

59. The buildings covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted for review and approval by the Livermore-Pleasanton Fire Department prior to installation. The fire alarm system, including water flow and valve tamper, shall have shop drawings submitted for review and approval by the Livermore-Pleasanton Fire Department prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).
60. Valve tamper and water flow shall be monitored by an approved supervising station in accordance with NFPA 72 and the California Fire Code. Fire alarm control panel and remote annunciation panel(s) shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device, monitored, and annunciated by device type and point.
61. Access for this project is acceptable by the Fire Marshal as currently shown on the PUD development plan. Unless otherwise approved by the Fire Marshal, the applicant/developer shall not modify the site access that deviates from the following requirements: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Fire apparatus access roads
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shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The Access way proposed is acceptable.

## **Police Department**

62. On site security shall be provided during all phases of construction to avoid theft of materials. Video security is acceptable.

## **STANDARD CONDITIONS**

### **Planning Division**

63. Development shall be substantially as shown on the development plans, color/material board, Multifamily GreenPoint Checklist, and related materials such as the noise analysis report and update, tree report, Exhibit B, dated "Received May 1, 2015," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
64. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design has significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.
65. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
66. The applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to offset this project's long term effect on school facility needs in Pleasanton. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities. The method and manner of providing these funds and/or facilities to PUSD by applicant shall be approved by PUSD and in place prior to

building permit issuance. Written proof of compliance with this condition shall be provided by applicant to the City, on a form generated by PUSD, prior to building permit issuance.

67. Prior to building permit submittal, a list of the green building measures used in the design of the units covered by this approval shall be provided to the Planning Division for the review and approval by the Director of Community Development.

The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. Each point identified shall have a notation indicating the sheet the point can be found, and each sheet shall note where the point is located. All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Director of Community Development.

A special inspection by from the Planning Division shall be coordinated with regards to landscaping, irrigation, and exterior materials. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, a third party rater, or the applicant/developer shall provide written verification by the project engineer, architect, landscape architect, or designer.

68. All HVAC condensing units shall be shown on the plans and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
69. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.
70. All conditions of approval shall be attached to all building permit plan check sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant/developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant/developer to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, building design, building colors or materials, green building measures, landscape material, etc.
71. Before project final, all landscaping shall be installed and reviewed and approved by the Planning Division.
72. Prior to building occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping

has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.

73. The developer and/or property management shall use reclaimed gray water, rain water, etc., for landscape irrigation when available. Details and/or plans shall be provided for review and approval by the Director of Community Development before use of the reclaimed gray water, rain water, etc.
74. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
75. The height of the structures shall be surveyed and verified as being in conformance to the approved building heights as shown on Exhibit B or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.
76. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.
77. The approved building colors and materials shall be indicated on the final building permit plans. Any proposed revisions to these approved colors or materials must be submitted for review and approval by the Director of Community Development prior to building permit issuance and/or painting/installation.
78. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
79. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
80. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.

### **Landscaping**

81. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.

82. The project developer shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.
83. The following statements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
  - a. No existing tree may be trimmed or pruned without prior approval by the Director of Community Development.
  - b. No equipment may be stored within or beneath the driplines of the existing trees to be saved.
  - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
  - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.
84. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) generally outside of the driplines of the existing trees to be saved that are located near construction. The final location of said fencing shall be subject to the review and approval of the Director of Community Development. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a “stop work order.”

### **Bicycle Parking**

85. The public bicycle racks shall:
  - a. Be visible and accessible.
  - b. Support the frame of the bicycle and not just one wheel.
  - c. Allow the frame and one wheel to be locked to the rack.
  - d. Allow the use of either a cable or U-shaped lock.
  - e. Be securely anchored.
  - f. Be usable by bikes with no kickstand.
  - g. Be usable by a wide variety of sizes and types of bicycles.

Prior to the installation, the applicant/developer shall submit the design and location of the bicycle racks to the Director of Community Development for review and approval.

### **Building and Safety Division**

86. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
87. At the time of building permit plan submittal, the project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures to prevent stormwater runoff onto adjoining properties.
88. Prior to issuance of building permits, the applicant/developer shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

### **Engineering Division**

89. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
  90. The project developer shall comply with the recommendations of the project's geotechnical consultant. The project developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the project design. The consultant shall certify by writing on the plans or as otherwise acceptable to the City Engineer that the final development plan is in conformance with the geotechnical report approved for the project.
  91. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydromodification worksheets, all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow, etc., shall be submitted as part of the building permit plans. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit by Engineering Division.
  92. The project developer shall include erosion control measures, prepared and signed by the Qualified Storm Water Pollution Prevention Plan Developer (QSD), on the
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final grading plan, subject to the review of the City Engineer. This erosion control measures shall be as required by the state's Construction General Permit. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the project QSD and the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place, site is stabilized and Notice of Completion (NOC) has been filed with the State Regional Water Board and/or accepted by City.

93. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
94. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
95. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
96. The project developer shall submit detailed landscape and irrigation plans as part of the building permit plans. The irrigation plan shall provide for automatic controls.
97. The building permit plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
98. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
99. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.
100. The encroachment permit for haul route for all materials and equipment to and from this development shall be approved by the City Engineer prior to the issuance of any permit by City Building Division or Engineering Division.
101. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to



the project developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

102. The project developer shall deposit a bond with the City's Engineering Division to ensure completion of any required improvements, if any. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer.
103. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.

### **Livermore-Pleasanton Fire Department**

104. All commercial and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company UL certificate.
105. Fire alarm control panel and remote annunciation shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device and annunciated by device type and point.
106. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
107. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
108. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.
109. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPFD prior to commencing operations. Please contact the Hazardous Materials Coordinator at (925) 454-2361.
110. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:
  - Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.

- Backflow prevention or connections to the public water mains.
111. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.
112. Fire hydrant spacing shall be at 400 feet.
113. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. For buildings located greater than 50 feet from street frontage, the character size shall be 16" high by 1 ½" stroke minimum. Where multiple access is provided, address or tenant space numbers shall be provided on each access door and the character size shall be no less than 4" high by ¾ " stroke. In all cases, address numerals shall be of contrasting background and clearly visible in accordance with the Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping, or other obstructions.
114. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.
- a. Emergency vehicle access shall be provided to the site, including the area where construction is occurring. If Public Works improvements are part of the project to access the site, an emergency vehicle access plan shall be submitted for review and approval.
  - b. Multi-family residential developments: Projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
  - c. Emergency vehicle access shall be a minimum of 20 feet in clear width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) is required. This clearance shall be a minimum of 13-feet, 6-inches. Inside turning radius of 45 feet and outside turning radius of 55 feet shall be provided.
  - d. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
  - e. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
  - f. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.
  - g. On-site fire hydrants shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.
  - h. Where a project is phased as part of the development approved by the City, specific access, water supply and fire hydrant installations will be required

as part of each phase. As needed a phasing plan with these improvements will be required.

- i. Where on-site grading/utility plans are submitted for review and approval prior to building construction drawings, emergency vehicle access routes, fire hydrant locations, material staging areas, etc. shall be provided.

### **Community Development Department**

115. The project applicant/developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
116. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
117. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.
118. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations. Wells shall be destroyed in accordance with the procedures outlined on the permit obtained from Zone 7. Zone 7 may request the developer/subdivider to retain specific wells for monitoring the ground water. The developer/subdivider shall notify the City of Zone 7's desire to retain any well and make provisions to save the well. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.

## **CODE CONDITIONS**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

### **Building and Safety Division**

119. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
120. The project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
121. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
122. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

### **Livermore-Pleasanton Fire Department**

123. All construction covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect, and the City of Pleasanton Ordinance 2015. All required permits shall be obtained.
124. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies, NFPA 13D for residential occupancies, and NFPA 13R for multifamily residential occupancies.
125. Fire alarm systems shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.

126. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection."
- The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type and license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
  - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
  - All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
127. Dead-end fire service water mains shall not exceed 500 feet in length and/or have more than five Fire Department appliances\* shall be looped around the site or building and have a minimum of two points of water supply or street connection. Zone valves shall be installed as recommended under NFPA, Pamphlet 24 and the Fire Marshal.
- \*Note: Fire Department appliances are classified as fire sprinkler system risers, fire hydrants, and/or standpipes.
128. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
129. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.

## **URBAN STORMWATER CONDITIONS**

130. The project shall comply with the City of Pleasanton's Stormwater NPDES Permit #CAS612008, dated October 14, 2009 and amendments (hereafter referred to as NPDES Permit). This NPDES Permit is issued by the California Regional Water Quality Control Board, San Francisco Bay Region (hereafter referred to as Regional Water Quality Control Board). Information related to the NPDES Permit is available at the City of Pleasanton Community Development Department, Engineering Division, and on line at:
- <http://www.ci.pleasanton.ca.us/business/planning/StormWater.html>
  - [http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/storm\\_water/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/storm_water/Municipal/index.shtml)

### **A. Design Requirements**

1. NPDES Permit design requirements include, but are not limited to, the following:
  - a. Source control, site design, implementation, and maintenance standards when a regulated project (such as a commercial, industrial, residential subdivision, mixed use, or public project) creates and/or replaces 10,000 square feet or more of impervious surface (5,000 square feet for auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots), including roof area, street, and sidewalk.
  - b. Hydromodification standards when a regulated project creates and/or replaces a total impervious area of one acre or more.
  - c. Compliance with a Diazinon pollutant reduction plan (Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
  - d. Compliance with a Copper Pollutant Reduction Plan and a Mercury Pollutant Reduction Plan.
2. The following requirements shall be incorporated into the project:
  - a. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and onsite drainage control measures including bioretention swales. Irrigated bioretention swales shall be designed to maximize stormwater entry at their most upstream point. The grading and drainage plans shall be subject to the review and approval of the City Engineer prior to the issuance of a grading or building permit, whichever is sooner.
  - b. In addition to natural controls, the project developer may be required to install a structural control(s), such as an oil/water separator(s), sand filter(s), or approved equal(s) in the parking lot and/or on the site to intercept and pre-treat stormwater prior to reaching the storm drain. The design, location(s), and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. The structural control shall be cleaned at least twice a year (once immediately prior to October 15 and once in January).
  - c. The project developer shall submit to the City Engineer the sizing design criteria and calculations for a hydromodification facility, if required, and for the treatment of stormwater runoff. The design criteria and calculations shall be subject to the review and approval of the City Engineer and shall be submitted prior to the issuance of a grading or building permit, whichever is sooner.

- d. Building/Structures shall be designed to minimize the occurrence and entry of pests into buildings, thus minimizing the need for pesticides, as determined by the Chief Building Official prior to the issuance of a building permit.
- e. The project's landscape and irrigation plans shall be designed to: 1) minimize the use of fertilizers and pesticides that can contribute to stormwater pollution; and 2) promote surface infiltration. Prior to the installation of project landscaping and irrigation, the project landscape architect shall submit a landscaping and irrigation plan to the City Engineer for review and approval and submit written verification stating the project incorporates the following:
  - i. Plants tolerant of saturated soil conditions and prolonged exposure to water in areas that provide detention of water.
  - ii. Plants and soil amendments appropriate to site specific characteristics such as topography and climate.
  - iii. Landscaping and irrigation consistent with Bay-Friendly Landscaping.
  - iv. Water conservation techniques to promote surface infiltration.
- f. Trash dumpsters and recycling containers shall be in an enclosed and roofed area to minimize water flowing in and from the area and to contain litter and trash to minimize disbursement by the wind or runoff. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area with a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin San Ramon Services District of the sanitary sewer connection and provide written verification of such notification to the City Engineer/Chief Building Official prior to the installation of the connection.
- g. All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building.
- h. All metal roofs, gutters, and downspouts shall be finished with rust-inhibitive finish/paint as determined by the Chief Building Official.

- i. All projects using architectural copper roofing, gutters, downspouts, etc., shall utilize the following Best Management Practices for the use and maintenance:
  - a. During installation, copper material shall be pre-patinated at the factory, if available. If patination is done on-site, collect the rinse water in a tank and haul off-site for disposal. With prior authorization from Dublin San Ramon Services District (DSRSD), the rinse water may be collected in a tank and discharged to the sanitary sewer. Consider coating the copper materials with a clear coating that prevents further corrosion and stormwater pollution. The clear coating, if utilized, shall be reapplied (as recommended by the coating manufacturer) to maintain its efficacy.
  - b. During maintenance (e.g., washing or re-patination), the following applies:
    - i. Minimize washing of architectural copper as it damages the patina and any protective coating.
    - ii. Block storm drain inlets as needed to prevent runoff from entering storm drains.
    - iii. Collect the wash or rinse water in a tank and dispose off-site or (with prior authorization from DSRSD), discharge the wash or rinse water to the sanitary sewer.
- j. Roof drains shall drain away from the building foundation. Ten percent of the stormwater flow shall drain to a landscaped area or to an unpaved area wherever practicable as determined by the City Engineer/Chief Building Official.

## **B. Construction Requirements**

The project shall comply with the "Construction General Permit" requirements of the NPDES Permit for construction activities (including other land disturbing activities) that disturb **one acre or more** (including smaller sites that are part of a larger common plan of development).

Information related to the Construction General Permit is on line at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/finalconstructionpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstructionpermit.pdf)

1. The Construction General Permit's requirements include, but are not limited to, the following:



- a. The project developer shall obtain a construction general permit (NOI) from the Regional Water Quality Control Board to discharge stormwater, and to develop and implement stormwater pollution prevention plans.
- b. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. A copy of the approved SWPPP, including all approved amendments, shall be available at the project site for City, review until all engineering and building work is complete and City permits have been finalized. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentations. SWPPP for projects shall be kept up to date with the projects' progress. Failure to comply with the most updated construction SWPPP may result in the issuance of correction notices, citations, and/ or stop work orders.
- c. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measures, shall be included in the SWPPP and implemented as approved by the City.
  - i. The project developer shall include erosion control/stormwater quality measures on the project grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the public storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and shall be subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for a building permit, and shall be subject to the review and approval of the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
  - ii. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the vegetated areas are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/stormwater quality measures are in place, subject to the approval of City Engineer/Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is place.

- iii. Gather all sorted construction debris on a regular basis and place them in the appropriate container for recycling to be emptied at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
- iv. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked on mud and dirt from these areas before sweeping.
- v. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- vi. Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system by being windblown or in the event of a material spill.
- vii. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- viii. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into a street, gutter, or storm drain.
- ix. Equipment fueling area: use a designated area away from the storm drainage facility; use secondary containment and spill rags when fueling; discourage "topping off" of fuel tanks; place a stockpile of absorbent material where it will be readily accessible; check vehicles and equipment regularly for leaking oils and fuels; and dispose rags and absorbent materials promptly and properly. Use of an off-site fueling station is strongly encouraged.
- x. Concrete wash area: 1) locate wash out area away from storm drains and open ditches; 2) construct a temporary pit large enough to store the liquid and solid waste; 3) clean the pit by allowing concrete to set; 4) break up the concrete; and then 5) recycle or dispose of properly.
- xi. Equipment and vehicle maintenance area: use a designated area away from the storm drainage facility; always use secondary containment and keep stockpile of cleanup materials nearby; regularly inspect vehicles

and equipment for leaks and repair quickly or remove from them project site; and train employees on spill cleanup procedures. Use of an off-site repair shop is strongly encouraged.

2. Within 30 days of the installation and testing of the stormwater treatment and hydromodification facilities, the designer of the site shall submit a letter to City Project Inspector/Construction Services Manager certifying the devices have been constructed in accordance with the approved plans for stormwater and C3 design for the project. The letter shall request an inspection by City staff.

### **C. Operation and Maintenance Requirements**

The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as residential subdivision projects) that create and/or replace 10,000 square feet or more of impervious areas shall enter into a recorded Stormwater Operation and Maintenance (O&M) Agreement for treating stormwater runoff from the site in perpetuity. The agreement is required to be recorded at the Alameda County Recorder's Office in a format approved by the City.

The Operation and Maintenance Agreement shall clarify that the property owner(s) of the site shall be responsible for the following in perpetuity:

- a. Maintaining all private stormwater treatment measures on the project site.
- b. Annually submitting a maintenance report to the City Operations Services Department, Utilities Division, addressing the implementation of the Operation and Maintenance Agreement requirements.

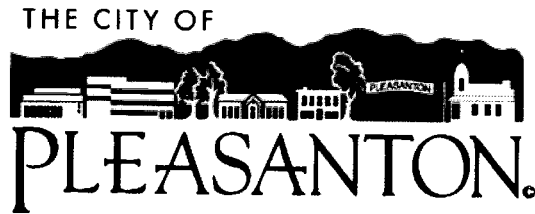
The final Operation and Maintenance Agreement shall be submitted to the Engineering Division prior to the issuing grading or building permit, whichever comes first. The Agreement is subject to review and approval of the City Engineer/City Attorney, prior to recordation.

The Operation and Maintenance Agreement responsibilities shall include, but not be limited to the following:

- a. Repainting text near the drain inlets to state "No Dumping – Drains to Bay."
- b. Ensuring maintenance of landscaping with minimal pesticide and fertilizer use.
- c. Ensuring wastewater from industrial, commercial, and covered vehicle wash areas and equipment washing operations is not discharged to the storm drain system.
- d. Ensuring no one is disposing of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.

- e. Cleaning all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
- f. Sweeping regularly but not less than once a month, driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.
- g. Mowing and removing clippings from vegetated swales with grasses on a regular basis.

[end]



**Housing Commission  
Agenda Report**

April 16, 2015  
Item 09

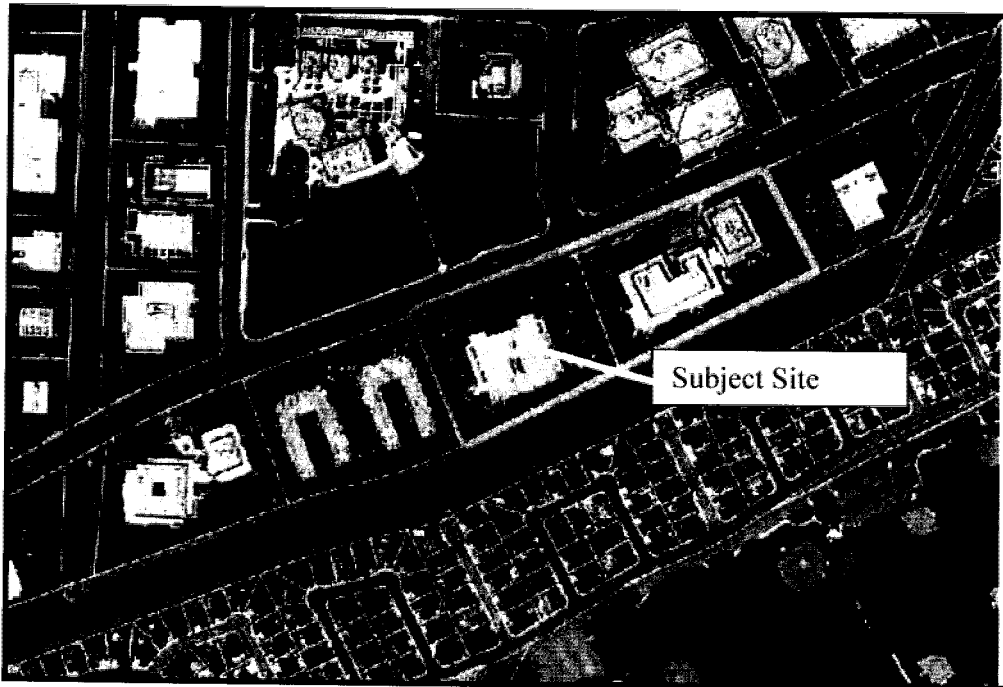
- SUBJECT:** **Review of a Revised Affordable Housing Plan for SummerHill Development (5850 West Las Positas Boulevard)**
- STAFF RECOMMENDATION:** Approve the SummerHill Affordable Housing Agreement (Attachment 1)
- ATTACHMENTS:**
1. Recommended Affordable Housing Agreement
  2. February 19, 2014 Housing Commission Agenda Report
  3. Development Conceptual Landscape Plan Identifying Location of Affordable Units
  4. Current Area Median Income Annual Rent and Income Limits
  5. Sample Restrictive Covenants, Resale Restrictions, and Option to Designate Eligible Purchaser Agreement
  6. City Preference System

**BACKGROUND**

In February 2014, your Commission approved an affordable housing agreement with SHAC Las Positas Apartments LLC (Summerhill), for a 177- unit rental development to include a total of 27 affordable apartment units. That agenda report is included as Attachment 2 to this report. Since that time, the developer has reassessed its development plans and has submitted a new Planned Unit Development (PUD) application for the development of the same 5.9-acre site at 5805 West Las Positas Boulevard to include a 94-unit townhome condominium ownership development in lieu of the 177- unit apartment development. Because the proposed development exceeds 15 living units, it is subject to the City's Inclusionary Zoning Ordinance (IZO) requiring an affordable housing agreement.

As indicated in Attachment 2, the subject 5.9 acre site, and the adjoining 6.7 acre site to the east, is collectively referred to as Site #9 of the City's Design Guidelines. The site was rezoned in 2012 for high density multifamily as part of the City's Housing Element update. The existing development fronts West Las Positas Boulevard to the north and the Arroyo Mocho to the south. This development is being proposed for the 5.9 acre portion of the site.

The proposed project will include 94 ownership units (condominiums and townhomes) in sixteen two and three-story buildings of varying massing and size, featuring ten affordable three story two bedroom units of 1,214 sq. ft., seventy two and three story three-bedroom plans of 1,642 to 2,314 sq. ft., and fourteen three story four-bedroom plans of 2,044 sq.ft. The main entrance to the project will be from the existing signalized intersection at West Las Positas and Hacienda Drive, with a secondary driveway along West Las Positas. The project is being proposed to include a number of features that are consistent with the City's Climate Action Plan, including electric vehicle charging stations, convenient bicycle amenities, water-conserving landscaping and irrigation. The project is in walking distance to schools, shopping and public transportation, including BART and Wheels Bus service. The project will feature a Spanish Colonial style including three open space areas, tot lot, BBQ facilities and walking paths.



**Site Location Map and Street View**

As indicated on the attached Conceptual Landscape Plan (Attachment 3), the unit mix for the 94- unit development is as follows:

**Proposed 94 Unit Mix and Size**

<b>Unit Type</b>	<b>No. Of Units</b>	<b>Units Sizes</b>
Two-bedroom (Affordable Units)	10	1,214 sq. ft.
Three- bedrooms	70	1,500 sq. ft. - 1,836 sq. ft.
Four-bedrooms	14	2,053 sq. ft.

## DISCUSSION

As part of the May 1, 2013 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 parties 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. However, this position was directed primarily to affordable rental housing based on legislative action, such as the Costa-Hawkins Act adopted in 1995 which acts as the states rent control law and recent court litigation, such as the *Palmer/Sixth Street Properties L.P. v. City of Los Angeles ("Palmer")* that significantly impacted the provisions of the City's Inclusionary Zoning Ordinance (IZO) as it relates to rental housing. Because these laws and litigation do not directly impact affordable ownership housing, the IZO's requirement that 15% of multi-family ownership homes in developments of more than 15 units be affordable to households with very low and low incomes remains fully intact. (However, you may also recall that as part of the recently adopted Housing Element, the City will be reviewing the IZO to assure it complies with the current legal environment and the City's expectations for affordable housing.) Nevertheless, notwithstanding this situation, staff continues to strive to meet the City Council's direction.

As a result of the above, staff and the developer discussed project affordability with the goal of obtaining affordable homes with restricted initial sales prices and long term price controls. The end result of those discussions has resulted in a recommended affordable housing agreement with the following primary features:

- A total of ten units, 10% of the project's total number of units, will be affordable to households with incomes at 80% Area Median Income (AMI) or low-income with an initial selling price estimated at \$265,000.
- The designated affordable units will be three story two bedroom and two bath approximately 1,200 square feet in size with the same interior standards of quality as the market rate units.
- Consistent with the City's current ownership policies, the sales price of the affordable units, including the initial sales price, will be adjusted based on adjustment in the AMI.
- The owners will be required to enter into and Restrictive Covenants, Resale Restrictions, and Option to Designate Eligible Purchaser agreement that amongst other things, regulates the resale of the property to assure it is transferred to a qualified affordable household and establishes ownership responsibilities. A copy of the City's standard Restrictive Covenants document is included as Attachment 5.
- The affordable units will be sold consistent with the City's preference system (Attachment 6)

- The City, with assistance of the developer, will coordinate the marketing and selling of the ten affordable units and the Developer will contribute \$15,000 offset the cost of this process.
- In addition to providing the ten affordable units, the developer will pay a the City's Lower Income Housing Fee (LIHF) for 44 units (46% of the 94 units) in the amount of \$2,783 per unit for a total fee of \$122,452. The per unit fee amount is subject to periodic cost of living adjustments that would apply at the time the fee is paid.
- In lieu of providing the ten affordable units and paying the fee above, the Developer would pay an in lieu fee in the amount of \$1,235,000 if directed to do so by the City Council.

When reviewing the developer's overall plan, staff's perspective was that it is critical to include some affordability in the project rather than requiring a payment of the LIHF. Further, staff felt that it was important that the affordable homes be affordable to households at 80% AMI (low income) rather than higher income levels such as 100% or 120% AMI (moderate income) which has been used in some previous developments. As such, as it relates to ownership units for this development and in general, staff is of the opinion that it is better to acquire deeper affordability rather than a larger number of price controlled units with a higher selling price. This is especially critical since recent evidence from other communities indicates that the closer affordable ownership home pricing gets to market prices, the more difficulty there is with resales and overall unit management. Therefore, staff determined that having ten units at 80% AMI was more beneficial than 14 units (15% of the total development) affordable to a significantly higher income bracket.

To offset this reduction (10-units rather than 14-units), and in addition to providing the ten affordable units, the developer is agreeing to pay a LIHF of \$122,452. It should be noted that the IZO and LIHF ordinance require a 15% affordability requirement for multi-family developments and as such, by providing the ten affordable units, it is meeting 71% of its affordable housing requirement. Based on this requirement, the developer could fill that "gap" by paying a LIHF for 27 units (29% of the total units) which would result in a fee payment of \$76,069. However, the developer offered and staff accepted that for this particular project, it would pay a LIHF fee based on the 20% affordable requirement set forth in the IZO for single family ownership homes. As such, the developer is paying a higher total fee amount. The following formula was applied for determining the fee:

- 94 units X 20% = 19 units
- 10 affordable units provided = 53% of the required 19 units
- 47% unmet affordable need = 44 units (94 units X 47%)
- 44 units X LIHF of \$2,783 = \$122,452



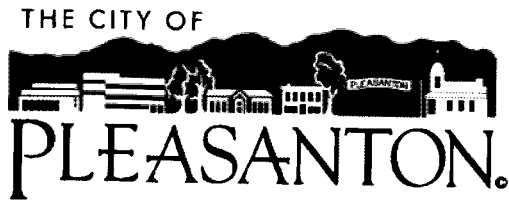
To assure that the homes will be affordable to the targeted income group, staff and the developer applied the following factors:

- Maximum Allowable Income for a 3 Person Household -- \$63,700
- Annual Interest Rate – 5%
- Loan Term – 30 years
- Income to Housing Cost Ratio – 35%
- Additional Monthly Cost such as HOA fees, utilities, etc -- 25%
- Down Payment – 3%

Similar to the process used for determining qualifications for a market based mortgage loan, staff inserts the above factors into a basic spreadsheet which calculates the amount of loan that a buyer at this income would qualify for. It should also be noted that the program is designed so that the purchaser is free to obtain his/her own mortgage loan and therefore, he/she is subject to conditions established by the lender. However, based on history, the above formula has been successful in assuring that a homebuyer with this income would qualify for the loan required to purchase the home.

While not directly related to staff's recommendation to have ten affordable units rather than fourteen affordable units, staff remains concerned regarding the significant administrative attention required for monitoring affordable ownership homes and programs. As an example, the City takes the lead for all re-sales, processes all refinancing and subordinations, including second mortgages or lines of credit, works with the bank and other institutions regarding any loan defaults or foreclosures and monitors requirements related to home occupancy, maintenance, etc. To address this situation, staff is currently working with the cities of Dublin and Livermore in an attempt to secure the services of a private sector firm specializing in this type of affordable ownership management. As a result, staff is hopeful, that some of this responsibility, for all three of the mentioned cities, will be addressed in a way that reduces the City's administrative burden. Nevertheless, until that occurs, the City will assume full responsibility for managing these units.

Staff will be forwarding the Commission's recommendation to the City Council following the PUD review by the City Planning Commission.



# Housing Commission Minutes [SUBJECT TO APPROVAL]

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*City Council Chamber  
200 Old Bernal Avenue, Pleasanton, CA*

**April 16, 2015  
7:00 p.m.**

## **CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Vice Chairperson Ann Welsh called the meeting to order at 7:02 p.m. on Thursday, April 16, 2015, in the City Council Chamber, 200 Old Bernal Avenue, Pleasanton, California.

The Pledge of Allegiance was recited, led by Vice Chairperson Welsh.

Roll call:

Present: Vice Chairperson Ann Welsh, Commissioners Barry Cass, Al Lombardo, and Tony Soby

Absent: Chairperson Daniel Mermelstein and Commissioner Nita DenHoy

Staff: Steven Bocian, Former Assistant City Manager; Scott Erickson, Housing Specialist; Natalie Amos, Associate Planner; and Edith Caponigro, Recording Secretary

## **AGENDA AMENDMENTS**

There were none.

## **MINUTES**

### **1. Approve Regular Meeting Minutes of March 19, 2015**

A motion was made by Commissioner Lombardo seconded by Commissioner Soby, to approve the meeting minutes of March 19, 2015. **The motion was approved unanimously.**

## **CONSENT CALENDAR**

### **2. Approval of the March 2015 Financial Reports for Ridge View Commons and Kottinger Place**

### **3. Management Updates for Kottinger Place and Ridge View Commons**

4. **Quarterly Update Regarding Miscellaneous Housing Projects and Issues (1<sup>st</sup> Quarter 2015)**
5. **Quarterly Report of Housing Commission Activities (1<sup>st</sup> Quarter 2015)**
6. **Quarterly Inventory of Below-Market Housing in Pleasanton (1<sup>st</sup> Quarter 2015)**

Vice Chairperson Welsh pulled the Consent Calendar so the Commission could discuss.

Commissioners Lombardo and Soby indicated they had questions regarding several items on the Consent Calendar.

Item 2: Commissioner Lombardo asked if utility costs in the Variance Report included the Common area and discussed budget comparison for service expense. Sean Barcelon responded to the question regarding utility expenses and noted service expenses were for a new administrator. Commissioner Lombardo also asked about the status of a \$225,000 loan amount. Mr. Barcelon and Mr. Bocian provided information about deferred loans.

Item 5: Commissioner Lombardo questioned the inclusion of priorities in this item. Mr. Bocian advised that priorities could be included in the next quarter.

Item 6: Commission Soby suggested a comment be added indicating how many projects were included in the City's calculation of its progress toward meeting RHNA targets. Commission Lombardo noted that one project was recently allowed by the Council to pay a fee in lieu of providing BMR units. It was agreed that staff would add this component to future reports.

Commissioner Cass asked about the status of dual-pane windows for Ridge View Commons. He was advised by Sean Barcelon that a physical needs assessment (PNA) report was expected within the next few weeks after which information on the windows would be provided to the Commission.

A motion was made by Commissioner Soby, seconded by Commissioner Cass, to approve Items 2, 3, and 4 on the Consent Calendar. **The motion was approved unanimously.**

A motion was made by Commission Soby, seconded by Commission Cass, to approve Item 5 on the Consent Calendar with a request that Housing Commission priorities be added to the report for progress tracking purposes. **The motion was approved unanimously.**

A motion was made by Commissioner Soby, seconded by Commissioner Lombardo, to approve Item 6 on the Consent Calendar with a request staff include in the quarterly inventory report an indication of projects that are included in the calculation of the City's progress toward meetings its RHNA targets. **The motion was approved unanimously.**

#### **MEETING OPEN TO THE PUBLIC**

#### **7. Introductions / Awards / Recognitions**

There were none.

#### **8. Public Comment from the audience regarding items not listed on the agenda**

There were no comments.

## **PUBLIC HEARINGS AND OTHER MATTERS**

### **9. Review of a Revised Affordable Housing Plan for SummerHill Development (5850 West Las Positas Boulevard)**

Mr. Bocian introduced the agenda report noting that in February 2014 the Housing Commission had approved an Affordable Housing Agreement with SHAC Las Positas Apartments LLC (SummerHill) for a 177-unit rental development that would include a total of 27 affordable apartment units. Since then, the developer has reassessed its development plans and has now submitted a new Planned Unit Development (PUD) application for the same 5.9-acre site at 5805 West Las Positas Boulevard for a 94-unit townhome condominium ownership development in lieu of the 177-unit apartment development. He noted that because this new development exceeds 15 living units it is subject to the City of Pleasanton's Inclusionary Zoning Ordinance (IZO) and also requires an Affordable Housing Agreement.

Mr. Bocian reviewed with Commissioners:

- Site location,
- Current site structure,
- Description of the project,
- Information regarding current annual income levels from moderate to very low,
- Anticipated unit mix that will include ten 2-bedroom affordable units at an estimated sales price of \$265,000,
- Proposed locations of the affordable units within the development,
- General terms of the Affordable Housing Agreement,
- Compliance with the Inclusionary Zoning Ordinance
- Positive attributes of this this Planned Unit Development, and
- Options for the Commission to discuss and the staff recommendation.

Commissioner Lombardo discussed with Mr. Bocian the ability of low-income owners to stay in the units should their income grow and whether they would be required to sell the unit.

Commissioners discussed with Mr. Bocian the reduction in low-income units from 14 to 10, the development plot plan, and whether in-lieu fees would be put into the Lower Income Housing Fund (LIHF).

Commissioner Lombardo commented on the need for affordable housing in Pleasanton and discussed the loss of the affordable units if in-lieu fees are accepted from the developer. Mr. Bocian noted that taking the in-lieu fees would allow the City of Pleasanton to have more funds to do specific projects such as Kottinger Gardens.

Mr. Bocian provided Commissioner Soby information about the success of the affordable homes that have been in place for some time in Pleasanton.

Commissioner Cass indicated he agreed with the staff recommendation to approve the Affordable Housing Agreement for the SummerHill Development.

SummerHill Development representative, John Hickey, provided the Commission with a PowerPoint presentation of the proposed Las Positas Townhome Condominiums, showing the conceptual site plan, landscape plan, and conceptual perspective of the site.

Commissioners Lombardo and Soby discussed with Mr. Hickey proposed parking for the

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development, CC&R's and Home Owners Association issues, and planned management for the development.

Vice Chairperson had questions regarding plotting of the development and the individual units and Commissioner Lombardo had questions regarding infrastructure requirements.

**Vice Chairperson Welsh opened the meeting for public comment at 8:00 p.m.**

Lynn Kriegbaum, 3225 Clifford Circle, Pleasanton – indicated she had attended the Housing Commission meeting last year when the 177-unit rental development had been considered by the Commission and had expressed her opposition to that development but is pleased now to state she is 100% in favor of the new project being proposed by SummerHill

**Vice Chairperson Welsh closed the meeting for public comment at 8:03 p.m.**

Commissioner Lombardo stated he liked the idea of having affordable housing in this project but has concerns about the in-lieu fees and where they will go. Mr. Bocian noted that City Council has the latitude to decide about the disposition of in-lieu fees.

A motion was made by Commissioner Soby, seconded by Commissioner Cass, to approve the Affordable Housing Agreement (AHA) with a recommendation to City Council that item 11 of the Agreement be deleted, and should City Council opt to not delete item 11, that the in-lieu fees be designated for the Lower Income Housing Fund (LIHF).

**ROLL CALL VOTE:**

AYES: Commissioners Cass, Lombardo, Soby, and Vice-Chairperson Welsh.

NOES: None

ABSENT: Chairperson Mermelstein and Commissioner DenHoy

ABSTAIN: None

**10. Approval of 5-Year Agency Plan and Annual Update for the Pleasanton Housing Authority**

Mr. Erickson introduced the agenda report noting that every five years the City of Pleasanton is required to submit a Public Housing Authority 5-Year Plan with an annual plan every year. He noted that a new 5-year plan is required to be submitted for 2015/16.

Commissioner Soby was provided information by Mr. Erickson regarding grants received from HUD for the Housing Authority.

Commissioner Lombardo asked about a waiting list for Kottinger Place and how staff was able to determine applicant status with regard to being relatives of Pleasanton residents. He also questioned whether the new Kottinger Gardens development would be "green" and use solar. Mr. Erickson advised that MidPen is committed to using green principles in its new developments. He also discussed with Commissioner Lombardo how residents of the current senior complexes would be temporarily relocated during the construction phase, noting that the City of Pleasanton is obligated to cover the costs.

A motion was made by Commissioner Lombardo, seconded by Commissioner Cass, to adopt the draft resolution approving the 5-Year Agency Plan and Annual Update for the Pleasanton Housing Authority, and authorizing staff to submit to HUD by the applicable deadline.

**ROLL CALL VOTE:**

AYES: Commissioners Cass, Lombardo, Soby, and Vice Chairperson Welsh.  
NOES: None  
ABSENT: Chairperson Mermelstein and Commissioner DenHoy  
ABSTAIN: None

**11. Acceptance of Annual Housing Authority Independent Audit for the Year Ending 6/30/2014**

Mr. Erickson introduced the agenda report and reviewed with Commissioners the Annual Housing Authority Independent Audit for the Year Ending June 30, 2014. He noted that each year an independent audit of the Pleasanton Housing Authority general financial statements is performed by the City's contract auditing firm (currently Vavrinek, Trine, Day & Company).

Commissioners Lombardo questioned whether the \$172,359 in unearned revenue was from grants.

A motion was made by Commissioner Cass, seconded by Commissioner Lombardo, to accept the Annual Housing Authority Independent Audit for the Year Ending June 30, 2014.

**ROLL CALL VOTE:**

AYES: Commissioners Cass, Lombardo, Mermelstein, and Vice Chairperson Welsh.  
NOES: None  
ABSENT: Chairperson Mermelstein and Commissioner DenHoy  
ABSTAIN: None

**COMMUNICATIONS**

There were none

**MATTERS INITIATED BY MEMBERS OF THE COMMISSION**

There were none

**COMMITTEE REPORTS**

Kottinger Place Task Force – no report.

East Pleasanton Specific Plan Task Force – no report.

**DISCUSSION OF FUTURE MEETING AGENDAS**

Mr. Erickson stated that there are no specific items scheduled for the May meeting agenda at this time.

**ADJOURNMENT**

The meeting was adjourned at 8:25 p.m. by unanimous consent.

DATED: April 16, 2015

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Ann Welsh, Vice Chairperson

ATTEST:

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Brian Dolan, Assistant City Manager

**EXHIBIT**

**PUD-81-30-89D  
15-0169/P15-0170/  
PUD-81-30-55M  
Summerhill**

North America | Europe | Australia | Asia  
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**May 8, 2015**

**Jenny Soo, Associate Planner  
City of Pleasanton  
Community Development  
200 Old Bernal Road  
Pleasanton, CA 94566**

**Subject: Summer Hill Home's Las Positas Townhome Condominiums – CEQA Addendum  
Substantial Conformity**

**Dear Jenny:**

**At the request of the City of Pleasanton, FirstCarbon Solutions has prepared the following substantial conformity analysis indicating that the revised Las Positas Townhome Condominiums project is substantially similar to the previously proposed Summer Hill Apartment Community and, therefore, would result in similar or reduced environmental impacts as disclosed in the previously prepared February 27, 2014 Addendum.**

### **Background**

**In February of 2014, FCS prepared an Addendum to the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings Supplemental Environmental Impact Report (Supplemental EIR) for the Summer Hill Apartment Community (PUD-81-30-88D) (2014 Addendum). The subject property (project site) was included as a potential site for rezoning in the Supplemental EIR as site number 13, located at 5850 West Las Positas Boulevard. Within the Supplemental EIR, all 12.6 acres of the site were considered for potential rezoning for multi-family development, with a maximum number of 378 multi-family apartment units. However, the project site considered in the 2014 Addendum and herein involves only 5.9 of the 12.6 acres previously evaluated in the Supplemental EIR.**

**The 2014 Addendum considered the previously proposed Summer Hill Apartment Community project (2014 project), which included the demolition of an 88,512-square-foot commercial office building, and the subsequent construction of 177 multi-family apartment units complete with a recreation facility, community space, and leasing office on the 5.9 acre project site. The 2014 Addendum analyzed the conclusions of the Supplemental EIR to confirm whether the 2014 project would result in any new significant environmental effect or increase the severity of any previously identified environmental effect, such that preparation of a subsequent EIR or Mitigated Negative Declaration would be necessary pursuant to CEQA Guidelines Section 15162.**



PUD-81-30-89D  
P15-0169/P15-0170/  
PUD-81-30-55M  
Summerhill

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May 8, 2015

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Consistent with CEQA Guidelines Section 15162, the 2014 Addendum made the following conclusions:

- (1) The modifications to the 2014 project did 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 did not occur with respect to the circumstances under which the 2014 project would have been undertaken which would have required 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 2014 project was to be undertaken were substantially the same as under the Supplemental EIR.
- (3) There was 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 2014 project would 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 2014 project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (C) Mitigation measures or alternatives which were considerably different from those analyzed in the previous Supplemental EIR would have substantially reduced one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure or alternative.

As such, the 2014 Addendum appropriately disclosed potential environmental impacts from the previously proposed Summer Hill Apartment Community, thereby satisfying the requirements of CEQA. The Summer Hill Apartment Community and 2014 Addendum were considered at the February 26, 2014 Planning Commission meeting and were unanimously recommended for City Council approval. However, the 2014 project was never constructed.

### **Revised Project Description**

The applicant, Summer Hill Homes, has now revised the project, renaming it as the Las Positas Townhome Condominiums (referred to herein as the 2015 project). The proposed 2015 project consists of the development of a 94-unit residential townhome condominium community with three open space areas consisting of a central courtyard, paseos, open green area, and tot lot. The 94 townhome condominiums would consist of two-, three-, and four-bedroom floor plans located in 16 two- and three-story buildings of varying massing and size. The unit mix would consist of 10 two-bedroom units, 70 three-bedroom units, and 14 four-bedroom units.

Buildings 1 through 7, located on the northern half of the property would be oriented parallel to West Las Positas Boulevard and would taper down to two stories at the project's west and east boundaries to

transition to the adjacent commercial properties. Buildings 8 through 12, located on the southern half of the project site would be oriented perpendicular to West Las Positas Boulevard and would taper down to two stories at the site's southern boundary near Arroyo Mocho.

Similar to the 2014 project, the 2015 project's main access point would be from the existing signalized intersection at West Las Positas Boulevard and Hacienda Drive, with a secondary access point located to the west on West Las Positas Boulevard. A network of internal private streets would serve the 94 townhome condominiums. Consistent with the City's Design Guidelines, the internal street pattern is designed with a hierarchy of primary and secondary streets and lanes that have sufficient turning radius for fire-truck access. On-street parking would be provided continuously along the main street. Supplementing the main street is a series of smaller lanes that would provide access to the garages at the rear of the townhomes. The 2015 project includes 188 garage parking spaces and 58 on-street spaces. Pedestrian access would be provided via the existing sidewalks along West Las Positas Boulevard and pedestrian paseos throughout the project site.

Similar to the 2014 project, the 2015 project would preserve many of the existing trees located along the project site's boundaries. However, the 2015 project would require removal of 62 trees due to the different building configurations, whereas the 2014 project proposed removal of only 57. Similar to the 2014 project, the 2015 project would comply with the Tree Preservation Ordinance included in Chapter 17.16 of the Pleasanton Municipal Code. Overall, the 2015 project would result in a level of site disturbance similar to that of the 2015 project.

In addition, similar to the 2014 project, the 2015 project would implement the following design features to ensure that air quality and noise impacts are minimized:

- Project construction would not include the simultaneous occurrence of two construction phases (e.g., paving and building construction would not occur simultaneously).
- To ensure the project meets or exceeds Title 24 residential interior noise standards, upgraded sound transmission class (STC) rated 30 windows would be installed in buildings that border West Las Positas Boulevard (northern façade of Buildings 1, 2, and 3). All other locations throughout the project would incorporate STC 28 windows and doors.

## Comparison of Projects

A comparison of the 2014 and 2015 projects is provided in the table below.

Project Element	2014 Project	2015 Project	Summary of Change
Dwelling Units	177 apartment units	94 townhome condominiums	Beneficial Reduction
Gross Floor Area	222,060 sq ft	218,502 sq ft	Beneficial Reduction
Building Footprint	85,000 sq ft	84,695 sq ft	Beneficial Reduction

Project Element	2014 Project	2015 Project	Summary of Change
Building Coverage	33 percent	33 percent	No Change
Landscaped Area	44,530 sq ft	44,769 sq ft	Beneficial Increase
Density	30 DU/AC	15.9 DU/AC	Beneficial Reduction
Building Heights	2 to 4 stories	2 to 3 stories	Beneficial Reduction
Parking	304	248 (188 garage/60 on-street)	Beneficial Reduction
Estimated Population <sup>1</sup>	499	266	Beneficial Reduction
Vehicle Trip Generation (Daily) <sup>2</sup>	1,117	546	Beneficial Reduction
Building setback from West Las Positas Boulevard (minimum)	33-feet	35-feet	Beneficial Increase
Building setback from Arroyo Mocho (minimum)	50 feet	59 feet	Beneficial Increase
Tree Removal	57	62	Neutral Change (Offset by tree planting in accordance with Chapter 17.16 of the Pleasanton Municipal Code.

**Notes:**

Sq ft = square feet

DU/AC = dwelling units per acre

<sup>1</sup> Population is based on an average of 2.82 persons per household as estimated by the California Department of Finance and referenced in the 2014 Addendum.

<sup>2</sup> Trip generation based on ITE Trip Generation, 9<sup>th</sup> Edition, 2012: average rates for Apartments (ITE 220) and average rate for Condominiums (ITE 230)

Source: 2014 Addendum; Summer Hill Housing Group, 2015.

As indicated in the table, the 2015 project would result in a reduced unit count, population, trip generation, and building heights. All proposed project changes would be beneficial as compared to the 2014 project, with the exception of tree removal. The 2015 project would result in the removal of 62 trees, which is five more than would have been removed under the 2014 project. These five additional trees are considered heritage trees in accordance with Chapter 17.16 of the Pleasanton Municipal Code. The 2015 project would include a heritage tree removal permit and the planting of additional trees to offset the removal of heritage trees and other onsite mature vegetation, consistent with Chapter 17.16 of the Pleasanton Municipal Code (Tree Preservation Ordinance).

Overall, the 2015 project represents a substantial reduction (almost half) in overall intensity (15.9 DU/AC versus 30 DU/AC), but would result in a similar level of site disturbance with regards to grading and construction. The reduced land use intensity and similar site disturbance indicates that potential environmental impacts from the 2015 project would be similar to or less than those of the 2014 project.

## **Project Mitigation Measures**

The 2014 Addendum identified 10 mitigation measures in the Supplemental EIR that were applicable to the 2014 project. While the 2015 project's reduced unit count would reduce the intensity of some of the project's potential environmental impacts, the Supplemental EIR mitigation measures identified in the 2014 Addendum would still be applicable to the 2015 project. Each mitigation measure and its applicability to the 2015 project are discussed below.

### **Air Quality**

**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 2011) and, where construction-related emissions would exceed the applicable thresholds, additional Construction Mitigation Measures shall be included on all grading, utility, building, landscaping, and improvement plans during all phases of construction.

Similar to the 2014 project, the 2015 project would result in construction emissions from heavy-duty construction equipment, trucks, worker vehicle emissions, and fugitive dust emissions, albeit to a lesser degree than the 2014 project. Such emissions could contribute to cumulatively considerable net increases in air pollutants for which the project region is in nonattainment. However, implementation of Mitigation Measure 4.B-1a from the Supplemental EIR would ensure that impacts from fugitive dust and other construction emissions (air pollutants, toxic air contaminants) would be less than significant and would adhere to the BAAQMD's requirements. Furthermore, Illingworth & Rodkin, Inc. who assessed the potential of the 2014 project to expose residents to unhealthy air pollutant or toxic air contaminants (TACs), concluded in a letter dated April 27, 2015 that, similar to the 2014 project, the 2015 project would not expose residents to TAC levels above the community risk threshold recommended by the Bay Area Air Quality Management District. As such, air quality impacts related to the 2015 project would continue to be less than significant.

### **Biological Resources**

**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.

Similar to the 2014 project, the 2015 project would require the removal of trees and other vegetation that may be occupied by nesting or other special-status birds. The existing onsite commercial office building to be demolished could provide habitat for special-status bat species. However, implementation of Mitigation Measure 4.C-1a and 4.C-1b from the Supplemental EIR would ensure that any impacts to special-status bird and bat species are avoided or minimized to a level of less than significant.

Similar to the 2014 project, the 2015 project would preserve many of the existing trees located along the project site's boundaries. The 2015 project would result in the removal of 64 trees, five more than would have been removed under the 2014 project. These five additional trees are considered heritage trees in accordance with Chapter 17.16 of the Pleasanton Municipal Code. Similar to the 2014 project, the 2015 project would include a heritage tree removal permit and the planting of additional trees to offset the removal of heritage trees and other onsite mature vegetation, consistent with Chapter 17.16 of the Pleasanton Municipal Code (Tree Preservation Ordinance). As such, biological resource impacts related to the 2015 project would continue to be less than significant.

## **Cultural Resources**

**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.

Similar to the 2014 project, the 2015 project's ground disturbance has the potential to encounter previously unknown paleontological resources or human remains. The level of ground disturbance resulting from the 2015 project is expected to be similar to that of the 2015 project. As noted in the 2014 Addendum, in the event that paleontological resources or human remains are found, implementation of Mitigation Measure 4.D-3 and 4.D-4 would require construction activities to temporarily stop and the implementation of appropriate actions to mitigate impacts. As such, with the implementation of Mitigation Measure 4.D-3 and 4.D-4, cultural resource impacts related to the 2015 project would continue to be less than significant.

## **Hazards and Hazardous Materials**

**Mitigation Measure 4.G-5: 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.

The 2015 project is located on the same site and at the same distance from the Livermore Municipal Airport as the 2014 project. The project site is not located within the airport's Airport Protection Area, Airport Influence Area, or Federal Aviation Regulation (FAR) Part 77 height restriction space. Nonetheless, similar to the 2014 project, the 2015 project would be required to verify compliance with FAA Part 77 with regards to building height, in compliance with Mitigation Measure 4.G-5. As such, potential aviation hazard impacts related to the 2015 project would continue to be less than significant.

## Noise

**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.

Similar to the 2014 project, the 2015 project would result in temporary construction noise, albeit to a lesser degree than the 2014 project due to the reduced unit count. However, with the implementation of Mitigation Measures 4.J-1 the applicant's contractor's would be required to minimize construction noise through strategic placement of equipment and vehicle routes, limited construction hours, and compliance DMV noise standards, and designation of a noise disturbance coordinator.



Also, similar to the 2014 project, the 2015 project could expose residents to stationary noise sources that may exceed acceptable residential standards. The Noise Assessment prepared for the 2014 project by Charles M. Salter Associates, Inc. did not specifically quantify potential noise impacts from the adjacent land uses; however, surrounding uses include residential to the south, a school to the north, and commercial offices to the east and west, all of which are typically compatible with residential uses. Noise levels at the site in 2014 ranged from 54 dB DNL to 65 dB DNL, (inclusive of stationary noise sources) which are within the normally acceptable range for multi-family residential uses as indicated by the Pleasanton General Plan. Current onsite noise levels are not expected to have perceptively changed since 2014. Furthermore, Charles M. Salter Associates confirmed in an April 28, 2015 email that the analyses and recommendations from the previously prepared Noise Assessment remain appropriate and applicable to the 2015 project. Nonetheless, the 2015 project would be required to implement Mitigation Measure 4.j-6c, which includes the issuance of noise disclosures and noise complaint procedures to all future residents. In summary, with the implementation of Mitigation Measure 4.J-1 and 4.j-6c, noise impacts related to the 2015 project would continue to be less than significant.

## **Traffic**

**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.

Similar to the 2014 project, the 2015 project would result in additional trip generation, albeit to a lesser degree than the 2014 project due to the reduced unit count. The Traffic Impact Analysis prepared for the 2014 project concluded that all study intersections would continue to operate at acceptable LOS during the AM and PM peak hours under all analysis scenarios. This conclusion was based on the incorporation of the project's intersection improvements to West Las Positas Boulevard at Hacienda Drive, and the cumulative scenario planned traffic impact fee (TIF) improvements at the intersections of West Las Positas Boulevard at Hopyard Road, and West Las Positas Boulevard at Stoneridge Drive. Because the 2015 project would result in reduced trip generation as compared to the 2014 project, it is reasonable to conclude that the 2015 project would also not result in unacceptable LOS at any study intersections. In addition, the 2015 project would implement improvements to the West Las Positas Boulevard at Hacienda Drive similar to those of the 2014 project.

Consistent with the Supplemental EIR, the 2014 Addendum required the implementation of Mitigation Measure 4.N-7, requiring developers to contribute fair-share funds through the payment of City of Pleasanton and Tri-Valley Regional TIFs to help fund future improvements to local and regional roadways. As such, with the implementation of Mitigation Measure 4.N-7, traffic impacts related to the 2015 project would continue to be less than significant.

## **Utilities and Service Systems**

**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.

Similar to the 2014 project, the 2015 project would result in additional water demands, albeit to a lesser degree than the 2014 project due to reduced unit count and onsite population. However, with the implementation of Mitigation Measure 4.L-2, the applicant would be required to submit written verification indicating that sufficient water is available to serve the 2015 project. As such, impacts related to the 2015 project's water demands would continue to be less than significant.

### **Summary**

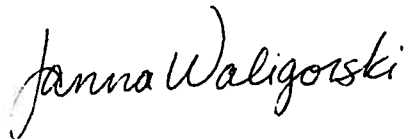
In summary, the 2015 project would be required to implement all applicable Supplemental EIR mitigation measures identified in the 2014 Addendum. Implementation of these mitigation measures would ensure that, similar to the 2014 project, the 2015 project would not result in any impacts beyond those considered in the Supplement EIR, and all impacts would continue to be less than significant.

### **Substantial Conformity**

Due to the reduced unit count, and similar level of site disturbance associated with the 2014 project, it is concluded that potential environmental impacts from the 2015 project would be substantially similar to or reduced as compared to those disclosed in the 2014 Addendum. As such, with the implementation of mitigation identified in the 2014 Addendum and discussed herein, the 2015 project would not result in any impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant, or less than significant with the implementation of mitigation. The 2014 Addendum, in combination with this substantial conformity letter, satisfies the requirements of CEQA for the 2015 project and no further environmental analysis is warranted.

FCS appreciates the opportunity to continue to support the City of Pleasanton and the Summer Hill Homes applicant. Questions regarding the content of this letter may be directed to Janna Waligorski at [jwaligorski@fcs-intl.com](mailto:jwaligorski@fcs-intl.com) or 530-519-9736.

Sincerely,



Janna Waligorski  
FirstCarbon Solutions  
1350 Treat Boulevard, Suite 380  
Walnut Creek, CA 94597

**EXHIBIT D.1**

**Addendum to the City of Pleasanton  
Housing Element and Climate Action Plan  
General Plan Amendment and Rezoning  
Supplemental Environmental Impact Report for the  
Summer Hill Apartment Community (PUD-81-30-88D (formerly  
PUD-103))  
City of Pleasanton, Alameda County, California**

**State Clearinghouse No. 2011052002**

Prepared for:  
**City of Pleasanton**  
Community Development  
200 Old Bernal Road  
Pleasanton, CA 94566  
925.931.5600  
Contact: Jenny Soo, Associate Planner

Prepared by:  
**FirstCarbon Solutions**  
1350 Treat Boulevard, Suite 380  
Walnut Creek, CA 94597  
925.357.2562  
Contact: Mary Bean, Project Director  
Janna Waligorski, Project Manager

Report Date: February 27, 2014

**PUD-81-30-89D  
P15-0169/P15-0170/  
PUD-81-30-55M  
Summerhill**



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## SECTION 1: INTRODUCTION

### 1.1 - Project Details

#### 1. Project Title and Number

Summer Hill Apartment Community (PUD-81-30-88D (formerly PUD-103))

#### 2. Lead Agency Name and Address

City of Pleasanton  
200 Old Bernal Avenue  
Pleasanton, CA 94566

#### 3. Contact Person and Phone Number

Jenny Soo, Associate Planner  
925.931.5615

#### 4. Project Location and APN

5850 West Las Positas Boulevard  
941-2762-006

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

Summer Hill Apartment Communities  
3000 Executive Parkway, Suite 450  
San Ramon, CA 94583  
Contact: Kevin Ebrahimi  
650.842.2268

#### 6. General Plan Designation

Business Park/Mixed Use

#### 7. Zoning

Planned Unit Development – Mixed Use (PUD-MU)

#### 8. Description of Project

The project consists of the construction of 177 multi-family apartment units, located within four buildings ranging from two to four stories in height. The project also includes a recreation facility, community space, leasing office, and exterior active and passive recreation uses.

## 9. Requested Permits/Approvals

- A. Planned Unit Development (PUD), Development Plan (PUD-81-30-88D (formerly PUD-103))
- B. Development Agreement (P14-0086)
- C. Growth Management Approval (P14-0024)
- D. Affordable Housing Agreement
- E. Grading Permit
- F. Building Permit
- G. Heritage Tree Removal Permit

## 10. Other Public Agency Permits

- A. San Francisco Regional Water Quality Control Board -

### 1.2 - Background

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 (State Clearinghouse Number 205122139). 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) relating 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 Supplemental 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. The Supplemental EIR provides a conservative analysis of 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 13. Within the Supplemental EIR, all 12.6 acres of the site was considered for potential rezoning for multi-family development with a maximum number of 378 multi-family



apartment units. As previously noted, the project involves only 5.9 of the 12.6 acres previously evaluated. Any future development on the project site would be required to abide by all applicable mitigation included in the Supplemental EIR.

Based on the Supplemental EIR, the project site was rezoned to Planned Unit Development – Mixed Use (PUD-MU). The PUD-MU zoning allows residential development at a density of 30 units per acre, or 177 multi-family apartment units for the 5.9-acre project site, consistent with the assumptions of the Supplemental EIR.

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 a less than significant level after mitigation, with the exception of two significant and unavoidable impacts:

- The demolition of a potentially significant historic resource on Site 6.
- The addition of traffic to segments of Sunol Boulevard (First Street) and Hopyard Road, to the point at which these roadway segments would operate unacceptably under Cumulative Plus Project Conditions.

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 the severity of any previously identified environmental effect, such that preparation of a subsequent EIR or Mitigated Negative Declaration would be necessary pursuant to CEQA Guidelines Section 15162. If a subsequent EIR or Mitigated Negative Declaration is not necessary, the City may rely on this Addendum to the Supplemental EIR to approve the project. The 2009 City of Pleasanton General Plan Program EIR (State Clearinghouse No. 2005122139) and 2011 City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings Supplemental Environmental Impact Report (EIR) (State Clearinghouse Number 2011052002) are incorporated by reference into this document.

### **1.3 - Project Site**

The project site consists of 5.9 acres located at 5850 West Las Positas Boulevard in the City of Pleasanton, California (Exhibit 1). The project site is roughly square in shape and is bounded by the Arroyo Mocho Canal to the south, which separates the site from Arroyo Mocho and single-family homes; West Las Positas Boulevard and Hart Middle School to the north; and single-story office buildings to the east and west (Exhibit 2).

The project site currently contains a vacant 88,512-square-foot one-story building, which was constructed in 1984. The building is surrounded by a parking lot with associated landscaping consisting of 103 landscape trees, none of which are indigenous to the site or native to the Pleasanton area (Hort Science 2013). Existing onsite impervious surfaces total 224,000 square feet.

## 1.4 - Project Description

The applicant proposes to build 177 multi-family apartment units along with a recreation facility, community space and a leasing office (Exhibit 3). The project would include 85 one-bedroom units, 77 two-bedroom units, and 15 three-bedroom units. Recreation and community building space would include a clubroom with kitchen facilities and a fitness center. Exterior features would include pedestrian paseos, pocket plazas, picnic, barbeque, and play areas, a tot lot, a swimming pool, spa, passive and active recreation areas and landscaping. The project would provide 1.65 acres of usable open space.

The apartments would be distributed among four buildings. Two “C” shaped buildings along West Las Positas Boulevard and two linear buildings along the Arroyo Mocho Canal. The overall building footprint would be 85,000 square feet, while the gross floor area would be 227,060 square feet. Building heights would vary between two to four stories and would employ contemporary architectural detailing. Table 1 provides a summary of the project.

**Table 1: Project Summary**

Component	Total
Multi-Family Apartment Units	177
Gross Floor Area	227,060 sq ft
Building Footprint	85,000 sq ft
Building Coverage	33 percent
Landscaped Area	44,530 sq ft
Density	30 DU/AC
Building Heights	2 to 4 stories
Notes: sq ft = square feet DU/AC = dwelling units per acre Source: Summer Hill Apartment Communities 2013.	

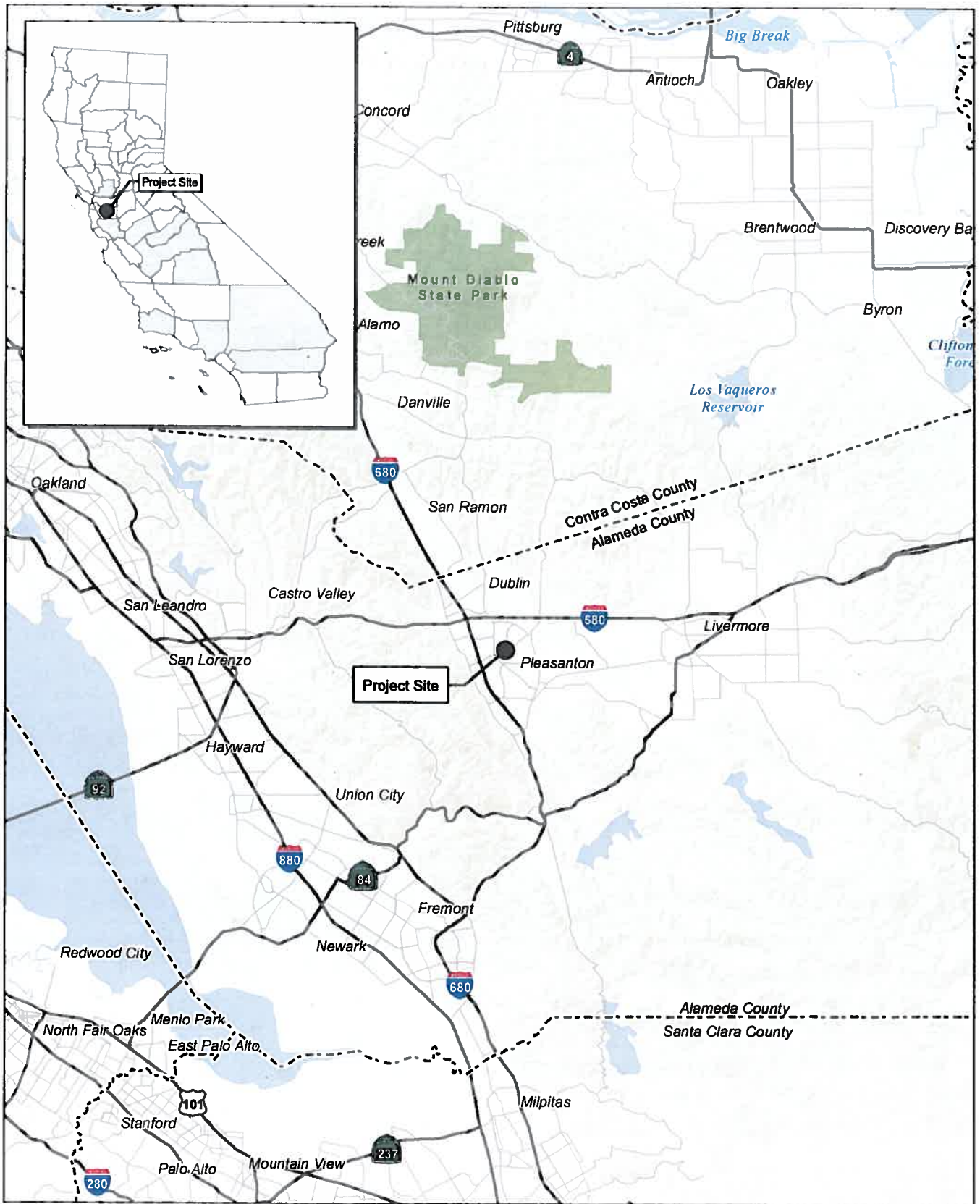
A total of 304 vehicle parking spaces, 142 bicycle parking spaces, and 12,200-cubic-feet of residential storage space would be provided. Primary vehicular access to the project site would be from the existing signalized intersection at West Las Positas Boulevard and Hacienda Drive. Secondary access would be provided via an existing driveway along the western property line. A network of internal drive isles would provide onsite vehicular access. Pedestrian access would be provided via the existing sidewalks along West Las Positas Boulevard and pedestrian paseos throughout the project site.

The project would preserve the majority of the existing street trees along West Las Positas. Additional landscaping would be provided throughout the project site and would comply with all current state and local green building landscape requirements.

To ensure that the construction air quality and noise impacts are minimized, the following project design features will be implemented:

- Project construction will not include the simultaneous occurrence of two construction phases (e.g., paving and building construction will not occur simultaneously).
- To ensure the project meets or exceeds Title 24 residential interior noise standards, upgraded sound transmission class (STC) rated 30 windows will be installed in buildings A and B, which border West Las Positas Boulevard. All other locations throughout the project will incorporate STC 28 windows and doors.





Source: Census 2000 Data, The CaSIL



## Exhibit 1 Regional Location Map





Source: ESRI Imagery, 2013



## Exhibit 2 Local Vicinity Map Aerial Base





# PROJECT SUMMARY

**Site Area:** 5.9 acres or 257,283 sq. ft. **Gross Floor Area:** 277,060 sq. ft.  
**Total Units:** 177 DU **Building Footprint:** 85,000 sq. ft.  
**Density:** 30.0 DU/AC **Building Coverage:** 33%  
**Building Heights:** 2 to 4 Stories **Landscaped Area:** 44,530 sq. ft.

## DEVELOPMENT STANDARDS:

(Per Housing Site Design Guidelines)

- Front Setbacks:** 33 min. from public streets  
17 min. from internal streets
- Side Setbacks:** 8 min. to carports  
50 min. from west property line to bldg.
- Rear Setback:** 8 min. to carports
- Alley Setbacks:** 5 min. to garage door  
3 min. to upper stories
- Drive aisle widths:** 26 min. internal streets  
24 min. alleys

## PARKING REQUIRED:

- 1.5 spaces per 1-bedrm unit x 85 = 2 = 130 spaces
- 1.5 spaces per 2-bedrm unit x 77 = 116 spaces
- 2 spaces per 3-bedrm unit x 15 = 30 spaces
- 1 visitor space per 7 units x 177 = 25 spaces
- 301 spaces required**

## PARKING PROVIDED:

- Garage spaces - 10' x 20' min. 130 spaces (2 accessible)
- Carport spaces - 9' x 18' min. 124 spaces (2 accessible)
- Uncovered spaces - 9' x 18' min. 38 spaces (4 accessible)
- Compact spaces - 8' x 16' min. 12 spaces
- 304 (8 accessible) spaces provided**

## SECURE BICYCLE PARKING REQUIRED:

- 0.8 per unit x 177 = 142 spaces required

## SECURE BICYCLE PARKING PROVIDED:

- Inside Private Garages 130 spaces
- Inside Bicycle Storage Rooms 20 spaces
- 150 spaces provided**

## RESIDENTIAL STORAGE REQUIRED:

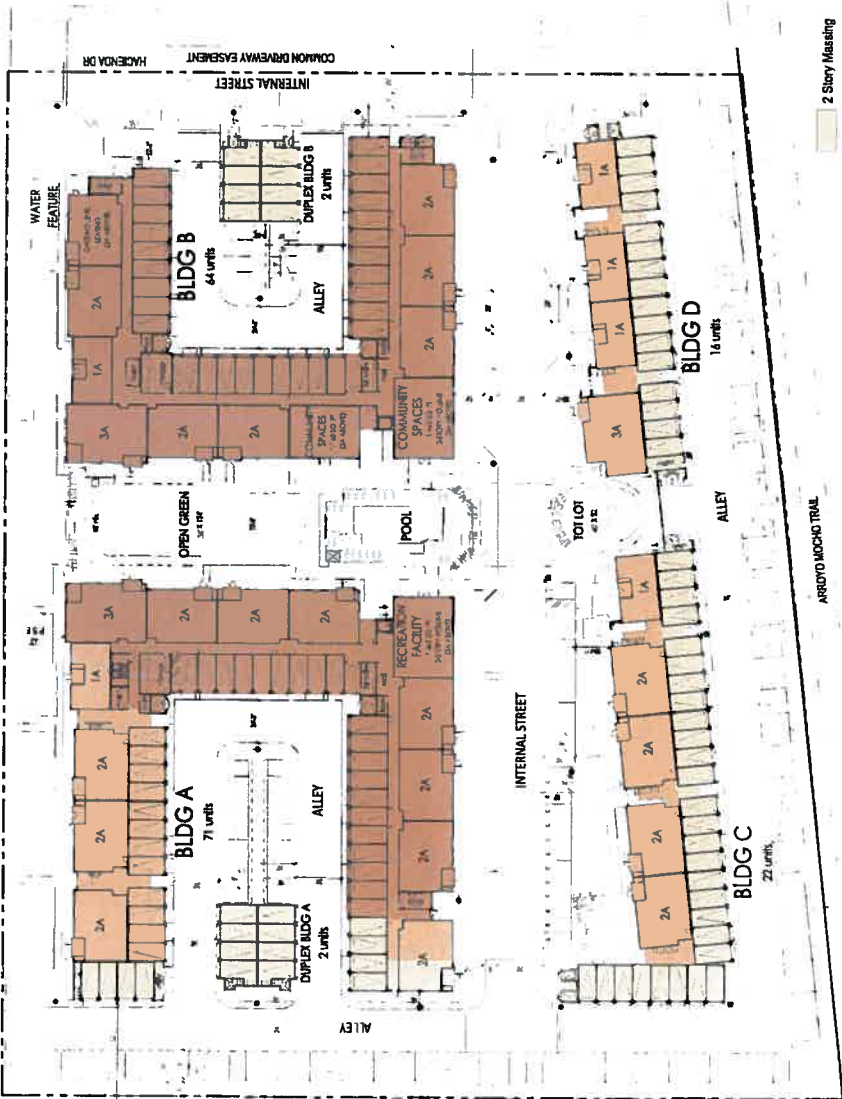
- 40 cu. ft. per unit x 177 = 7,080 cu. ft. storage required

## RESIDENTIAL STORAGE PROVIDED:

- 40 cu. ft. patio storage x 153 = 6,120 cu. ft. provided on patios
- 2'w x 3'd x 6'h typ. locker x 152 = 6,080 cu. ft. provided in storage rooms
- 12,200 cu. ft. storage provided**

## NOTES:

- \* Zero setbacks to face of carriage buildings, with 2' garage door recess
- \*\* Carport depth includes 2' vehicle overhang above landscaping



UNIT MIX	A	B	C	D	TOTAL
1-BEDROOM	32	30	10	13	85
2-BEDROOM	35	30	12	77	77
3-BEDROOM	6	6	3	15	15
	73	66	22	16	177 units

BUILDING	A	B	C	D	TOTAL
2 Story Massing					
3 Story Massing					
4 Story Massing					
Carport					

Source: KTG Group, Inc. 2013



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# Exhibit 3 Conceptual Plan

CITY OF PLEASANTON • SUMMERHILL APARTMENT COMMUNITY  
 ADDENDUM TO THE CITY OF PLEASANTON HOUSING ELEMENT AND  
 CAP GENERAL PLAN AMENDMENT AND REZONINGS SUPPLEMENTAL EIR



## SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

### Environmental Determination

The Supplemental EIR analyzed the development of a larger project site, consisting of 378 multi-family units on 12.6 acres (30 dwelling units per acre). The project as currently envisioned includes 177 multi-family apartment units on 5.9 acres, which is consistent with the 30-unit-per-acre density 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 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.

## **Evaluation of Environmental Impacts**

### **Discussion of Environmental Evaluation**

The following analysis includes a discussion of each item identified in the current CEQA environmental checklist (Appendix G). Required mitigation measures are identified (if applicable) where necessary to reduce a projected impact to a level that is determined to be less than significant. The 2009 City of Pleasanton General Plan Program EIR (State Clearinghouse Number 2005122139) and 2011 City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings Supplemental 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"/>

## Environmental Setting

The project site is located in an urban area and is currently developed with a vacant 88,512-square-foot one-story office building, surface parking, and mature landscaping. The site is bounded by Arroyo Mocho and single-family homes to the south; West Las Positas Boulevard and Hart Middle School to the north; and single-story office buildings to the east and west. Exhibit 4 provides photographs of the site and surrounding areas.

## Findings

The Supplemental EIR concluded that residential development 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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

## Scenic Vistas

The Supplemental EIR concluded that implementation of the goals, policies, and programs included as part of the proposed Housing Element, General Plan, applicable zoning requirements, and 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 development for the project site.

Scenic resources include Mt. Diablo to the north, the Pleasanton Ridgeland west of Interstate 680 (I-680), and hills to the west, southeast, and east. As shown on Exhibit 4, views of these resources

are mostly obstructed by mature trees and by surrounding urban development. Therefore, the project would not substantially alter these views, and thus, would not introduce any new impacts to scenic vistas. Impacts would continue to be less than significant and no mitigation is necessary.

### **State Scenic Highway**

The project site is located approximately one-mile east of I-680, which is designated as a State Scenic Highway. The project site is not visible from I-680 because of its distance and the 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 visual character effects of new development would be reduced through the Design Review process, as required by Chapter 18.20 of the Pleasanton Municipal Code. The project is consistent with the land use and intensity evaluated in the Supplemental EIR. The project is also subject to Design Review, which would ensure consistency with the architectural style, heights, and massing of the surrounding area. Furthermore, the City-approved Housing Site Development Standards and Design Guidelines also address compatibility with surrounding buildings. Therefore, visual character impacts due to new development would be less than significant and the 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/Glare**

The Supplemental EIR concluded that new residential development would introduce artificial light and glare from residences and outdoor parking areas. However, compliance with the State Nighttime Sky-Title 24 Outdoor Lighting Standards, and the City's General Plan policies and Municipal Code regulations regarding lighting and glare would reduce potential light and glare effects to a less than significant level.

The project has been designed in accordance with the City of Pleasanton's General Plan policies regarding lighting and glare as well as the Pleasanton Municipal Code regulations, including Sections 18.48.100, 18.88.040, 18.96.020, and the site lighting guidelines of the Housing Site Development Standards and Design Guidelines. Therefore, the project's lighting is appropriately designed to limit glare and spillover light as well as limit interior and exterior illumination. In addition, the project would be consistent with Title 24 Outdoor Lighting Standards. Therefore, the project 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.



Source: KTG Group, Inc. 2013



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## Exhibit 4 Site Photographs

CITY OF PLEASANTON • SUMMERHILL APARTMENT COMMUNITY  
ADDENDUM TO THE CITY OF PLEASANTON HOUSING ELEMENT AND  
CAP GENERAL PLAN AMENDMENT AND REZONINGS SUPPLEMENTAL EIR





## **Conclusion**

The 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.

## **Mitigation Measures**

No mitigation is 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 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, commercial and institutional land uses. There are no Williamson Act lands within or near the project site.

## **Findings**

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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### **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 most recent Alameda County Farmland Mapping and Monitoring Program (California Department of Conservation 2010). Therefore, the project would not introduce any new agricultural land conversion impacts not previously disclosed and 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. Therefore, the 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. Therefore, the project would not introduce any new forestland or timberland zoning impacts not previously disclosed. No impact would occur.

### **Conversion or Loss of Forest Land 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 are no forests or timberlands in the surrounding area. Therefore, the project would not result in the conversion or loss of forest land or timberland land, and no impacts would occur.

## **Conclusion**

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

## **Mitigation Measures**

No mitigation is 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.</i>				
<i>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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Setting

The project site is located in the Bay Area Air Quality Management District (BAAQMD). BAAQMD's 2010 CEQA Air Quality Guidelines (2010 Air Quality Guidelines) were used in the Supplemental EIR's analysis of potential sites for rezoning and residential development.

The original Air Quality Guidelines were published in 1999 and updated with minor edits in 2011; however, for purposes of clarity, the updated Air Quality Guidelines are referred to in this section by their 2010 adoption date (2010 Air Quality Guidelines). The Air Quality Guidelines were further updated in 2012, as described below.

The Air Quality Guidelines set forth a process of gathering project information and then comparing the project information against screening criteria or significance thresholds to determine whether additional analysis is warranted. If a project exceeds the screening criteria, the next step is to perform a more detailed and refined analysis and compare project impacts against a set of significance thresholds. If a project does not exceed the screening criteria or significance thresholds, then the project would be deemed to have a less than significant impact and no mitigation would be required. Conversely, a project that exceeds the significance thresholds would be required to implement feasible mitigation measures.

The 2010 Air Quality Guidelines included new screening levels and 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 oxide [NO<sub>x</sub>]), and toxic air pollutants (TACs) and operational related cumulative TACs. In addition, the 2010 Air Quality Thresholds included reduced criteria pollutant thresholds for operational criteria pollutants and ozone precursors to provide a more conservative threshold.

Following certification of the Supplemental EIR by the City of Pleasanton on January 4, 2012, the Alameda County Superior Court issued a judgment, which found that BAAQMD’s adoption of new thresholds of significance within the 2010 Air Quality Guidelines did not comply with the informational requirements of CEQA. BAAQMD successfully appealed the trial court’s ruling and the case is now under review by the California Supreme Court, with a decision expected in 2014. This lawsuit was primarily concerned with whether BAAQMD violated CEQA’s procedural requirements, and did not challenge the substantive adequacy of the thresholds, or the scientific data in support of the thresholds.

Nonetheless, in view of the legal uncertainty, the BAAQMD released a new version of the Air Quality Guidelines in May 2012, which removed the 2010 Air Quality Thresholds. The BAAQMD recommends that lead agencies determine their own appropriate air quality thresholds of significance based on substantial evidence within the lead agency’s administrative record. Lead agencies may still rely on the BAAQMD’s 2010 Air Quality Guidelines for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures. The City of Pleasanton has determined that the BAAQMD’s 2010 Air Quality Thresholds are based on substantial evidence, as identified in Appendix D of the CEQA Guidelines, and has therefore adopted and incorporated them into this analysis.

Table 2 and Table 3 compare the 2010 Air Quality Thresholds to the thresholds established in the original 1999 Air Quality Guidelines.

**Table 2: BAAQMD Project-Level Construction-Related Thresholds**

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds
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>

**Table 2 (cont.): BAAQMD Project-Level Construction-Related Thresholds**

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds
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            O<sub>x</sub> = 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 matter            BMPs = best management practices</p>		

**Table 3: 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 tons/year
NO <sub>x</sub>	80 lbs/day	54 lbs/day	10 tons/year
PM <sub>10</sub>	80 lbs/day	82 lbs/day	15 tons/year
PM <sub>2.5</sub>	None	54 lbs/day	10 tons/year
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	

**Table 3 (cont.): BAAQMD Project-Level Operational Related Thresholds**

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds	
		Average Daily Emissions	Maximum Annual Emissions
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	
<b>Notes:</b> 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. Although BAAQMD is no longer recommending the 2010 Air Quality Thresholds, this document uses the 2010 Air Quality Guidelines and 2010 Air Quality Thresholds for screening and analysis purposes for most impacts. In certain circumstances, consistent with the May 2012 Update to the 2010 CEQA Guidelines, this document uses alternative thresholds where deemed appropriate and supported by substantial evidence. Pursuant to the 2010 Air Quality Guidelines if a project does not exceed the thresholds contained within the 2010 Air Quality Guidelines or alternative thresholds, it will result in a less than significant impact.

## Findings

The Supplemental EIR concluded that implementation of the General Plan Amendment and rezoning of the project site for eventual residential development would have a less than significant impact related to (1) consistency with the Clean Air Plan, (2) consistency with the implementation measures of the 2010 Clean Air Plan, (3) net increase of criteria pollutants, (4) impacts on sensitive receptors after implementation of mitigation, and (5) exposure to objectionable odors.

The project includes the development of 177 multi-family apartment units on 5.9 acres, which is consistent with the density anticipated by the Supplemental EIR (30 units per acre).

As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

**Air Quality Plan Compliance:** The Supplemental EIR concluded that the project would not conflict with implementation of the 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.

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 project would not result in a substantial unplanned increase in population, employment, or regional growth in vehicle miles traveled, or emissions, so it would not conflict with or obstruct implementation of the air quality plan. Furthermore, it is consistent with the density analyzed in the Supplemental EIR. As such, the project would be consistent with the 2010 Clean Air Plan 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. Development anticipated by the Supplemental EIR would require demolition and removal of existing structures, grading, 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 Measure 4.B-1a would ensure that impacts from fugitive dust and other construction emissions (carbon monoxide hotspots) would be less than significant and would adhere to the BAAQMD's requirements. The projects potential for carbon monoxide (CO) hotspot and construction emissions impacts are analyzed below.

#### ***Carbon Monoxide Hotspot***

A significant impact related to CO 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.

A development project would result in a less than significant impact to localized CO concentrations (and would not require quantification) 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 project would be consistent with applicable transportation policies establishing effectiveness. The project would not cause any signalized study intersections to operate below acceptable level of service (LOS) standards after the implementation of mitigation measures from the Supplemental EIR and compliance with General Plan Transportation Element Program 1.1. Because the 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 project would not introduce any new impacts related to Applicable Transportation Plans and Policies not previously disclosed, and meets the first screening criteria.

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, thereby meeting the second and third screening criteria. As shown in the Traffic Impact Analysis (Appendix H), Hopyard Road/Las Positas Boulevard is the project-affected intersection with the current highest volume, experiencing a PM peak-hour volume of 4,387 vehicles. Based on the BAAQMD screening methodology, this volume of traffic would have a less than significant impact on CO concentrations. As such, the 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. Development anticipated by the Supplemental EIR would require demolition and removal of existing structures, grading, site preparation, and construction of new structures. Emissions generated during construction activities would include fugitive dust emissions associated with earth disturbing activities. However, as indicated in the Supplemental EIR, compliance with Mitigation Measure 4.B-1a 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.

In summary, the 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 implementation of residential development on rezoned sites would have less than significant impacts related to cumulatively considerable net increases of criteria pollutants, for which the project region is in nonattainment after implementation of Mitigation Measure 4.B-1a. As discussed below, the 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**

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 the 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. Specifically for construction, the project would result in a less than significant impact to air quality if the following screening criteria are met:

1. The project is below the applicable screening level size (see Table 4).
2. All Basic Construction Mitigation Measures would be included in the project design and implemented during construction.
3. Construction-related activities would not include any of the following:
  - a) Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
  - b) Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
  - c) Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
  - d) Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
  - e) Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

**Table 4: Criteria Air Pollutant and Precursors  
Screening Level for Construction Emissions**

Land Use	Screening Size	Project Size
Apartment Mid Rise	240 DU	177 DU
Note: DU = dwelling units Source: BAAQMD 2011.		

The project includes 177 multi-family apartment units in four buildings ranging two to four stories in height, which is consistent with the “apartment mid-rise” land use category of the BAAQMD’s

screening levels. The project is less than the screening level of 240 dwelling units, indicating that construction activities would not be considered to have the potential to generate significant quantities of air pollutants.

The project would also meet all of the other screening criteria listed above, indicating that impacts would remain less than significant:

- The project would include all basic construction mitigation measures;
- Construction-related activities would not violate the screening criteria above;
- Construction would involve demolition, but would be consistent with District Regulation 11, Rule 2 regarding asbestos;
- The project would not involve the simultaneous occurrence of more than two construction phases or construction of more than one land use type;
- Site preparation is not expected to be greater than default values,
- The project would require 8,000 cubic yards of cut and 2,500 cubic yards of fill. The removal of 5,500 cubic yards of soil is below the screening criteria of 10,000 cubic yards. As such, the project would not require extensive material transport requiring a considerable amount of haul truck activity.

**Operational Pollutants**

The 2010 Air Quality Guidelines provide operational emissions screening criteria developed for criteria pollutants and precursors. As shown in Table 5, the project’s proposed land use is less than the BAAQMD’s screening level for criteria air pollutants and precursors. Therefore, the project would have a less than significant impact with respect to criteria pollutants and ozone precursors.

**Table 5: Criteria Air Pollutant and Precursors Screening for Operational Emissions**

Land Use	Screening Size	Project Size
Apartment Mid Rise	494 DU	177 DU
Note: DU = dwelling units Source: BAAQMD 2011.		

In summary, the 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 and no mitigation is necessary.

## **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 and the implementation of any combination of measures required by the health risk assessment to reduce receptor exposures to a level below the threshold. Measures could include the incorporation of design features, trees, and/or high-efficiency central heating and ventilation systems. As discussed below, the project would not introduce any new substantial impacts not previously disclosed. Further analysis of the project's potential toxic air contaminant (TAC) impacts and emissions modeling output are provided below and in the Health Risk Assessment prepared by Illingworth & Rodkin, Inc. on October 30, 2013 (Appendix B), consistent with Mitigation Measure 4.B-4.

Sensitive receptors near the project site include Hart Middle School north of the project site, commercial uses on either side of the project site, and residential uses south of the project site, across the Arroyo Mocho Canal.

### **Construction Localized Fugitive Dust**

Activities associated with site preparation and construction would generate short-term emissions of fugitive dust resulting in increased dust fall 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 project would ensure impacts would remain less than significant.

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

As discussed in the BAAQMD's Air Quality Guidelines, construction activity using diesel-powered equipment emits diesel particulate matter (DPM), a known carcinogen. A 10-year research program (Air Resources Board (ARB), 1998) demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. Moreover, the current methodological protocols required by ARB when studying the health risk posed by DPM assume the following: (1) 24-hour constant exposure; (2) 350 days a year; (3) for a continuous period lasting 70 years.

The majority of heavy diesel equipment usage would occur during the grading phase of construction, which would occur over a brief duration. Nearby sensitive receptors that surround the project site would be exposed to construction contaminants only for the duration of construction. This brief exposure period would substantially limit exposure to hazardous emissions. In addition, construction-emitted pollutants would rapidly disperse from the project site. The brief exposure period presented by the project is substantially less than the exposure period typically assumed for

the health risk analysis, as provided above. Further, Mitigation Measure 4.B-1 requires the preparation of an air quality plan and submittal to the City that demonstrates BAAQMD recommended control measures will minimize risks to sensitive receptors. Therefore, impacts from exposure to construction-generated DPM would be less than significant.

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

The project is not a land use known to generate TACs in substantial quantities; therefore, risks to adjacent receptors from the project would be less than significant. The project would result in the construction of a sensitive receptor land use. As such, this impact analysis focuses on the potential impacts to onsite residents from nearby sources of TACs. The BAAQMD provides three tools for use in screening potential sources of TACs. These tools are:

- **Surface Street Screening Tables.** The BAAQMD pre-calculated potential cancer risk and PM<sub>2.5</sub> concentration increases for each county within their jurisdiction. The look-up tables are used for roadways that meet the BAAQMD's 'major roadway' criteria of 10,000 vehicles or 1,000 trucks per day. Risks are assessed by roadway volume, roadway direction, and distance to sensitive receptor.
- **Freeway Screening Analysis Tool.** The BAAQMD prepared a Google Earth file that contains pre-estimated cancer risk, hazard index, and PM<sub>2.5</sub> concentration increases for highways within the Bay Area. Risks are provided by roadway link and are estimated based on elevation and distance to the sensitive receptor.
- **Stationary Source Risk and Hazard Screening Tool.** The BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, the BAAQMD provides conservative cancer risk and PM<sub>2.5</sub> concentration increase values.

The BAAQMD recommends the use of these three tools in a screening process to identify whether further environmental review of potential TAC or PM<sub>2.5</sub> concentration risk for a project is warranted. Specifically, emissions sources within 1,000 feet of the project boundary should be evaluated.

For project-level analysis, BAAQMD specifies both individual and cumulative-level thresholds of significance for risks and hazards. The BAAQMD's individual cancer risk threshold of significance is 10 in a million, and the cumulative risk threshold is 100 in a million. For projects that consist of new receptors, it is generally appropriate to only use the cumulative-level threshold because the project itself is not a source of TACs and, thus, the individual project-level threshold is not relevant. The cumulative risk threshold accounts for all potential sources of TACs and PM<sub>2.5</sub> in proximity to new receptors. Because the project is a residential development and is not considered a source of TACs, this analysis is focused to the cumulative impact of nearby sources of TACs to the project.

Consistent with the requirements of Supplemental EIR Mitigation Measure 4.B-4, a Health Risk Assessment (HRA) was prepared by Illingworth & Rodkin, Inc. to assess community risks and hazards related TACs (Appendix B). Mitigation Measure 4.B-4 requires that exposure to TACs fall below "BAAQMD's threshold of significance at the time of project approval." The following evaluates impacts from potential offsite sources (stationary and mobile sources within 1,000 feet of the project's boundary) on new onsite sensitive receptors.

*Permitted Stationary Sources*

The BAAQMD database for permitted stationary sources indicates that there are two permitted sources of air pollutants within the 1,000-foot zone of influence of the project with non-trivial TAC emissions, Zantaz and Verizon Wireless Pleasanton Switch. The potential risks from those sources are provided in Table 6.

*Mobile Sources*

The BAAQMD provides screening tables and data to determine if roadways with traffic volumes of over 10,000 vehicles per day may have a significant effect on sensitive receptors. Table 6 provides the potential risk for residences within 10 feet of an east-west roadway with an ADT count of 20,000 vehicles as indicated by BAAQMD’s thresholds.

Table 6 includes West Las Positas Boulevard, because this roadway has an average daily traffic (ADT) count of 18,500 vehicles in the vicinity of the project site (City of Pleasanton, 2013), which is close to the 20,000 ADT threshold. (Note that proposed apartment units would be 30 feet from the roadway, rather than 10 feet assumed for the purposes of screening).

*Health Risk Assessment Results*

As shown in Table 6, the maximum estimated total cancer risk for new residents due to stationary and mobile sources is 29.79 in a million, and does not exceed the cumulative significance threshold of 100 in a million. Similarly, the estimated chronic hazard index and the annual average PM<sub>2.5</sub> concentrations fall below the corresponding cumulative significance thresholds. Detailed analysis is provided in Appendix B.

**Table 6: Stationary and Mobile Risk Hazard Analysis**

Source	Lifetime Excess Cancer Risk (in a million)	Chronic Hazard Index	PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
<b>Stationary Sources</b>			
Zantaz (17686)	2.77	0.001	0.003
Verizon Wireless Pleasanton Switch (14691)	21.55	0.008	0.038
<b>Mobile Sources</b>			
W Las Positas Blvd	5.47	<0.03	0.223
<b>Total Risk from All Local Sources</b>	<b>29.79</b>	<b>0.039</b>	<b>0.264</b>
<i>Cumulative Risk Threshold</i>	100	10	0.8
<i>Exceeds Threshold?</i>	No	No	No
Source: Illingworth & Rodkin 2013, BAAQMD 2011.			

In summary, the project has complied with mitigation measure 4.B-4 by preparing an HRA. As indicated in the HRA the project would not expose on-site residents to significant cumulative risks from adjacent sources of TACs, and impacts would be less than significant.

### **Odors**

The Supplemental EIR indicated that residential development on the rezoned sites could potentially expose occupants to sources of substantial odors. The project site is within the BAAQMD recommended one-mile buffer of the sewage treatment plant located between Johnson Drive and I-680. The Supplemental EIR concluded that Policy 8, Program 8.1 and Program 8.2 of the Air Quality Element of the Pleasanton General Plan require odor generators within the City to minimize impacts. Furthermore, the City has indicated that it has not received any recent odor complaints associated with this source. Impacts would continue to be less than significant and no mitigation is necessary.

### **Conclusion**

The project would not result in any air quality impacts beyond 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, and as cited below.

### **Mitigation Measure**

The following mitigation measure appears in the Supplemental EIR, and applies to the project:

**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 2011) and, where construction-related emissions would exceed the applicable thresholds, Additional Construction Mitigation Measures 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

## Environmental Setting

Ecologically, the project site consists of urban/developed land, including an office building and parking lot with mature landscaping. The project site is surrounded by urban/developed land, including other residential and commercial properties, and a school. The Arroyo Mocho Canal borders the project site to the south. This segment of the Arroyo Mocho Canal is unlined, with moderate to shallow vegetated banks. Vegetation is limited to low growing shrubs and grasses;



there are no trees within the Canal or on the adjacent banks, and riparian vegetation is limited to the bottom of the canal.

Wildlife within the project area is limited to those adapted to urban activities and human disturbance. As with most urbanized environments, landscape features such as trees, bushes, grasses, and ruderal vegetation, may provide roosting habitat for bird or bat species and may provide foraging habitat. Riparian corridors such as the Arroyo Mocho Canal 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.

## **Findings**

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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### **Candidate, Sensitive, or Special Status Species**

The project would remove some onsite trees and landscaping and would provide new landscaping throughout the common areas. The majority of existing trees along West Las Positas would be preserved.

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 the implementation of Mitigation Measures 4.C-1a and 4.C-1b to ensure that any impacts to special-status bird and bat species are avoided or minimized to a level of less than significant. With the implementation of these mitigation measures, the project's potential impacts would also be less than significant.

### **Riparian Habitat or Other Sensitive Natural Community**

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 the Arroyo Mocho Canal. As indicated in the Supplemental EIR, these impacts would require implementation of Mitigation Measure 4.C-2, which requires 20-foot setbacks from the edge of riparian vegetation or top of bank whichever is further from the creek centerline.

The project would also 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. Adherence to these policies would provide further protection for identified riparian habitat along Arroyo Mocho.

Areas that would be disturbed by the project include landscaping and parking areas, and would be redeveloped with similar uses. The distance from the top of bank to the project site's property line is greater than 20 feet. Therefore, no new grading or development would occur onsite within 20 feet of Arroyo Mocho Canal's top of bank. The project as designed is consistent with the requirements of Mitigation Measure 4.C-2. Therefore, the project's impacts would continue to be less than significant as concluded in the Supplemental EIR and no mitigation is necessary.

### **Federally Protected 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 NPDES permit. Adherence to these policies would ensure that impacts would continue to be less than significant and no mitigation is necessary.

### **Species, Wildlife Corridors, or Wildlife Nursery Sites**

The Supplemental EIR concluded that while the project site is developed and lacks habitat value, Arroyo Mocho and landscaped areas within the vicinity provide wildlife corridors for fish, waterfowl, other birds, bats, and mammals. As indicated in the Supplemental EIR, implementation of Mitigation Measures 4.C-1a, 4.C-1b, and 4.C-2 would ensure that any impacts to special-status species within the Arroyo Mocho riparian corridor are avoided or minimized. Therefore, the project's impacts would continue to be less than significant as concluded in the Supplemental EIR with the implementation of applicable mitigation.

### **Local Policies or Ordinances**

The Supplemental EIR indicated 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 adherence to the Tree Preservation Ordinance included in Chapter 17.16 of the Pleasanton Municipal Code, which provides adequate protection for heritage trees in the City of Pleasanton.

According to the Tree Report prepared by Hort Science (Appendix C), the project site contains 103 trees, of which 27 are considered heritage trees. Of the heritage trees, 13 evergreen ash trees (*Fraxinus uhdei*) and one cork oak tree (*Quercus suber*) are the best candidates for preservation, as they are located along the West Las Positas Boulevard frontage and the southwestern corner of the project site, respectively (Hort Science, 2013). In addition, six red Ironbark (*Eucalyptus sideroxylon*) and five Callery Pear (*Pyrus calleryana*) heritage trees would be preserved or replanted (Hort Science, 2013). The remaining two heritage trees would be removed as a part of the project. Overall, 46 onsite trees would be preserved.

The heritage trees proposed for removal either are in poor condition or are located in such a manner that they prohibit the construction of project improvements for the economic benefit of the property. The landscaping plan includes the planting of additional trees to offset the removal of mature vegetation and heritage trees, consistent with the Tree Preservation Ordinance. Therefore, removal of onsite trees and heritage trees would be implemented in accordance with Chapter 17.16 of the Pleasanton Municipal Code. Impacts would be less than significant and no mitigation is necessary.

### **Habitat Conservation Plan, Natural Community Conservation Plan, or other Approved 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.

### **Conclusion**

The project would not introduce any biological resource impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of applicable mitigation from the Supplemental EIR, as cited below.

### **Mitigation Measures**

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

**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.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

## Environmental Setting

No historic properties, archaeological resources, or paleontological resources were identified on the project site during the cultural resource assessment conducted for the Supplemental EIR. Historical aerial photographs indicate that the project site was primarily agricultural until construction of the current use in 1984. The Hewlett Canal formerly crossed the northwest corner of the project site, but was filled sometime in the 1970s (ENGEO 2013b).

## Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would result in less than significant impacts to archaeological resources and human remains after the implementation of mitigation.

The Supplemental EIR concluded that a significant and unavoidable impact would occur with the demolition of a potentially significant historic resource on Site 6. The project is located on Site 13, and would not contribute to the impact to Site 6.

The Supplemental EIR concluded that no impact to paleontological resources or unique geologic features would occur as a result of development of the project site.

The project would not disturb any areas that were not previously disturbed by construction of the current onsite facilities, which occurred in 1984. Coupled with the fact that the area was disturbed by agricultural activities prior to 1984, there is a reduced likelihood of any intact cultural resources beneath the existing development. As discussed below, the project would not result in any new

substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### **Historical Resource**

The current one-story, vacant office building and the associated parking lot were constructed in 1984 and do not meet the threshold for consideration as a potential historic resource.

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

### **Archaeological Resource**

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 City requires a standard condition of approval for projects requiring Planning Department approval that would require that all construction stop in the event that cultural resources are uncovered during excavation. With implementation of this standard condition, the project would be expected to have a less than significant effect on unknown cultural resources. Therefore, the project would not introduce any new impacts to archaeological resources that were not previously disclosed in the Supplemental EIR. Impacts would be less than significant and no mitigation is necessary.

### **Unique Paleontological Resource or Site or Unique Geologic Feature**

The Supplemental EIR indicated that 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.

The City implements a standard condition of approval that requires all construction to stop in the event that paleontological resources are uncovered during excavation. With implementation of this standard condition, projects would be expected to have a less than significant effect on unknown paleontological resources. The Supplemental EIR included Mitigation Measure 4.D-3, which requires construction to temporarily stop if paleontological resources are encountered and assessment by a qualified paleontologist occurs.

With the implementation of the City’s standard conditions of approval regarding paleontological discovery and Mitigation Measure 4.D-3, 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. The City implements a standard condition of approval that requires all construction to stop in the event that human remains are uncovered during excavation. In addition, the Supplemental EIR included Mitigation Measure 4.D-4, which requires construction to temporarily stop and actions in accordance with California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98 to be implemented. With the implementation the City's standard conditions of approval and Mitigation Measure 4.D-4, the project's potential impacts to inadvertently disturb human remains would be less than significant.

## Conclusion

The 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 from the Supplemental EIR, as cited below.

## Mitigation Measures

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

**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 is located in an area with minimal topographical relief. 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 traverse the project site (City of Pleasanton 2012).

The project site contains soils that are classified as Sycamore silt loam over clay and Clear Lake clay 0 to 3 percent slopes (Natural Resources Conservation Service 2013).

Figure 5-4 of the City of Pleasanton General Plan indicates the Arroyo Mocho Canal, located directly south of the project site is susceptible to liquefaction (City of Pleasanton 2013).

ENGEO conducted a Geotechnical Feasibility Evaluation for the project (Appendix D).

## **Findings**

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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### **Fault Rupture**

The Supplemental EIR indicated no fault lines traverse the project site. No changes have occurred to the project site that would alter this conclusion. Furthermore, the Geotechnical Feasibility Evaluation determined that the project site would not be at risk to fault rupture. Therefore, the project would not result in any impacts related to fault rupture.

### **Seismic Ground Shaking**

The Supplemental EIR concluded implementation of goals and policies of the Public Safety Element of the Pleasanton General Plan 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 Geotechnical Feasibility Evaluation has been completed by ENGEO (Appendix D). The Geotechnical Feasibility Report indicated that compliance with the California Building Code would mitigate structural failure resulting from potential seismic-related ground shaking. The 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 the project site is not located within a liquefaction hazard zone. In addition, the Geotechnical Feasibility Evaluation concluded that onsite liquefaction risks are minor. Nonetheless, 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. Therefore, the 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.

### **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. No changes have occurred to the project site that would alter this conclusion. Therefore, the project would not introduce any new landslide-related impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

### **Erosion**

The Supplemental EIR concluded that the potential impacts related to erosion as the result of site grading would be less than significant. The project would be required to adhere to the NPDES General Construction Permit, which contains requirements for erosion control of exposed soils including implementation of a Stormwater Pollution Prevention Plan's (SWPPP'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. Therefore, the project would not introduce any new erosion-related impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

### **Unstable Soils**

The Supplemental EIR concluded that residential development would be required to implement geotechnical tests and reports to identify the suitability of soils and measures to minimize unsuitable soil conditions. 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 and less than significant impacts would occur.

In accordance with Goal 2, Policy 5, and the recommendations from the Geotechnical Feasibility Evaluation, the project would include the completion of a design-level geotechnical analysis prior to the issuance of a building permit and prior to the approval of final improvement plans. Recommendations from the design level geotechnical analysis would ensure unstable soil risks are minimized. The design-level geotechnical analysis would also provide site-specific soil remediation and construction practices that would ensure geologic stability on-site. Therefore, the 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 Soil**

The Supplemental EIR indicated 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 concluded 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, thereby reducing impacts to a less than significant level.

The Geotechnical Feasibility Evaluation indicated that expansive soils are a present onsite, and indicated that the project should include considerations for moisture conditioning and compaction, as well as underlayment of low- to non-expansive import fill or onsite lime treatment to mitigate expansive soil conditions. Additionally, appropriate foundation and site subdrainage and surface drainage should be considered in design. Implementation of these recommendations would ensure that appropriate earthwork is performed prior to building construction to ensure that subsidence does not occur. Therefore, the 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 project would be required to connect to the City sewer system and would not utilize a septic tank or alternative wastewater disposal system. Therefore, no impact would occur related to the use of a septic system or alternative wastewater disposal system and no mitigation is necessary.

### **Conclusion**

The 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.

### **Mitigation Measures**

No mitigation is 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

As discussed in Section 2.3, Air Quality, of this document, the City of Pleasanton has determined that the BAAQMD’s 2010 Thresholds are based on substantial evidence, as identified in Appendix D of the CEQA Guidelines, and has therefore incorporated them into this analysis.

Table 7 compares the greenhouse gas aspects of the 2010 Air Quality Thresholds to the thresholds established in 1999 (1999 Air Quality Thresholds).

**Table 7: 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>
<p>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.</p>		

The Supplemental EIR utilized the 2010 Air Quality Guidelines and 2010 Air Quality Thresholds. As shown in Table 7, the 2010 Air Quality Thresholds are more stringent than the 1999 Air Quality Thresholds. 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 project would result in emissions related to construction and operation.

## Findings

The Supplemental EIR concluded that rezoning of the project site for residential 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 discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### Greenhouse Gas Generation

The Supplemental EIR determined that, because the quantifiable thresholds established in the BAAQMD 2010 Air Quality Guidelines were based on AB 32 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 2010 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. URBEMIS 2007 and the BAAQMD's Greenhouse Gas Model (BGM) were used to quantify emissions in the Supplemental EIR. For this analysis, the CalEEMod version 2013.2.2 was used to estimate construction and operational emission of greenhouse gases for the project alone.

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 it recommends quantification and disclosure of these emissions. Because the Supplemental EIR included the annualized construction emissions in the significance analysis, the greenhouse gas generation from construction is included in the significance analysis below.

Operational greenhouse gas emissions by source are shown in Table 8. Total operational emissions were estimated at 1,590.97 MTCO<sub>2</sub>e. Project construction emissions were calculated as 614 MTCO<sub>2</sub>e. If annualized over 30 years, construction emissions equal 20.47 MTCO<sub>2</sub>e. With an average of 2.79 persons per household, as indicated by the Supplemental EIR, the project is estimated to accommodate 493 residents. The project would generate approximately 3.3 MTCO<sub>2</sub>e per service person at year 2020. Therefore, the project would not exceed the BAAQMD's 2010 Air Quality Threshold of 4.6 MTCO<sub>2</sub>e for greenhouse gases, and would not have a significant generation of greenhouse gases. (The CalEEMod output is included in Appendix B.)

**Table 8: Project Greenhouse Gas Emissions**

Source	Annual Emissions (MTCO <sub>2</sub> e)
Area Sources	9.96
Energy	241.41
Mobile (Vehicles)	1,262.61
Waste	37.04
Water	39.95
<b>Total Operational Emissions*</b>	<b>1,590.97</b>
<b>Annualized Construction Emissions</b>	<b>20.47</b>
<b>Total Project Emissions</b>	<b>1,611.44</b>
<b>Service Population (Residents)</b>	<b>493</b>
<b>Project Emission Generation</b>	<b>3.3 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>
<b>Notes:</b> * Based on non-rounded emissions output MTCO <sub>2</sub> e = metric tons of carbon dioxide equivalent Source: FCS 2013, Appendix B.	

### Greenhouse Gas Plan Consistency

The City adopted a Climate Action Plan in 2012 as part of the adoption of 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, and 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.

This project would construct 177 multi-family apartment units, which is consistent with the density analyzed by the Supplemental EIR (30-unit- per-acre). Therefore, the project would not conflict with the 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, and would result in fewer emissions than considered under the Supplemental EIR.

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

## **Conclusion**

The project would not introduce any greenhouse gas emission impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

## **Mitigation Measures**

No mitigation is 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 checked="" type="checkbox"/>	<input 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"/>



## **Environmental Setting**

According to the Phase I Environmental Site Assessment (ESA) prepared by ENGEO (Appendix E), the onsite building, constructed in 1984, was previously occupied by telecommunication administrative offices. The building has been vacant since 2007, and an aboveground 2,500-gallon diesel storage tank and associated emergency generator were removed at that time.

According to the Phase I ESA, the project site is listed on four databases in relation to the former aboveground storage tank and emergency generator:

- FINDS- Facility Index System
- HAZNET - Facility and Manifest Data
- EMI – Toxics and criteria pollutant emissions data
- AST – Aboveground Petroleum Storage Tank Facilities

In addition, three sites were listed on various databases of hazardous sites within one mile of the project site; however, none of these sites were identified as posing an environmental concern to the project site.

Based on a records review and site reconnaissance, the Phase I ESA concluded that no recognized environmental conditions were identified for the project site.

## **Findings**

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 after the implementation of mitigation. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### **Transport, Use, or Disposal of Hazardous Materials**

The Supplemental EIR indicated that residential development consistent with the proposed Housing Element, would involve demolition activities and use of construction equipment that would require the use of hazardous materials, such as fuel or solvents. The Supplemental EIR concluded that development would be required to comply with all applicable regulations for management of hazardous materials during construction and demolition, and that these regulations would ensure potential hazards resulting from hazardous material use during construction activities would be less than significant.

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. Therefore, the project would not introduce any new

impacts related to the routine use of hazardous materials not previously disclosed and impacts would continue to be less than significant.

### **Hazardous Material Upset or Accident**

The Supplemental EIR indicated 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 Supplemental EIR required implementation of Mitigation Measure 4.G-2, which includes 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 to hazardous materials or accidents would be reduced to a less than significant level.

In accordance with Supplemental EIR Mitigation Measure 4.G-2, a Phase I ESA was prepared for the project site, which found no evidence of recognized environmental conditions in connection with the property.

The project would not introduce any new impacts related to hazardous material upset or accident not previously disclosed. Mitigation Measure 4.G-2 has already been implemented through the preparation of the Phase I ESA for the project site. Impacts would be less than significant, as concluded in the Supplemental EIR, and no mitigation is required.

### **Hazardous Materials in Proximity to Schools**

The project site is located approximately 125 feet from Hart Middle School, separated by West Las Positas Boulevard. 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.

The project is consistent with the residential land use considered in the Supplemental EIR; therefore, the project would not introduce new impacts related to hazardous materials in proximity to schools not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

### **Hazardous Materials Sites**

The Supplemental EIR indicated 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, which identified no recognized environmental conditions. Therefore, the project would not introduce any new impacts related to hazardous material sites not previously disclosed. No further mitigation is required.

## **Public Airports**

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. Therefore, the Supplemental EIR included Mitigation Measure 4.G-5, which requires submittal of verification of compliance with the Federal Aviation Administration (FAA) Part 77 air space review.

Since the completion of the Supplemental EIR, a revised Airport Land Use Compatibility Plan (ALUCP) for the Livermore Municipal Airport has been completed. The project site is located approximately 3.5 miles west 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. Furthermore, none of the buildings would exceed 200-feet in height.

Part a. and b. of Mitigation Measure 4.G-5 do not apply to the project. However, as required by part c., prior to the issuance of a grading or building permit for the project, verification of compliance with the FAA Part 77 would be required. Therefore, the project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant with the implementation of mitigation.

## **Private Airstrips**

The Supplemental EIR indicated that no private airstrips exist near 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 to the location of private airports near the project site. Therefore, the project would not introduce any new private airstrip safety hazards not previously disclosed. No impact would occur.

## **Emergency Response Plan or Emergency 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. Therefore, the project would not affect the 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 the City of Pleasanton; therefore, impacts related to wildland fires would be less than significant.

No changes have occurred to the status of the project site's location outside of the wildland-urban interface area. Therefore, the project would not introduce any new wildland fire hazards not previously disclosed and impacts would continue to be less than significant.

## **Conclusion**

The project would not introduce any hazards or hazardous materials impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of applicable mitigation included in the Supplemental EIR as provided below.

## **Mitigation Measure**

The following mitigation measure appears in the Supplemental EIR, and applies to the project:

- Mitigation Measure 4.G-5:**
- 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.

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"/>

## Environmental Setting

The site currently includes 224,000 square feet of impervious surfaces, and an existing stormwater collection and discharge system. Directly south of the project site is the Arroyo Mocho Canal, which runs westward, becoming Alameda Creek, which eventually discharges to the San Francisco Bay.

## Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have less than significant impacts related to hydrology and water quality. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### Water Quality, Flooding, Polluted Runoff

The Supplemental EIR concluded that development on rezoned sites could affect drainage patterns and create new impervious surfaces that could cause changes to stormwater flows and affect 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 project would be required to demonstrate compliance with these regulations. In addition, the City and/or San Francisco Regional Water Quality Control Board, through their review and approval of applicable permits, would ensure that the project would not substantially worsen existing water quality problems and that no net increase in stormwater rates and runoff would occur.

Because of the project, the total impervious surfaces would decrease to 223,050 square feet, a decrease of 950 feet or less than one percent, as indicated by the project's Impervious Surface Form (Appendix F). In compliance with C.3 requirements, the project includes bioretention basins located throughout the project site. The bioretention basins would slow and capture stormwater sediments, and reduce runoff rates to ensure no net increase in offsite flow during storm events. The project's grading and drainage plans must be reviewed and approved prior to construction. Implementation of any recommendations and requirements would ensure compliance with city codes regarding flooding and drainage (including properly sized storm sewers and building within FEMA flood hazard zones). As such, the 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 indicated that development of impervious surfaces on rezoning sites could potentially reduce groundwater infiltration and that the addition of new housing would result in an increase in residential 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 on the redevelopment sites and because the Housing Element includes policies to protect water supplies.

The project site's growth has been included in future water supply planning and would not deplete groundwater supplies. Furthermore, the project site currently contains primarily impervious surfaces and therefore does not provide substantial groundwater recharge. Implementation of the project would decrease the total impervious surface area by less than one percent, and therefore would not substantially change any existing onsite groundwater recharge. Landscaping and vegetated bioswales included in the project would allow some groundwater recharge to occur on-site. In summary, the 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 project would be required to demonstrate compliance with these regulations as part of issuance of building and/or grading permits. As such, the project would not introduce any new drainage impacts resulting in erosion or flooding not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

### **Flood Hazards**

The Supplemental EIR indicated that development proposals resulting from the Housing Element must be reviewed by the City's Engineering Division of the Community Development Department. The review and implementation of any recommendations and requirements would ensure compliance with city codes regarding flooding and drainage (including properly sized storm sewers and building within FEMA flood hazard zones). The Supplemental EIR concluded 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 (FEMA) Insurance Rate Map No. 06001C0317G, the project site is located within Zone X and is not located within a 100-year flood zone (FEMA 2009). Arroyo Mocho Canal is located within Zone AE (within the 100-year flood zone); however, floodwaters are contained in the channel and would not affect the project site. As such, the 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 Del Valle Dam inundation area. 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. No changes have occurred that would alter this conclusion. Therefore, the 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.

### **Conclusion**

The project would not introduce any hydrology or water quality impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with adherence to applicable regulations and no mitigation is required.

### **Mitigation Measures**

No mitigation is 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"/>

## Environmental Setting

The project site is located in an area of residential and commercial land uses within the Hacienda Business Park. The project site has a General Plan designation of Mixed Use/Business Park, and is zoned Planned Unit Development- Mixed Use (PUD-MU).

## Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts 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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### Division of an Established Community

The Supplemental EIR indicated that sites selected for rezoning for high-density housing development would be compatible with surrounding residential development. The project is consistent with the scale and intensity of development analyzed in the Supplemental EIR and would not introduce any new impacts related to the division of an established community. Impacts would continue to be less than significant and no mitigation is needed.

### Land Use Plan, Policy, or Regulation

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. The project would implement mitigation measures from the Supplemental EIR as applicable to ensure consistency with General Plan Policies. Therefore, impacts would continue to be less than significant.

### ***General Plan Consistency***

The project site is located within the Hacienda Business Park, which includes over 7.9 million square feet of office, research, development, and commercial uses, and as many as 1,530 residential units (City of Pleasanton 2009). The development of the project's multi-family residential land use would be consistent with the existing and planned uses for the Hacienda Business Park.

The General Plan identifies mixed-Use development as the combination of various land uses such as office, commercial, hotel, institutional, and residential in a single building, on a single site, or on adjacent sites that are physically and functionally inter-related. The purpose of mixed-use development is to provide additional housing close to jobs, services, and transit as a way to create land-efficient development in-fill areas and to reduce the number of auto-related trips, compared to conventional development (City of Pleasanton 2009). The project's 177 multi-family apartment units on a single site in close proximity to existing jobs and services and the East Dublin/Pleasanton BART station would contribute to the mixed-use development envisioned for the project area. Therefore, the project would be consistent with the purpose of the mixed-use land designation.

### ***Zoning Consistency***

Since the certification of the Supplemental EIR, and because of City of Pleasanton Ordinance No. 2033 (January 4, 2012), the 5.6 acre project site has been rezoned to Planned Unit Development/Mixed Use (PUD-MU). The project's 177 multi-family apartment units are consistent with the PUD-MU zoning's allowable 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. Finally, the project site would also be subject to applicable regulations of the Hacienda Business Park Design Guidelines and PUD Development Plan.

In Summary, the 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 Conservation Plan or Natural Communities 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.

### **Conclusion**

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

### **Mitigation Measures**

No mitigation is 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"/>

## Environmental Setting

The project site is located in the Mineral Resource Zone (MRZ) 1, which includes no significant mineral deposits (City of Pleasanton 2011).

## Findings

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. No changes have occurred that would alter this conclusion.

## Conclusion

Consistent with the conclusions of the Supplemental EIR, the project would not result in any mineral resource impacts and no mitigation is required.

## Mitigation Measures

No mitigation is 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 type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

The project site is located in a developed area and in proximity to existing transportation and commercial noise sources. Interstate 580 (I-580) and BART are located approximately one mile to the north and I-680 is located approximately one mile to the west.

As indicated by the General Plan Figure 11-2, the project site is located within the future (2025) 60 dBA  $L_{dn}$  noise contour of West Las Positas Drive. The Supplemental EIR indicated that existing traffic noise on West Las Positas Boulevard is 67 dB  $L_{dn}$  to 69 dB  $L_{dn}$  at a distance of 60 feet from the centerline. The General Plan indicates that by year 2025, increases in traffic noise will result in noise contours of 70 dBA  $L_{dn}$  at 60 feet from the centerline, 65 dBA  $L_{dn}$  at 120 feet from the centerline, and 60 dBA  $L_{dn}$  at 260 feet from the centerline of West Las Positas Boulevard east of Hopyard Road.

The Environmental Noise Assessment prepared for the project by Charles M. Salter Associates, Inc. (Appendix G) indicates that existing onsite noise levels range from 54 dBA  $L_{dn}$  (approximately 340 feet southeast of the roadway centerline) to 65 dBA  $L_{dn}$  (approximately 85 feet southeast of the roadway centerline).

As indicated on General Plan Figure 11-4, a single-family residential neighborhood is located across the Arroyo Mocho Canal to the south, and is considered a noise sensitive receptor (City of Pleasanton 2009).

The Noise Element of the City of Pleasanton General Plan contains land use compatibility guidelines for environmental noise in the community. Table 9 below summarizes these guidelines for multi-family residential land uses.

**Table 9: Noise Compatibility Guidelines for Multi-Family Residential**

DNL Value in Decibels	Compatibility Level
65 dB or less	Normally Acceptable: Specified Land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements
60 to 75 dB	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.
Greater than 75 dB	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Source: City of Pleasanton 2009, as summarized by Charles M. Salter Associates, 2013.

The new residential uses are a noise sensitive land use and are subject to the following applicable General Plan guidelines:

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

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

- Stationary/non-transportation noise limit of 60 dB  $L_{max}$  at any point outside of the property plane (Section 9.04.030).

- Construction noise limit from individual construction equipment and tools of 83 dB  $L_{eq}$  at a distance of 25 feet or a cumulative construction noise limit of 86 dB  $L_{eq}$  outside of the project boundary (Section 9.04.100).

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. Projects exposed to an outdoor DNL greater than 60 dB require an acoustical analysis during the design phase, showing that the proposed design will limit outdoor noise to the allowable 45 dB DNL interior noise level in habitable rooms. Additionally, if windows must be closed to meet the interior standard, “the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment” (CBC 2010).

## Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential 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 substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### Excessive Noise Levels

#### **Construction Noise Levels**

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 dB  $L_{eq}$  at a distance of 25 feet, nor would total construction noise exposure exceed 86 dB  $L_{eq}$  outside of project boundaries. In addition, to ensure construction noise is minimized, the Supplemental EIR included Mitigation Measure 4.J-1, requiring compliance with the City’s construction noise exposure criteria and implementation of construction BMPs.

With the implementation of Mitigation Measure 4.J-1 and compliance with construction noise limits outlined by Municipal Code 9.04.100, the 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.

The project site is more than 100 feet from nearby sensitive receptors; therefore, typical construction vibration levels would not exceed acceptable levels at nearby receptors. Furthermore,

construction would not require the implementation of pile driving. Therefore, the 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 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. The project site is not located near railroad tracks and therefore 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 increases in traffic noise resulting from traffic pattern changes would be in the range of 1 to 3 dB at 100 feet. The Supplemental EIR concluded that project-related traffic noise level increases of 1 dB 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 dB  $L_{dn}$  within single-family residential back yards, and therefore would be potentially significant. The Supplemental EIR included Mitigation Measure 4.J-5a, which requires rezoned residential sites that would add traffic noise in excess of 55 dBA at 100 feet from roadway centerline (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, if required, would identify the project's fair-share contribution to mitigate the noise impact.

As indicated in the Traffic Impact Analysis, the project would increase peak-hour traffic volumes by less than one percent on each of the impacted roadway segments. A one percent increase in traffic volumes would not result in a perceptible noise increase and therefore, impacts would be less than significant.

The Supplemental EIR also considered roadway noise impacts in the cumulative noise scenario (Year 2035). As indicated in Table 4.J-7 of the Supplemental EIR, 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, required projects that would add traffic noise in excess of 55 dBA as described in Table 4.J-7 of the Supplemental EIR, to conduct an offsite noise study to determine the project's contribution to offsite roadway noise, and contribute its fair-share to mitigate the established noise impact. However, as indicated by the Traffic Impact Analysis, the project would increase peak-hour traffic volumes by less than one percent on each of the impacted roadway segments. A one percent increase in traffic volumes would not be perceptible. Therefore,



the project would not result in a cumulatively significant noise impact related to offsite traffic noise increases.

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, which required acoustical analysis to ensure buildings would limit interior traffic noise to 45 dB Ldn/CNEL or less, and also required that outdoor activity areas are designed such that traffic noise exposure does not exceed 65 dB  $L_{dn}$ .

Potential impacts related to the project's interior and exterior noise levels are discussed separately below.

#### *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 dB  $L_{dn}$ /CNEL or less within any habitable room, and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. The Environmental Noise Assessment estimated that future noise at the setback of the residences ranges from DNL 56 dB in the shielded portions of the site to DNL 67 dB along West Las Positas Boulevard. These noise levels fall into the City's normally and conditionally acceptable categories for residential projects.

As recommended by the Environmental Noise Assessment, the project would employ upgraded STC rated 30 windows and doors to achieve the required DNL 45 dB or less indoors. The STC 30 rated windows and doors would be located along West Las Positas Boulevard to reduce traffic noise levels. All other locations throughout the project would incorporate STC 28 rated windows and doors. Furthermore, it is required by the CBC that all rooms where windows need to be closed to reach interior noise goals, must include ventilation or an air-conditioning unit. This requirement of the CBC would apply to both Buildings A and B. Implementation of the upgraded STC 30 rated windows and incorporation of air conditioning units would ensure that interior noise levels would not exceed 45 dB  $L_{dn}$  standards. The project design and associated Environmental Noise Assessment fulfills the requirements of Mitigation Measure 4.J-5b and ensures that impacts related to interior traffic noise would be less than significant as concluded in the Supplemental EIR. No additional mitigation is necessary.

#### *Exterior Noise*

The Environmental Noise Assessment estimated the outdoor use areas, between Buildings A and B, to be DNL 65 dB and below. This estimated level is consistent with City goals for this type of area. In addition, future noise levels in this area could vary depending on the distance and shielding from vehicles located on West Las Positas Boulevard. The submittal of the Environmental Noise Assessment fulfills the requirements of Mitigation Measure 4.J-5c, and ensures impacts related to exterior noise would be less than significant as concluded in the Supplemental EIR. No additional mitigation is necessary.

### **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 Mitigation Measures 4.J-6a and 4.J-6c, which required site-specific acoustical assessment regarding non-transportation noise sources, and the implementation of noise disclosures and noise complaint procedures for new residents.

The Environmental Noise Assessment prepared for the project did not specifically quantify potential noise impacts from the adjacent land uses; however, surrounding uses include residential to the south, school to the north, and commercial offices to the east and west, which are typically compatible with residential uses. Existing noise levels range from 54 dB DNL to 65 dB DNL, (inclusive of stationary noise sources) which are within the normally acceptable range for multi-family residential uses as indicated by the Pleasanton General Plan. The project would be required to implement Mitigation Measure 4.J-6c, requiring noise disclosures and noise complaint procedures. The project does not include any stationary noise sources that would be expected to impact adjacent land uses, and any exterior mechanical equipment must adhere to the City's Municipal Code noise limits. Furthermore, a six-foot tall concrete masonry unit wall to be constructed along the Arroyo Mocho Canal would provide additional noise attenuation for the existing residences located to the south. As noted in a memorandum dated February 6, 2014 (Appendix G), the six-foot tall wall would not reflect noise from south of the existing residences back to the existing residences at a distinguishable, increased level. In conclusion, the project would not result in significant impacts related to stationary noise sources, and impacts would continue to be less than significant after the implementation of Mitigation Measure 4.J-6c as concluded in the Supplemental EIR.

### **Temporary or Periodic Increase In Ambient Noise Levels**

As discussed in the Supplemental EIR, the existing ambient noise exposure levels at the rezoning sites are expected to be in the range of 61-79 dB  $L_{dn}$ . The ambient noise level associated with West Las Positas Boulevard was estimated to be 67-69 61-79 dB  $L_{dn}$ .

The Supplemental EIR concluded that because the development projects would be required to comply with Municipal Code 9.04.100, project construction equipment would not produce a noise level in excess of 83 dB  $L_{eq}$  at a distance of 25 feet, and total construction noise exposure would not exceed 86 dB  $L_{eq}$ , outside of project boundaries. In addition, the Supplemental EIR included the Mitigation Measure 4.J-1 in order to ensure less than significant impacts. The 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.

### **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 dB  $L_{max}$  criteria within habitable rooms at sites near the left-hand pattern of Runway 25L. The project is not located near the left-

hand pattern of Runway 25L and, therefore, would not be exposed to aircraft-related noise. Impacts would continue to be less than significant and no mitigation is necessary.

### Private Airstrips

There are no private airstrips located in the project vicinity. Therefore, there would be no impact and no mitigation measures are required.

### Conclusion

The 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.

### Mitigation Measures

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"/>

## Environmental Setting

According to the California Department of Finance, as of January 2013, the City of Pleasanton had a population of 71,871 persons, an average of 2.82 persons per household, and 26,174 housing units (California Department of Finance 2013).

## Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts related to population and housing, and no mitigation was required. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

## Population Growth

The Supplemental EIR indicated that development of all the sites considered for rezoning could result in substantial population growth. However, only nine of the 21 sites contemplated for rezoning under the Supplemental EIR have been rezoned. The remaining sites considered for rezoning are not currently needed to meet the City of Pleasanton’s Regional Housing Needs Allocation. The project site is one of the nine sites that have been rezoned to ensure the City meets its Regional Housing Needs Assessment (RHNA) housing allocations. The Supplemental EIR assumed that the project site would be developed at a density of 30 units per acre, and evaluated the construction of up to 378 residences on the full 12.6 acres. Consistent with this density, the project includes 177 multi-family apartment units on 5.9 acres. Therefore, the likely population of the project is within the assumptions of the Supplemental EIR. The project would not include the extension of road or infrastructure that could result in indirect population growth. The project has been designed to be

consistent with the policies included in the Housing Element and would assist the City in meeting the housing allocation as determined by RHNA. Therefore, impacts would continue to be less than significant and no mitigation is necessary.

### **Displacement of Housing**

The project would not require the displacement of any housing. Impacts would continue to be less than significant and no mitigation would be necessary.

### **Displacement of People**

The project site does not contain any existing housing, and would not result in the displacement of people. Impacts would continue to be less than significant and no mitigation would be necessary.

### **Conclusion**

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

### **Mitigation Measures**

No mitigation is 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"/>

## Environmental Setting

Fire protection is provided by the Livermore-Pleasanton Fire Department (LFPD). The nearest fire station to the project site is located at 3200 Santa Rita Road, approximately 1.1 mile northeast of the project site.

Police services are provided by the City of Pleasanton Police Department. The nearest police station is approximately 1.8 miles south of the project site, located on Bernal Avenue.

The Pleasanton Unified School District provides education services for the project area.

The City of Pleasanton offers 42 community and neighborhood parks, the closest of which are Creekside Park, located on West Las Positas Boulevard, and Pleasanton Sports and Recreation Park located south of Parkside Drive. Park facilities are intended for community wide use and offer a variety of amenities. The city also has approximately 24 miles of trails, the closest of which is the Arroyo Mocho Trail along the south side of Arroyo Mocho, adjacent to the south side of the project.

## Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts related to fire, police, school, parks, and other public service facilities. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### Fire Protection

The Supplemental EIR concluded that impacts to fire protection services would be less than significant because all proposed rezoning sites, including the project site, are located within a 5-minute response radius of a fire station. No changes have occurred to alter this conclusion. The

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. Payment of this required fee would effectively mitigate any increase in demand for services. The 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.

### **Schools**

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 project developer would be required to pay the Pleasanton Unified School District developer fees that would cover related facility costs. Therefore, the 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.

### **Parks**

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 project would provide onsite recreation opportunities to serve the existing 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 project. Therefore, the 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 Facilities**

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 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 project would be required to pay applicable development fees related to incremental increases in demand on public services. Therefore, impacts would be less than significant and no mitigation is required.



## **Conclusion**

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

## **Mitigation Measures**

No mitigation is 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"/>

## Environmental Setting

There are no existing recreational or park facilities on the project site. The Arroyo Mocho Trail is located south of Arroyo Mocho, which borders the project site to the south. Parks nearest to the project site include Creekside Park and the Pleasanton Sports and Recreation Park.

## Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would result in less than significant impacts related to the use or construction of recreational facilities. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### 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. Based on the City's plans for 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 project would provide additional onsite recreational amenities to serve the existing residents, decreasing the overall demand for public recreational facilities. The 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.

### **Construction or Expansion**

The Supplemental EIR indicated that future park development has been planned and accounted for in the General Plan, and that 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 project includes recreational amenities. The environmental effects of constructing these components have been considered in this document, and implementation of mitigation and compliance with applicable regulations as discussed throughout would ensure that any potential impacts are reduced to less than significant. Furthermore, increased offsite recreational facility use resulting from the project has been planned for in the General Plan and analyzed by the General Plan EIR. Therefore, the 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.

### **Conclusion**

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

### **Mitigation Measures**

No mitigation is 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 checked="" type="checkbox"/>	<input 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"/>

## Environmental Setting

The project site is currently accessed via a right-in/right-out only driveway on West Las Positas Boulevard and the signalized intersection of West Las Positas Boulevard and Hacienda Drive. The project would maintain these same access points.

Local roadways that serve the project site include West Las Positas Boulevard, Stoneridge Drive, Hacienda Drive, Willow Road and Hopyard Road. The project site is located approximately 1 mile

south of the East Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The project site is served by the Livermore-Amador Valley Transit Authority (LAVTA) Wheels Bus Service (Wheels). All streets in the project vicinity have sidewalks and crosswalks at signalized intersections. Class I multi-use bike paths include Iron Horse Trail, Alamo Canal Trail, and Arroyo Mocho Trail near the study area. Within the project vicinity, Class II bike lanes exist on West Las Positas Boulevard west of Hacienda Drive, Willow Road, and Stoneridge Drive. Currently, bike lanes do not exist on West Las Positas Boulevard between Stoneridge Drive and Hacienda Drive.

Information and analysis in this section are based on a Traffic Impact Analysis prepared by Whitlock and Weinberger Transportation, Inc. dated February 10, 2014 (Appendix H).

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

The following intersections were analyzed in the Traffic Impact Analysis as they provide access to the project site and are likely to be affected by the project:

1. Stoneridge Drive at Hacienda Drive
2. Willow Road at Gibraltar Drive (south)
3. Hacienda Drive at Gibraltar Drive (south)
4. West Las Positas Boulevard at Hopyard Road
5. West Las Positas Boulevard at Willow Road
6. West Las Positas Boulevard at Hacienda Drive
7. West Las Positas Boulevard at Stoneridge Drive

Study intersection operations were evaluated during the peak hour of traffic for weekday morning (7:00 a.m. to 9:00 a.m.) and weekday evening (4:00 p.m. to 6:00 p.m.) peak periods for the following scenarios:

- **Existing Conditions.** Existing conditions based on the City's traffic volume model.
- **Existing plus Project Conditions.** Project traffic volumes were added to the existing conditions traffic volumes to represent existing plus project conditions.
- **Existing plus Approved Project Conditions.** The City of Pleasanton traffic model reflects all approved development in the city, including the Housing Element update (which includes the project). Therefore, the existing plus approved conditions (without project) traffic volumes were estimated by subtracting the traffic generated by the project from the traffic model volumes.
- **Existing plus Approved Projects plus Project Conditions.** All approved development in the city, including the project as included in the Housing Element update. (No adjustments to traffic model volumes.)
- **Cumulative Conditions.** The cumulative without project conditions were estimated by subtracting the traffic generated by the project from the cumulative traffic model volumes.
- **Cumulative plus Project Conditions.** All future traffic volume data includes the project-generated traffic; therefore, no adjustments were made to the cumulative traffic model volumes.

### Trip Generation

As shown in Table 10, the project is expected to generate 1,177 daily vehicle trips, with 90 trips occurring during the AM peak hour and 110 trips occurring during the PM peak hour. Details regarding project trip distribution are shown in Appendix H

**Table 10: Project Trip Generation Estimates**

Land Use	Size	Rate			Daily Trips	AM Peak Hour			PM Peak Hour		
		Daily	AM	PM		In	Out	Total	In	Out	Total
Apartments	177 Units	6.65	0.51	0.62	1,177	18	72	90	71	39	110

Note:  
Rates based on ITE Trip Generation, 9th Edition, 2012: average rates for Apartments (ITE 220).  
Source: Whitlock and Weinberger Transportation, Inc., 2014.

### Findings

The Supplemental EIR concluded that development facilitated by the General Plan Amendment and rezonings would have less than significant impacts to the LOS at local intersections under existing plus project conditions and cumulative 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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### Plan, Ordinance, or Policy Consistency

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, upon payment of fair-share fees consistent with General Plan Circulation Element Program 1.1, the project would not cause any study intersections to operate below an acceptable LOS. Furthermore, because the 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 and would not introduce any new impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

## **Congestion Management Program**

### ***Level of Service Standards***

The Supplemental EIR concluded that development facilitated by rezonings would result in less than significant impacts to LOS at the local study intersections under existing plus project conditions, as all of the study intersections would continue to operate at LOS D or better during both peak periods evaluated.

As indicated in the Traffic Impact Analysis and shown here in Table 11, all of the study intersections would continue to operate at acceptable LOS during the AM and PM peak hours under all analysis scenarios. This conclusion is based on the incorporation of the project's intersection improvements to West Las Positas Boulevard at Hacienda Drive, and the cumulative scenario planned traffic impact fee (TIF) improvements at the intersections of West Las Positas Boulevard at Hopyard Road, and West Las Positas Boulevard at Stoneridge Drive.

Table 11: Peak-Hour Intersection Levels of Service

Intersection	Control	Peak Hour	Existing		Existing + Project		Existing + Approved No Project		Existing + Approved With Project		Build-out – No Project		Build-out – With Project	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Stoneridge Drive and Hacienda Drive	Signal	AM	21.4	C	21.7	C	27.0	C	27.1	C	27.7	C	27.9	C
		PM	25.7	C	25.9	C	23.5	C	23.9	C	21.5	C	21.8	C
2. Willow Road and Gibraltar Drive (south)	Signal	AM	1.2	A	1.2	A	1.2	A	1.1	A	1.6	A	1.6	A
		PM	3.5	A	3.5	A	3.5	A	3.5	A	3.5	A	3.5	A
3. Hacienda Drive at Gibraltar Drive (south)	Signal	AM	6.8	A	6.8	A	7.4	A	7.4	A	7.9	A	7.9	A
		PM	6.1	A	6.0	A	6.4	A	6.4	A	6.5	A	6.5	A
4. West Las Positas Boulevard at Hopyard Road	Signal	AM	29.0	C	29.3	C	24.7	C	25.1	C	25.7	C	26.0	C
		PM	23.5	C	23.7	C	32.9	C	33.3	C	28.4	C	28.6	C
5. West Las Positas Boulevard at Willow Road	Signal	AM	16.0	B	16.3	B	15.0	B	15.2	B	16.3	B	16.4	B
		PM	10.7	B	10.7	B	8.5	A	8.4	A	8.5	A	8.4	A
6. West Las Positas Boulevard at Hacienda Drive	Signal	AM	14.8	B	17.8	B	17.4	B	20.5	C	19.3	B	22.6	C
		PM	15.6	B	17.7	B	17.5	B	18.8	B	18.7	B	20.1	C
7. West Las Positas Boulevard at Stoneridge Drive	Signal	AM	19.0	B	19.0	B	29.4	C	29.4	C	33.2	C	33.3	C
		PM	24.0	C	24.1	C	36.6	D	25.2	D	30.4	C	30.7	C

Notes:  
 Delay is measured in average seconds per vehicle.  
 LOS= Level of Service  
 Source: Whitlock and Weinberger Transportation, Inc., 2014



The Supplemental EIR concluded that development facilitated on the potential sites for rezoning, would result in significant and 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 Owens Drive and I-580. At both of these locations, development would worsen pre-existing 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. Therefore, the Supplemental EIR included Mitigation Measure 4.N-7, requiring developers to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional TIFs to help fund future improvements to local and regional roadways.

The project would be required to pay any applicable fair-share funds as required by Mitigation Measure 4.N-7 and General Plan Transportation Element Program 1.1. Further, the Sunol Boulevard (First Street) roadway segment between Vineyard Avenue and Stanley Boulevard and the Hopyard Road roadway segment between Owens Drive and I-580, identified in the Supplemental EIR as having potentially significant and unavoidable impacts, are not located within the vicinity of the project. In summary, the project would not introduce any new impacts related to LOS not previously disclosed and implementation of Mitigation Measure 4.N-7 from the Supplemental EIR is required.

### ***Vehicle Queues***

A vehicle queuing analysis was conducted for the study intersection of West Las Positas Boulevard and Hacienda Drive to determine adequate left-turn lane storage (Appendix H). Results from the analysis show that with the inclusion of project roadway and traffic signal improvements, left-turn lane storage would be adequate at this intersection during both peak hour traffic periods, with and without the addition of project-generated traffic under all analysis scenarios. Therefore, no significant impact would occur.

### ***Air Traffic Patterns***

As discussed in Section 8, Hazards and Hazardous Materials of this document, the Supplemental EIR concluded that a conflict between the 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. Therefore, the Supplemental EIR included Mitigation Measure 4.G-5, which requires submittal of verification of compliance with the FAA Part 77 air space review.

Since the completion of the Supplemental EIR, a revised ALUCP for the Livermore Municipal Airport has been completed. The project site is located approximately 3.5 miles west of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or FAR Part 77 height restriction space as indicated by the ALUCP. Furthermore, none of the projects onsite buildings would exceed 200 feet in height. Nonetheless, as required by part c. of Mitigation Measure

4.G-5, prior to the issuance of a grading or building permit for the project, verification of compliance with the FAA Part 77 would be required. Therefore, the project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant with the implementation of mitigation.

### **Design Feature or Incompatible Use**

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. The project does not include any features that would result in unanticipated roadway hazards. As indicated by the Traffic Impact Analysis, sight distances at the existing signalized project driveway on West Las Positas Boulevard are adequate in both directions. Furthermore, a collision history analysis indicates that all study intersections experience collision rates lower than the statewide averages for similar facilities. Impacts would 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 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 to the City's Fire Code and Subdivision regulations would ensure adequate onsite emergency vehicle access.

The 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 the signalized intersection of West Las Positas Boulevard at Hacienda Drive, as well as the right-in/right-out only driveway on West Las Positas Boulevard. The signalized intersection of West Las Positas Boulevard at Hacienda Drive is a common driveway easement. 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. However, project 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. Therefore, the 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.

### **Public Transit, Bicycle, or Pedestrian Facilities**

The Supplemental EIR concluded that residential development resulting from rezoned sites would not eliminate or modify existing or planned pedestrian or bicycle facilities, and that existing transit services have sufficient capacity to accommodate future increases in ridership. Further, future residential development would be required to adhere to General Plan policies regarding alternative transportation. Therefore, the Supplemental EIR concluded that impacts to alternative

transportation would be less than significant. According to the Traffic Impact Analysis, existing pedestrian, bicycle and transit facilities would adequately serve the project site. The project does not conflict with any adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities. Therefore, the 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.

## **Conclusion**

The project would not introduce any transportation or traffic impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation from the Supplemental EIR, as cited below, with the exception of cumulative LOS impacts, which would remain significant and unavoidable, as disclosed in the EIR.

## **Mitigation Measures**

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.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<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"/>

## Environmental Setting

Utilities and services including water, sewer, stormwater, and solid waste collection are provided to the project site by the City of Pleasanton. The project site currently has onsite utilities serving the existing office building.

## Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential 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 project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

### **Wastewater Treatment Requirements**

The Supplemental EIR indicated that the rezonings would result in a less than significant impact regarding wastewater treatment requirements of the RWQCB.

The 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. Therefore, 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 project would include the construction of 177 multi-family apartment units, all of which were considered as part of the demand generated by the rezonings contemplated in the Supplemental EIR. Therefore, the 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. 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 basins to ensure no net increase in offsite stormwater flow would occur in accordance with C.3 guidelines. Furthermore, the City has reviewed the project's grading and drainage plan for compliance with C.3 guidelines. Therefore, the 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 allocation 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, which requires written verification of water availability for the project, was included in the Supplemental EIR as Mitigation Measure 4.L-2. With the implementation of this mitigation measure 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.

The project is consistent with the density considered in the Supplemental EIR and planned for by the City of Pleasanton with regards to potable water needs. In addition, the project would include water saving features such as low-flow fixtures, high-efficiency irrigation systems, drought-tolerant native landscaping, and minimized turf areas. Therefore, impacts would continue to be less than significant with the implementation of Mitigation Measure 4.L-2.

### **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. Residential projects are required to implement a Waste Diversion Plan consistent with General Plan Program 26.18; therefore, impacts related to landfill capacity would be less than significant.

Solid waste from the project would 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. Therefore, the 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 Statutes and 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. This plan will be reviewed and approved by the City as part of the land entitlement process. Therefore, the 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.

## **Conclusion**

The project would not result in any utilities impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation from the Supplemental EIR, as cited below.

## **Mitigation Measures**

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"/>

## Environmental Setting

The project site is located in an urban area and contains a commercial office building. The project proposes the demolition of the existing structure and associated parking lot and landscaping, and the subsequent construction of 177 multi-family apartment units and associated amenities.

## Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would require mitigation associated with adverse effects on human beings. The implementation of these mitigations would reduce impacts to less than significant. The Supplemental EIR also concluded that cumulatively considerable and unavoidable impacts would result related to regional transportation and historic resources. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR, due to project modification, physical changes on the project site, new information, or changed circumstances.



### **Impacts to the Environment, Animals, Plants, or Historic/Prehistoric Resources**

The Supplemental EIR concluded that development of the sites considered for rezoning 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 the elimination prehistoric resources. The Supplemental EIR also concluded that significant and unavoidable impacts would occur related to historical resources.

As discussed in the preceding sections, the project would not contribute to the significant and unavoidable impact related to historical resources. With the implementation of mitigation measures from the Supplemental EIR, the project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or the elimination of prehistoric resources.

### **Cumulatively Considerable Impacts**

The Supplemental EIR concluded that development of the sites considered for rezoning 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 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 than has already been disclosed and evaluated as part of the Supplemental EIR.

### **Adverse Effects on Human Beings**

The Supplemental EIR concluded that development of the sites considered for rezoning would have less than significant impacts related to direct or indirect adverse effects on human beings, after the implementation of mitigation.

The project would result in similar impacts that may affect human beings including air quality emissions and noise. Implementation of the Supplemental EIR's applicable mitigation measures, as included herein, would ensure impacts to human beings remain less than significant.

### **Conclusion**

The project would not introduce any impacts beyond those considered in the Supplemental EIR. Implementation of the Supplemental EIR's applicable mitigation measures and 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.

## **Mitigation Measures**

Refer to mitigation measures throughout this document.

## **SECTION 3: REFERENCES**

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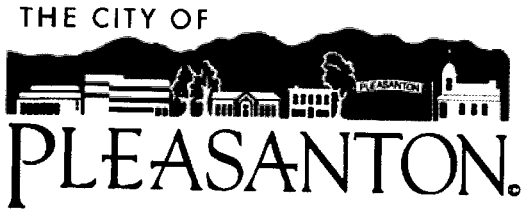
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**SECTION 4: LIST OF PREPARERS**

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**Planning Commission  
Staff Report**

February 26, 2014  
Item 6.a,

- SUBJECT:** PUD-103/P14-0086
- APPLICANTS:** SummerHill Apartment Communities
- PROPERTY OWNER:** Las Positas Property, LLC
- PURPOSE:** Applications for: 1) Planned Unit Development (PUD) development plan to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site, and 2) Development Agreement to vest the entitlements for the project.
- GENERAL PLAN:** Mixed Use/Business Park
- ZONING:** Planned Unit Development – Mixed Use (PUD-MU)
- LOCATION:** 5850 West Las Positas Boulevard
- EXHIBITS:**
- A. Draft Conditions of Approval
  - B. Proposed Plans, Climate Action Plan Checklist, Air Quality and Greenhouse Gas Information, Tree Report, Geotechnical Feasibility Evaluation, Phase I Environmental Site Assessment, Environmental Noise Assessment, Traffic Impact Analysis, Green Point Checklist, and Development Agreement
  - C. Staff Reports and Minutes of the September 11, 2013, and January 22, 2014, Planning Commission Work Session Meetings
  - D. February 20, 2014, Housing Commission Staff Report and Attachments
  - E. Addendum to the Supplemental Environmental Impact Report
  - F. Ordinance No. 2030, Rezoning the Site
  - G. Hacienda Owners Association Approval Letter
  - H. Memos from Charles M. Salter and Associates
  - I. Location and Public Noticing Maps

## I. BACKGROUND

In January 2012, the City Council approved rezoning of nine sites throughout the City for high-density multifamily development in order to meet the City's share of the regional housing needs (Ordinance No. 2030). One of the approved sites is the CM Capital Properties site located at 5850 and 5758 West Las Positas Boulevard. The CM Capital Properties site consists of two parcels: a 5.9-acre parcel located at 5850 West Las Positas Boulevard and a 6.7-acre parcel located at 5758 West Las Positas Boulevard. These two parcels are not required to be developed together.

On September 4, 2012, the City Council adopted the Housing Site Development Standards and Design Guidelines (hereafter referred to as "Standards") to guide development on the nine sites.

SummerHill Apartment Communities have submitted a PUD development plan application for the development of a multifamily housing project on the 5.9-acre site located at 5850 West Las Positas Boulevard.

The CM Capital Properties site is identified as Site #9 in the *Design Guidelines*, and has a density requirement of 30 units per acre, which results in 378 units on the entire 12.6-acre site. The proposed project is to construct 177 residential units on an approximately 5.9-acre portion of the site, meeting the density requirement of 30 dwelling units per acre.

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.

### **September 11, 2013 Planning Commission Work Session**

The Planning Commission held a work session on September 11, 2013 to review the proposed 177 unit apartment complex project. The Planning Commission provided the following comments on the work session discussion points (additional comments made by the Commission are in the attached minutes – Exhibit D):

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

*The Commission would support the carport setback at the western property line if an agreement with the property owner to the west is reached. The majority of the Commission would support using an alley design instead of an interior street design for the second westerly access road for the project. Two commissioners indicated their support of the alley design if constraints on the development of the property can be demonstrated.*

- B. *Are the on-site circulation, parking layout, feathering of densities, stepping back stories above the second story, and positioning of the buildings acceptable?*



*The Commission found the proposed on-site circulation and parking layout to be acceptable. One commissioner commented to not let vehicles' headlights entering the site impact the existing residents located on the south side of the arroyo.*

*Two commissioners commented on the size of the proposed tot lot area and common open space area. They felt the size of the proposed tot lot area could be reduced as they did not believe it would be used as much as the common open space area, and recommended the square footage allocated to these two areas be reevaluated so that the common open space area would be adequately sized to support the development.*

*Some commissioners also suggested reevaluation of the pool location so that it would be more centrally located instead of being located near the southern property line. One commissioner commented that if the relocation of the pool is not feasible, screening of the pool as well as measures to mitigate noise from the pool to the Parkside residents need to be considered.*

*In respect to the proposed building height and feathering of density, the majority of the Commission felt that the buildings facing the arroyo should be two-story buildings. The Commission was not excited to see the proposed four-story building height, but understood that it may be needed in order to achieve the required density. Two commissioners requested that photosimulations of the buildings be provided from the existing Parkside neighborhood.*

- C. *Should a pedestrian access be provided from West Las Positas Boulevard to the proposed Open Space area?*

*The majority of the commissioners supported a pedestrian access. As the proposed common open space area within the development is for private use, some of the Commissioners did not want to create a de facto public open space. As the proposed development would also have a tot lot, some of the Commissioners did not support a public access through the development due to security concerns. The Commission stated that if pedestrian connectivity from the proposed development to West Las Positas is needed, it must be done in a way that does not make the private open space/tot lot area look like this is public open space/tot lot.*

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

*The Commission found that the proposed on-site recreation facilities and amenities are acceptable. One Commissioner wanted to make sure that the applicant reevaluates the square footage allocated to the common open space area, pool, and tot lot so that they are balanced; another Commissioner wanted the applicant to include details on what the recreation facility would include.*

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

*The Commission, in general, found the proposed designs are acceptable. The Commission agreed with staff's recommendation that additional architectural elements, such as exposed rafter tails, window planter boxes, wrought-iron detailing, stucco finish, etc. be added. The Commission also commented that architectural details are needed around some of the garage areas and requested a color/material board.*

F. *What additional information do you need the applicant to come back with?*

*The Planning Commission requested the following items be submitted and/or addressed in the formal application:*

- *A visual analysis and a color palette.*
- *More outreach with the residents to get their comments.*
- *Mature trees should be added to the visual analysis to show what it would look like fully developed. In addition, provide growth intervals of three years, five years and 10 years.*
- *If there have been any academic studies that looked at the correlation of an increase in affordable or high-density housing and an increase in crime rate.*
- *School district's projection report on number of students that may be enrolled in schools from the proposed development.*

### **January 22, 2014 Planning Commission Work Session**

The Planning Commission reviewed the revisions from the applicant based on the comments from the previous work session. The Commission provided the following comments.

1. *Is the new location of the pool and other amenities, and access from West Las Positas Boulevard acceptable?*

*The Commission found that the revised location of the pool and other amenities was satisfactory, and the access from West Las Positas Boulevard was acceptable.*

2. *Is the revised proposal for massing at the rear of the site with two- and three-story building combinations acceptable?*

*One commissioner thought it was a good thing that the Arroyo side has two stories; the other two commissioners commented on the volume of roof when viewing Buildings C and D from the south and across the Arroyo. These two commissioners wanted to see additional visuals of Buildings C and D when viewed from the south side including Buildings A and B in the background. The Commission would like to see some shadows and variations in the roof. The Commission agreed to let the applicant decide if they want to erect story poles.*

3. *Is the revised building design acceptable?*

*The Commission thought the revisions improved the project.*

4. *Is the revised site layout with living units over parking by Buildings A and B acceptable?*

*The Commission agreed that the project needs to meet the required 30 units per acre density requirement and found that it is acceptable to locate the units over parking.*

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

*Having learned the requested setback exception would allow room to provide parallel parking along curbside and therefore to create a street coming into the project, the Commission indicated it would support the requested exception.*

6. *Is the revised landscaping in the rear acceptable?*

*The Commission thought the revised landscaping in the rear was acceptable. In terms of the proposed block wall on the southern property line, the Commission requested additional information from the applicant concerning how much noise would be absorbed and how much would be reflected back by the block wall.*

*In addition, the Commission discussed the carport structure being proposed near the westerly property line, and found opinion to be divided between providing amenities (carports) to the tenants vs. meeting the required setback.*

## **II. SITE DESCRIPTION AND SURROUNDING AREA**

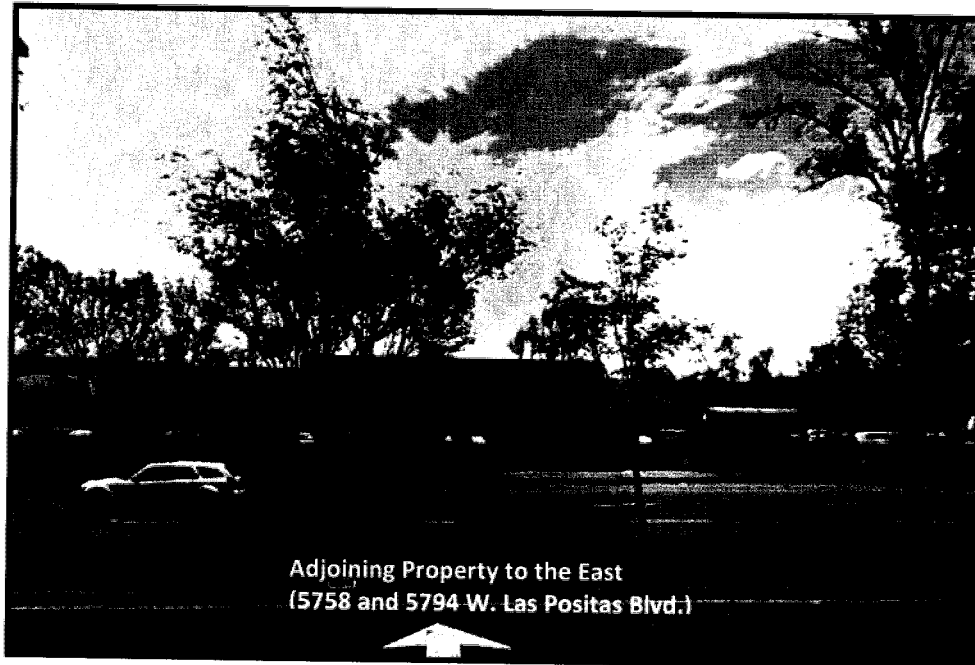
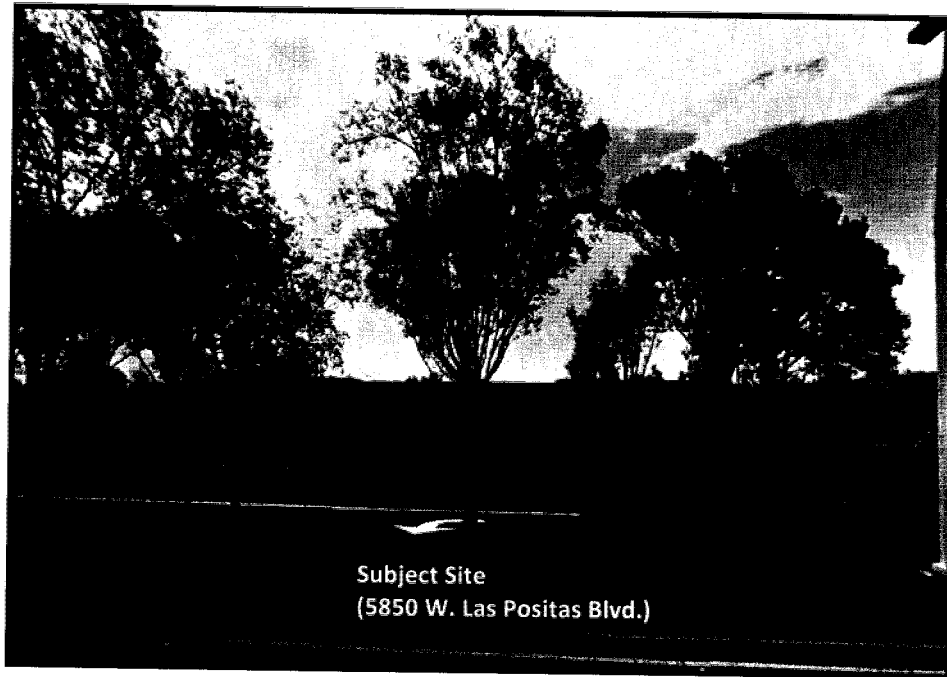
The subject site is located on the south side of West Las Positas Boulevard, across from Thomas Hart Middle School, within the Hacienda Business Park. The subject 5.9-acre site and the adjoining 6.7 acre site to the east are collectively referred as the 12.6-acre Site #9 of the Design Guidelines. Please see aerial map below.



Project Location Map

The project site fronts on West Las Positas Boulevard and backs up to Arroyo Mocho (south). The site was initially developed in 1984 for AT&T and later was occupied by clinical laboratories for SmithKline Beecham. The building is a one-story building, approximately 88,512 square feet in floor area. It is currently vacant.

The site is generally flat. A bus stop within a shelter served by Livermore Amador Valley Transit Authority (LAVTA) is located in front of the building to the east, and also across West Las Positas Boulevard at the middle school.



Adjacent properties include one-story office buildings to the east and west, Thomas Hart Middle School to the north, and Arroyo Mocho to the south. Further across the arroyo to the south are single-family homes.

### III. PROJECT DESCRIPTION

The proposed development is summarized below:

**Density.** The project on the 5.9-acre site would include four residential buildings housing 177 apartment units. The density of the project is 30 dwelling units per acre on the 5.9-acre project site.

**Site Layout.** The site layout for the apartment complex consists of: two U-shaped buildings (Building A and Building B) located in the northern portion of the site closer to West Last Positas Boulevard; each of the U-shaped buildings has two apartment units in the middle over parking; and two rectangular-shaped buildings (Building C and Building D) located in the southern portion of the site. Please refer to Figure 1 below.

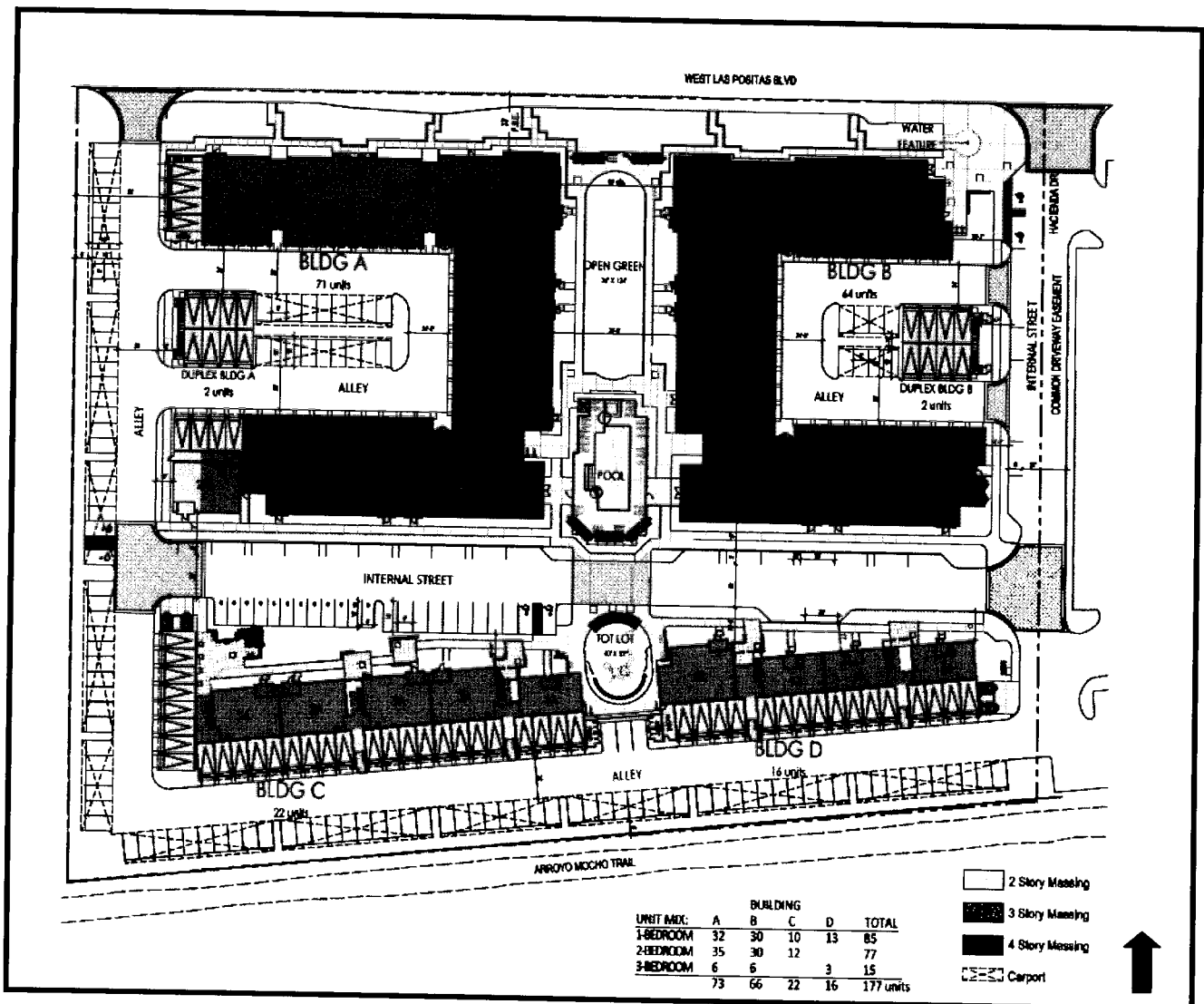


Fig. 1 -- Proposed Site Plan

**Setbacks.** The apartment buildings would have the following setbacks:

	Building	Carport
Front Yard (W. Las Positas Blvd.)	33 feet	33 feet
Side Yard:		
West Side:	50 feet	8 feet
East Side:	17 feet to internal street	n/a
Rear Yard (Arroyo Mocho)	52 feet	8 feet

**Building Height.** The following table lists the proposed building height for each building. The listed height is measured from the grade at the exterior of the building to the highest point of the roof line.

	Two-Story Portion of the Building	Three-Story Portion of the Building	Four-story Portion of the Building
Building A	28'-8"	36'-10"	51'-11"
Building B	--	--	51'-11"
Building C	28'-8"	36'-10"	--
Building D	28'-8"	36'-10"	--
Duplex <sup>1</sup> at Buildings A and B	28'-8"	--	--

<sup>1</sup> The proposed four duplexes above the parking spaces at Buildings A and B are one-bedroom apartment units.

**Unit Sizes.** The following tables show the apartment unit mix in each building and unit size breakdown:

*Unit Mix per Building*

	Building A	Building B	Building C	Building D	Total
1 bedroom	32	30	10	13	85
2 bedroom	35	30	12	--	77
3 bedroom	6	6	--	3	15
Total	73	66	22	16	177

*Unit Size*

	Floor Area
1 bedroom	702 sq.ft. – 881 sq.ft
2 bedroom	1,054 sq.ft. to 1,069 sq.ft
3 bedroom	1,298 sq.ft. – 1,309 sq.ft.

Please see the "Project Data" table on Sheet A1.4 of the proposed plans for a detailed breakdown of the unit types for each building. A washer and dryer would be provided for each unit.

**Open Space and Amenities.** The project includes several active and passive recreation areas and amenities. Interior recreation areas and amenities include a fitness facility located in Building A and a community lounge located in Building B. Exterior recreation and amenity areas include a pool, spa, seating areas, barbeque area, children's play area with play equipment, and a common open green. Building B would also have a water feature along the West Las Positas Boulevard frontage. One hundred sixty eight (168) of the 177 units would have private open space areas in the form of patios or balconies. The private open space areas range from 56 sq. ft. to 143 sq.ft.in area.

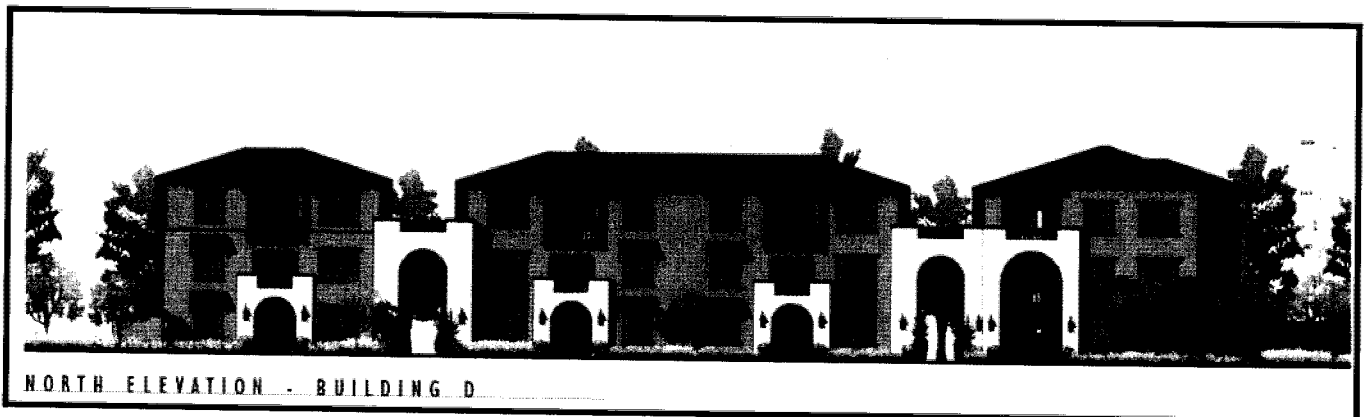
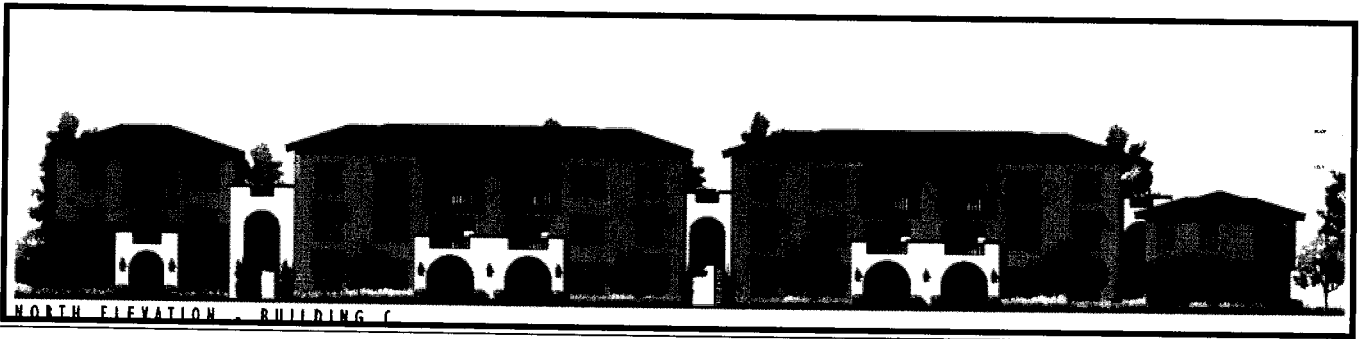
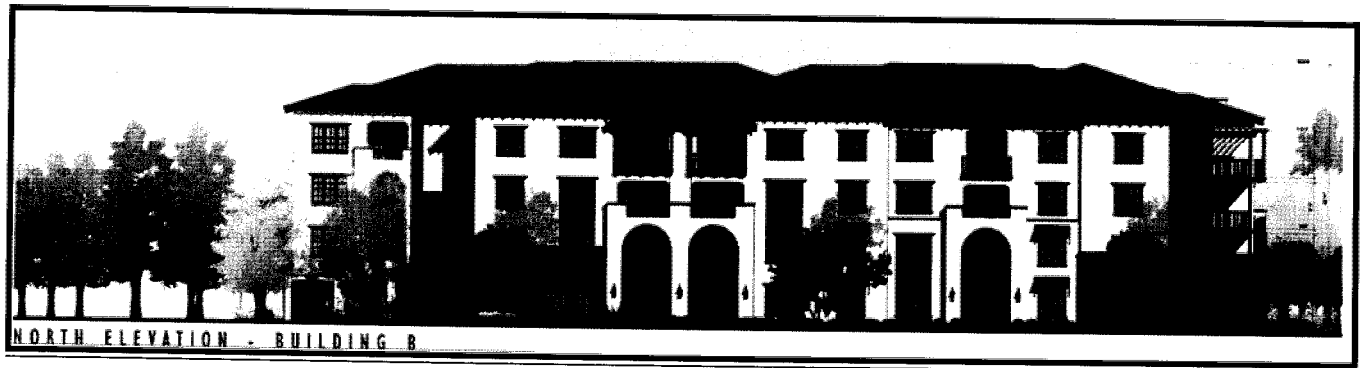
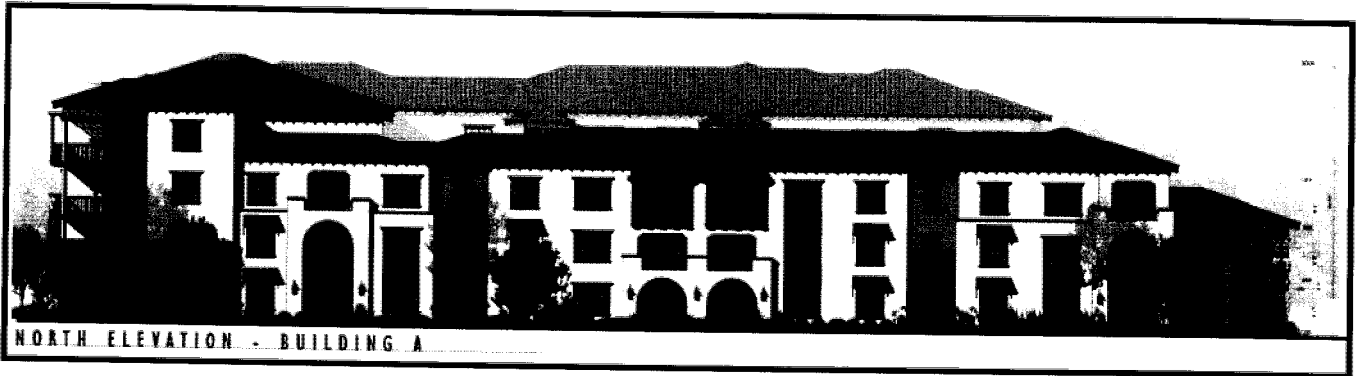
**Vehicular Access.** Vehicular access to the apartments would be maintained from the existing West Las Positas Boulevard driveways with the right-in/right-out at the western driveway and a signalized intersection of West Las Positas Boulevard and Hacienda Drive. Improvements at West Las Positas Boulevard and Hacienda Drive are proposed as part of the development. The northbound Hacienda Drive approach would be modified to provide one left-turn lane and one shared through/right-turn lane. The southbound Hacienda Drive approach would be modified to include one left-turn lane, one through lane and one right-turn lane. Improvements are also proposed at West Las Positas Boulevard/Stoneridge Drive: the eastbound and westbound West Las Positas Boulevard approaches would be converted to two left turn lanes, two through lanes and one right-turn lane. There are two existing Livermore Amador Valley Transit Authority (LAVTA) bus stops near the project site – one is located to the east of the project site, and the other one is located across West Las Positas Boulevard at the middle school. No additional stops are requested by LAVTA for this project.

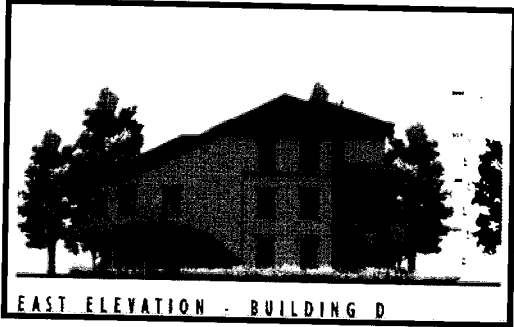
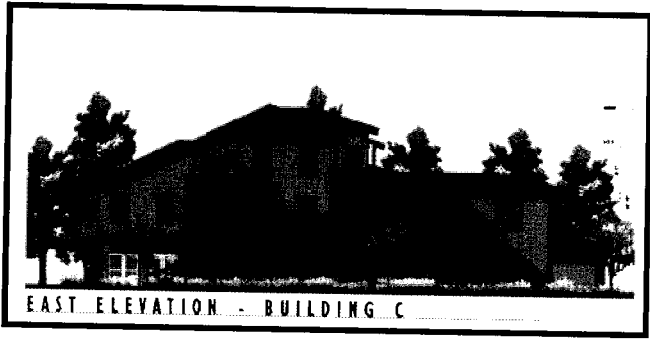
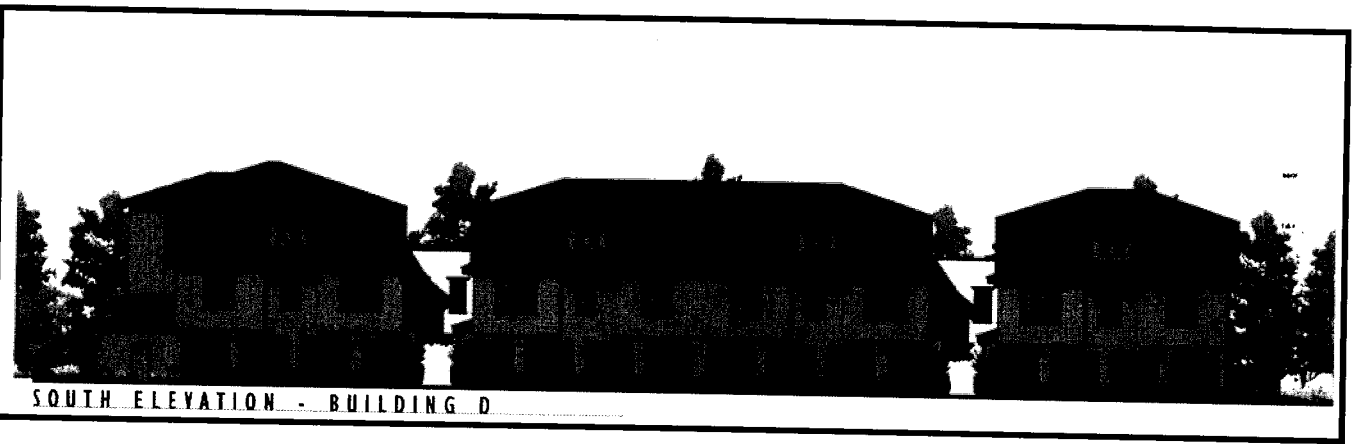
**Pedestrian Access.** A pedestrian pathway would link the apartment buildings with the passive and active recreational uses on the site. Pedestrian access to the apartment units would be from internal corridors coming from common entries and/or individual garages. Most of the ground floor units would also have direct porch entrances.

**Apartment Building Design.** The apartment buildings present a Spanish influenced architectural style. The materials that are proposed include stucco exterior finish, stone veneer, wood-like trim for the windows, tile roof, wrought iron patio and balcony railings, and awnings. 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 have a 4:12 pitch with roof wells to locate HVACs and S-tile with variation in colors (adobe blend) would be the roof material. Building walls vary in materials (stucco, brick veneer, and simulated stone trim) and colors to provide variety and interest.

To break the roof volume on Building C and Building D, dormer elements have been added to the second floor roof facing the arroyo (south). To ensure the privacy of the residents across the arroyo, these dormers do not have windows, but instead "horizontal louvers."







**Parking.** A total of 304 resident and guest parking spaces would be provided, comprised of: 130 spaces in the apartment building garages, 124 carport spaces, and 50 surface parking spaces including 12 compact parking spaces. At least one covered space would be provided for, and assigned to, each apartment unit.

**Tree Removal.** A total of 103 existing trees were surveyed on the subject property; among them, 27 are heritage-sized trees as defined by the Municipal Code. The heritage-sized trees consist of 13 evergreen ash trees, six red ironbark trees, seven callery pear trees, and one cork oak. As proposed, all heritage-sized trees, except for two, would be preserved. Overall, the proposed development would remove 54 existing trees (two are heritage-sized trees). Preliminary landscape plans have been provided for the proposed development.

**Development Agreement.** The applicants have proposed 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 the General Plan***

The subject parcel has a General Plan Land Use Designation of “Mixed Use/Business Park” which permits land uses such as office, retail, hotel and other commercial uses, community facilities, research and development, and residential. The residential use is consistent with this land use designation. The Mixed Use/Business Park land use designation requires residential projects to have densities of at least 20 dwelling units per acre with higher densities (30 units per acre or more) encouraged in locations proximate to BART stations and other areas near transit<sup>1</sup>. In addition, Program 11.1 of the Housing Element indicates that sites designated Mixed Use shall be developed at a minimum density of 30 units per acre. The proposed density of 30 dwelling units per acre is consistent with the General Plan (please see the “Housing Site Development Standards and Design Guidelines” section below for additional density discussion). Below are some of the General Plan Goals, Programs, and Policies that the project is consistent with or would promote:

###### **Land Use Element**

###### ***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 2.3: Require transit-compatible development near BART stations, along transportation corridors, in business parks and the Downtown, and at other activity centers, where feasible.

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.

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<sup>1</sup> The project is located two miles from the East Dublin/ Pleasanton BART station and adjacent to bus stops.

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.

### **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**

The approximately 5.9-acre southern portion of the property was rezoned in January 2012 to allow multi-family residential. Therefore, no rezoning is needed to allow the proposed multi-family residential.

### **Density**

The proposed density of 30 dwelling units per acre conforms to the 30 dwelling units per acre density stipulated by the Standards.

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

#### **Exceptions Requested by Applicant**

The applicant has revised the project so that it conforms to the most of the Standards. The applicant is requesting two exceptions to the Standards. For the Commission's reference, the page and section number for each item below is noted in *italics*.

*Special Design Standards and Guidelines Development Standard, page 55*

1. No structure (not including light fixtures) shall be located within 50 feet of the western property line - The carports would be located eight feet from the western property line.

Comments: The applicant could remove carport parking along the western property line and still conform to the requirement of providing one covered parking space per residential unit. The applicant prefers to keep the carports as the carports have been considered as a amenity to the apartment tenants. The Planning Commission indicated that they would support this exception if the adjoining property owner to the west, Chamberlin Associates, supported the carport location. One commissioner asked about relocating some of the carport elsewhere on the project site so as to break up the carport presence along the westerly property line. Chamberlin and Associates and the applicant have reached a compromise on this item. It is agreed between them to have two small carports located along the westerly property line. The parties have also agreed that the design of the carports will match the design of the building. Staff supports this revision, provided that the carport dimensions and designs be reviewed and approved by the Director of Community Development.

*Development Standards, page 13, requires a distinct hierarchy of circulation including public streets, internal streets, alleys, etc. Section A1.b states that alleys should not be used for primary circulation.*

2. The existing western entrance would serve as one of the two entrances to the proposed development. It should, like the eastern entrance, be designed as an internal street. Sheet A1.2 shows it is designed as an alley.

Comments: The majority of the Commission supported using an alley design instead of an interior street design for the second westerly access road for the project. Staff found the alley is designed to facilitate internal circulation and allows more land area as open space; thus it is supportable.

## **Site Plan**

An existing 30-foot wide easement for the purposes of providing reciprocal access, common driveway, storm drain, and public service between the subject site and the adjoining site the east lies between these properties. The 30-foot multi-purpose easement would remain. The proposed project complies with the minimum building-to-building separation requirements and the minimum setbacks (except in the area noted above). The parking has been positioned to minimize its visibility as much as possible from West Las Positas Boulevard and the adjacent properties.

For the convenience of the residents who have pets, a dog wash area is proposed on the east side of Building D near the trash enclosures. In response to comments from the residents to the south across the arroyo that noise from dog barking during wash could be disturbing, the applicant has agreed to relocate the dog wash away from the southern portion of the site to

near the recreation building at Building B. Staff has included a condition to address the dog wash relocation.

### **Floor Area Ratio**

The Housing Site Development Standards and Design Guidelines indicate that there is no FAR applicable to the residential developments.

### **Open Space/Amenities**

The proposed project contains a variety of recreation areas and amenities. Recreation and community building space would include a fitness room and community lounge room. The central outdoor recreation area offers an outdoor swimming pool/spa, children's play area, open green area, and barbeque picnic area. Pedestrian paseos and pocket plazas would be provided in various locations throughout the complex. In addition, a water feature is proposed near the main entrance to the complex fronting West Las Positas Boulevard by the leasing office. In total, the project proposes 44,448 square feet of group open space on-site.

The Standards require a minimum of 300 sq. ft. of group open space per dwelling unit (177 units x 300 = 53,100 sq. ft.). Private open space is not required, but, if provided, it can be deducted from the group open space requirement at a 2:1 ratio (i.e., one sq. ft. of private open space = 2 sq. ft. of group open space). The project would provide 44,448 sq. ft. of group open space and 9,524 sq. ft. of private open space, which is equivalent to a total of 63,496 sq. ft. of group usable open space. Therefore, the project complies with the open space requirements.

Regarding private open space, the Standards do not require private open space be provided for each unit. One hundred sixty eight (168) of the 177 units would have private open space areas in the form of patios or balconies. The private open space areas range from 56 to 143 sq. ft. in area. The nine units without private open space are located on the second floors of Buildings C and D facing south (Arroyo Mocho). The applicant removed the balconies at those location in to response to the privacy concerns from a group of residents on the south side of Arroyo Mocho (Parkside neighborhood).

The areas proposed for the tot lot and common open space have been adjusted to address the comments from the Planning Commission work session on September 11, 2013 so that these two areas would be sized appropriately and adequately to serve the residents.

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

### **Transportation**

#### Traffic and Circulation

The project site is currently accessed via a full access driveway on West Las Positas Boulevard and signalized intersection at West Las Positas Boulevard and Hacienda Drive.

Local roadways that serve the project site include West Las Positas Boulevard, Hopyard Road, Willow Road, Hacienda Drive, and Stoneridge Drive. The project site is located approximately

two miles southeast of the East Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The project site is served by the Livermore-Amador Valley Transit Authority (LAVTA) Wheels Bus Service. There are currently existing bus pullouts with shelters located in the project vicinity, one on each side of West Las Positas Boulevard. All streets in the project vicinity have sidewalks and crosswalks at signalized intersections.

Bike Lanes exist on West Las Positas Boulevard west of Hacienda Drive and on Willow Road adjacent to the Hart Middle School. According to the *Pleasanton Pedestrian and Bicycle Master Plan*, bike lanes are planned on West Las Positas Boulevard east of Hacienda Drive and along Stoneridge Drive.

The Pleasanton General Plan requires site-specific traffic studies for all major developments which have the potential to exceed Level of Service (LOS) D at major intersections and requires developers to implement the mitigation measures identified in these studies in order to maintain LOS D or better. Exceptions are made for the Downtown and "Gateway Intersections" where the LOS D or better standard may be exceeded.

A traffic study was prepared by Whitlock & Weinberger Transportation, Inc. (W-trans), to analyze the traffic and circulation for this project. The Traffic Impact Analysis dated February 10, 2014, is attached to this report (Exhibit B). The traffic study analyzed the near-term and cumulative/long-term traffic scenarios with and without the project. The near-term scenario includes the existing traffic plus anticipated traffic from approved but not yet built projects. The cumulative/long-term (or build-out) scenario consists of development that has not received final plan approval from the City but has been identified to be completed in the long term with the build-out of the Pleasanton General Plan. Regional traffic growth is also considered in the cumulative/long-term scenario.

The study included seven study intersections. The study evaluated queuing under the Existing plus Approved Project and Cumulative a.m. and p.m. peak-hour conditions; internal circulation for the proposed development; pedestrian, bicycle and transit facilities; and safety factors.

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour is typically between 7:00 and 9:00 a.m. and the PM peak hour is typically between 4:00 and 6:00 p.m. It is during these periods that the most congested traffic conditions occur on an average day. The AM and PM peak hour vehicular trips for the proposed projects were developed based on trip generation rates contained in the Institute of Transportation Engineers (ITE) publication Trip Generation, 9th Edition. This is a standard reference used by jurisdictions throughout the country and is based on actual trip generation studies at numerous locations in areas of various populations.

The proposed project is anticipated to generate an average of 1,177 new vehicle trips on a daily basis, including 90 additional trips during the a.m. peak hour and 110 additional trips during the p.m. peak hour. Please see the following table from W-trans study:

**Table 3  
Trip Generation Summary**

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
<b>Proposed</b>											
Apartment	177 du	6.65	1,177	0.51	90	18	72	0.62	110	71	39
<b>Project Trips</b>		<b>1,177</b>		<b>90</b>		<b>18</b>		<b>110</b>		<b>71</b>	

Note: du = dwelling unit

The traffic study also included analysis of school related traffic, evaluated Level of Service (LOS) and queuing during the school a.m. (7:00-9:00) and p.m. (2:00-4:00) peak hours, collected turn movement counts, and, analyzed traffic condition under existing conditions and existing plus project conditions. The study found that, under Existing Conditions, all of the study intersections operate at an acceptable LOS C or better during the a.m. and school p.m. peak hours and would continue operating at acceptable Levels of Service with the addition of school-related project-generated traffic.

The Traffic Engineering Division reviewed the traffic study and found it to be acceptable. The Traffic Engineering Division recommended the traffic signal system at the intersections of West Las Positas Boulevard/Hacienda Drive and West Las Positas Boulevard and Willow Road be modified to help traffic circulation at these intersections. Staff has included conditions of approval to address these items.

The Traffic Engineering Division reviewed the proposed internal circulation, and found it to be acceptable.

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 (see Environmental Assessment section below 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.

### Transit

The Livermore-Amador Valley Transit Authority (LAVTA) currently provides bus service (the Wheels Bus System) to the project area. There are currently existing bus pullouts with shelters located on the both sides of West Las Positas Boulevard. The project design has incorporated a network of pathways internal to the project that allows access to the sidewalk that leads to the bus stop.



### Bicycles:

The Standards for the proposed project require 0.8 secured and weather protected bicycle spaces per apartment unit (177 units x 0.8 = 142 spaces required). On-site, the project is proposing to provide a total of 150 bicycle parking spaces (130 spaces in the private parking garages, and 20 spaces in separate bike storage rooms).

The Standards also require a minimum of two public bike racks per 50 dwelling units which must be located within 100 ft. of main entries (7 racks required). The project is conditioned to provide a minimum of seven bike racks as required by the Standards.

The Pleasanton Bicycle and Pedestrian Master Plan recommends a paved trail on the south side of the Arroyo Mocho waterway. The Plan does not include a trail on the north side of the Arroyo Mocho waterway between Hopyard Road and Santa Rita Road. As such, no gate providing direct access from the proposed development to the north side Arroyo Mocho is proposed.

Staff believes that proposed project is appropriately designed and promotes the City's Pedestrian and Bicycle Master Plan.

### **Parking**

The Standards established minimum parking requirements for the Transit Orientated Development sites, but defers to the Pleasanton Municipal Code for off-street parking requirements for all other sites such as this one. The Code requires the following parking ratio for dwelling units based on the number of bedrooms:

- a. 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.
- b. For apartments with three or more bedrooms a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.

The Code also requires the project to provide visitor parking, in a ratio of one parking space for each seven (1:7) units.

The proposed project contains a total of 162 dwelling units that have two or few bedrooms, and a total of 15 dwelling units that have three bedrooms. As such, a total of 300 parking spaces would be required for the proposed development, among which 275 parking spaces would be for the residents and 25 parking spaces would be for visitors. As proposed, the project would have a total of 304 parking spaces, exceeding the requirements by four extra parking spaces.

A total of 304 parking spaces are proposed on-site, exceeding the requirement by providing four additional parking spaces. A combination of 130 garages and 124 carports, provide for 254 covered spaces. The remaining 50 are uncovered surface stalls. The proposed project

meets and exceeds the number of parking spaces required by the municipal code for multiple family residential district.

The Standards established requirements for parking location and treatment. One of the requirements (A7.1) specifies that if the parking cannot be located behind buildings or below grade, that it should be screened by low walls and landscaping. The applicant proposed a block wall along the southern property line and a fence along the western property line to separate the subject site from the adjoining properties. In addition to the existing trees along the property lines, tree and shrubs are proposed to be planted along the proposed wall and fence to help screen the views of the parking areas. The proposed design provides screening that meets the standards.

## **Noise**

External noise sources that could affect the site include traffic noise from adjacent City streets, and adjacent land uses. 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 (day/night average sound level). 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 (Exhibit B) 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 with recommended noise mitigation measures.

As recommended by the Noise Study, the project needs to incorporate sound rated windows and doors to reduce vehicle traffic noise to DNL (day/night average sound level) 45 dBA or less indoors. The study recommends incorporating windows and doors with sound insulation rating of STC (Sound Transmission Class) of 30 in units that would be located in Building A and Building B along West Las Positas Boulevard. The report also recommends incorporating windows and doors with a STC rating of 28 in other locations. The study further requires the final design and sound insulation ratings be reviewed by an acoustical consultant prior to construction. Staff has included a condition to address this item.

The Noise Study also included analysis of mechanical equipment noise associated with the project such as rooftop HVAC units. The study recommends that an acoustical consultant review manufacturer's specification data for the equipment to determine noise reduction measures, if any. Staff has included a condition to address this item.

### Noise Impacts on Adjacent Properties

The proposed development would generate added urban noise, such as traffic, loading and unloading of delivery trucks, children playing, etc. However, given the existing noise levels produced by nearby street traffic, and the existing school's field, and City's Sports Park in the area, noise levels would not change substantially from what is currently experienced in the area.

At the Planning Commission work session on January 22, 2014, the applicant proposed a six-foot high block wall with stucco finish to buffer the proposed development from Arroyo Mocho and the existing Parkside neighborhood located on the south side of the arroyo. In response to a request from the residents, Charles Salter & Associates, the acoustic consultant who prepared the noise study for proposed development, addressed acoustic concerns regarding the potential for noise generated from roadways and activities at the sports park to be reflected from the proposed wall back to the residents in Parkside neighbors (Exhibit H). The study indicated the proposed wall and the fields at the sports park are separated by one to five rows of homes, Arroyo Mocho, and a wall on the south side of the arroyo. Noise from the sports park would be shielded by the homes and the existing wall along the south side of the arroyo and attenuated by the distance before it reaches the proposed wall. As such, the potential increase in noise, as a result of wall reflection, would be two decibels or less, which would not be noticeable. As the proposal includes planting vines on the north side of the wall and along the wall, it would help to reduce focused reflections to the existing residences. The study pointed out that if the wall height is increased from the proposed six feet to eight feet, it would help reduce vehicle noise generated by the tenants/visitors of the apartment complex by 1-2 decibels.

In a meeting with Parkside neighborhood group on February 11, 2014, the neighbors commented on the wall surface so that noise from sports park would not be reflected directly back toward the existing residential area. The project noise consultant, Charles Salter & Associates reevaluated the wall design and stated the following in a memo dated February 20, 2014:

Barrier Reflections: You have asked if noise from the roadways and sports fields south of existing residences (across the canal) will be reflected back to those residences. The noise barrier will be precast concrete with a textured "grapestake" surface. Planted vines will be added on-site, and will grow to the canal side of the wall. These features will help reduce reflectivity of the barrier. In addition, shielding from the intervening houses (generally one to five rows) and distance attenuation from the reflected path-of-travel across the canal will help limit reflected noise. The noise barrier is estimated to increase average noise levels from vehicles on these roadways, and occupants moving around the sports fields, by 2 decibels or less, which would not be distinguishable at the existing residences.

Staff has added a condition requiring the design of the wall be reviewed and approved by the Director of Community Development during plan review stage. In addition, the resident group prefers an eight-foot high wall to a six-foot high wall. Staff is supporting either a six foot or an eight foot wall. A copy of the memo is attached (Exhibit H).

The Parkside residents commented on the trash enclosure location at Building D, and would like it to be relocated to reduce the noise of garbage trucks coming down the alley. The applicant revised the trash enclosure area by adding a wall so that garbage trucks would not need to use the alley. They would use the internal streets to access to the trash enclosure area by Building D and then continue their route out. Staff has added a condition requiring the applicant/the apartment complex management office to use their best effort to work with Pleasanton Garbage Service to not use alley during pickup.

### Road Noise

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 estimated noise from vehicles associated with the project will not increase DNL at off-site receivers along West Las Positas Boulevard. Therefore, the applicant is not required to provide mitigation to address this issue.

### Construction Noise

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**

The majority of the lot is relatively level with a perimeter landscaped berm along West Las Positas Boulevard. The applicant is proposing to generally maintain the existing grades on the property. Parking lot and roof drainage would drain into a landscaped drainage basin that would filter contaminants before entering the arroyos and, ultimately, the bay. It is estimated that an approximately 8,000 cubic yards of dirt would be excavated. As conditioned, staff finds the proposed grading and drainage plan to be acceptable and in compliance with applicable stormwater runoff requirements. The haul route will be subject to the approval of the City Engineer.

### **Architecture and Design**

Staff believes that the proposed buildings are generally 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. The rooflines of the buildings are broken up to reduce the building mass and add interest. Building walls vary in materials and colors to provide variety and interest. The awnings and wrought iron detailing enrich the quality of the architecture.

In response to the comments from the Planning Commission work sessions, additional architectural elements, such as rafter tails, canvas awnings, horizontal bands, sconces, wrought iron railings, wooden gates, etc. were added to the buildings. In addition, a lowered wall and columns have been added to the otherwise plain wall on the northwest elevation of Building A near the garage. Staff believes that proposed design has responded to and addressed the Commission's comments.

In response to Commission's comments concerning the roof design on the south elevation of Building C and Building D, the applicant added dormer features to break the massing of the roof. Staff found this approach improves the southern elevation of these two buildings and is acceptable. The applicant has also provided line-of-sight drawings (cross sections) of the

proposed buildings when viewed from the south side of Arroyo Mocho. Staff has shared the revised roof elevations and the line-of-sight (cross sections) with a group of Parkside residents. They found both are acceptable.

The proposed building colors have been modified to provide more contrast and variation. The roof colors have been modified as well to achieve the same effect. Staff finds the proposed colors, the window design and treatment, the building materials, and the overall massing and treatment of all the proposed buildings to be acceptable. The plans do not include the carport designs; therefore, the project has been conditioned to require the proposed carport design to be submitted for review and approval by the Director of Community Development.

### **Signage**

Conceptual blade signage identifying the complex address has been shown on the building elevations, but no sign details have been provided at this time. A condition has been included that requires the applicant to submit a comprehensive sign program for 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 and California Center, both located in Hacienda Business Park) were conditioned to provide Universal Design features for all of the required adaptable dwelling units. Staff has included the same condition for this project.

### **Green Building**

As required by the City's Green Building Ordinance, the proposed 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 130 points. Some of the proposed green building measures include: installing water-efficient fixtures; use of recycled content material in construction, high efficiency toilets, installing Energy Star™ dishwashers; and utilizing zero or

low volatile organic compound (VOC) caulks, adhesives, and sealants. Please see the attached Green Building checklist for the complete list of the proposed Green Building items.

The applicant has proposed to exceed the 50-point minimum. 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 high-density residential project located near commuter bus lines and within a major business park, 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, all applicable 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.

The CAP checklist from the applicant indicated that the proposed development would incorporate distributed generation, especially PV, solar thermal, solar hot water, and solar cooling, and/or provide bloom box or other fuel cell technologies (ER2-3). Staff has included a condition requiring conformance to this item be reflected on the plans submitted for plan review prior to the issuance of building permit and is subject to review and approval by the Director of Community Development.

**School Impacts**

The Fall 2011/2012 Demographer’s Report prepared by Davis Demographics & Planning, Inc., dated June 2012, for the Pleasanton Unified School District (PUSD), included Student Yield Factors (SYFs) for a 10 year projection. The SYFs, when applied to planned residential development units, would determine the number of students from a particular development who may be enrolled into PUSD schools. Different SYFs are used for different grade levels. Please refer to the following table showing the number of students that would be expected for the proposed 177 residential units to be enrolled in PUSD schools in various grade levels.

Grade Level	SYFs for Apartment Units	No. of Expected Students
K-5	0.128 (x 177 units)	23
6-8	0.081(x 177 units)	14
9-12	0.110 (x 177 units)	19
K-12	0.319 (x 177 units)	56

A copy of the report is available through the following web link:

<http://206.110.20.201/downloads/businessservices/FY12StudentPopulationProjectionsDemRpt.pdf>

A condition of approval requires the project developer to work with the Pleasanton Unified School District and the City Director of Community Development to develop a program, in addition to the school impact fees required by State law and local ordinance, to offset this project's long-term effect on school facility needs in Pleasanton. This program will be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities to serve new development in Pleasanton. Construction will not be allowed to start until the terms of this program and/or funds have been approved by the City.

### **Landscaping**

Preliminary landscape plans have been provided for the site, including enlargements of common open space/recreation areas, and additional planting and stucco wall along the southern property line. Although the landscape plans are conceptual, staff believes that the species, quantities, and sizes of the proposed landscaping for the site is consistent with the Standards and Hacienda Guidelines and is 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.

Some of the residents in Parkside neighborhood have requested that the south side of the proposed stucco wall be screened sufficiently by landscaping. The applicant is exploring an option, in addition to providing vines, to plant vine/shrubs along the south side of the wall. As the southern property line of the project site abuts the maintenance road along Arroyo Mocho which is owned by Zone 7, permission from Zone 7 would be needed. In addition, the applicant is exploring the feasibility of landscape maintenance as there would not be a direct access from the project site to the arroyo. Staff will report the outcome of providing landscaping on the south side of the block wall at the hearing.

At the Planning Commission Work Session on January 22, 2014, the adjoining property owner to the west, Chamberlin and Associates, requested to have less landscaping along the westerly property line. To ensure appropriate landscaping would be planted along the westerly property line, staff has included a condition requiring final landscape be reviewed and approved by the Director of Community Development prior to issuance of building permit.

### **Tree Removal**

A tree report has been prepared by HortScience (Exhibit B) that specifies the species, size, health, and value of the existing trees on the site that exceed six-inches in diameter. According to the tree report, the project site contains 103 trees, of which 27 are considered "heritage-sized" trees (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference) under Chapter 17.16 of the Pleasanton Municipal Code.

Staff notes that the tree report indicates that a total of 46 trees would be saved (including 27 heritage-sized trees). These trees are located along the western property line (tree nos. 2-16), southern property line (tree nos. 17-34), and along West Las Positas Boulevard (tree nos. 89-102). A total of 57 trees are proposed for removal (two are heritage trees). These 57 trees are currently located around the existing building and in the parking lots, consist of Callery pear, Crape myrtle, European white birch, and African sumac. None of the existing trees is native to California.

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. The applicant is able to preserve 25 of the existing 27 heritage-sized trees, and plant a number of additional trees, shrubs and groundcover to buffer and help screen the proposed development from the adjoining commercial property to the west and the existing residential neighborhood to the south a cross the arroyo. Staff finds the proposed planting to be acceptable mitigation.

**Affordable Housing Agreement and Housing Commission Recommendation**

The Housing Commission, at its February 20, 2014, meeting, reviewed Affordable Housing options to define an Affordable Housing Agreement (AHA) for the project. The Housing Commission unanimously recommended the approval of the AHA to the City Council.

The proposed AHA includes 27 affordable units, with 6 of the units rented at rates affordable to very-low-income households (50% of the annual median income for Alameda County), 12 of the units rented at rates affordable to low-income households (80% of the annual median income), and nine units rented at rates affordable to moderate-income households (100% of the annual median income).

The following table shows the proposed affordability level and unit mix. It meets the City’s IZO goal of 15% affordable units.

Unit Type	Affordability Levels			
	50% AMI <sup>1</sup>	80% AMI	100% AMI	Total
One-bedroom	3	7	5	15 (55%)
Two-bedroom	2	4	3	9 (34%)
Three-bedroom	1	1	1	3 (11%)
<b>Total</b>	<b>6</b>	<b>12</b>	<b>9</b>	<b>27 (100%)</b>

<sup>1</sup>Annual Median Income for Alameda County

Please see the attached Housing Commission staff report (Exhibit D) for additional details and discussion.



## **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 ensures that the developer will provide a number and range of affordable housing units acceptable to the City. The draft development agreement is attached as Exhibit B.

The development agreement process requires that the Planning Commission 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**

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 177 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.

### **Hacienda Owners Association**

The Hacienda Owners Association has the authority to review and approve the proposed development before action is taken by the City. A letter of support from Hacienda is attached.

## **V. 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.

### **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 or already planned improvements for 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 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 Designation of "Mixed Use/Business Park" allows residential uses. The proposed density of 30 dwelling residential units per acre is consistent with the General Plan. The proposed project would further several General Plan Programs and Policies encouraging new housing to be developed in infill and peripheral areas which are adjacent to existing residential development, near transportation hubs, or local-serving commercial areas 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 project site is surrounded by office uses to the east and west, a public school and office uses to the north, across West Las Positas Boulevard, and Arroyo Mocho to the south and residential uses (Parkside neighborhood) to the south of the arroyo. The proposed project has been designed to incorporate comments from the Parkside residents in terms of open space locations, building height, landscaping, privacy, etc. The proposed residential use would be compatible with the surrounding uses. The building height would be compatible with the office building to the east (approximately 40 feet in height) and the residential buildings on the south side of the arroyo.

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. The existing topography of the site 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 above, 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 the drainage basin area that would filter contaminants before entering the arroyos and, ultimately, the bay. The site is not located within an Alquist-Priolo Earthquake Fault Zone.

As indicated by Federal Emergency Management Agency (FEMA) map<sup>2</sup>, the project site is not located within a 100-year flood zone, but Arroyo Mocho, which borders the site to the west, is located within a 100-year flood zone. However, the waters are contained in the creek's channel and would not be expected to affect the project site.

Therefore, staff believes that this finding can be made.

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<sup>2</sup> Flood Insurance Rate Map 06001C0317G

**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 project that is well-designed and well-integrated with the existing office development on adjoining properties, 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 has been sought and obtained through Planning Commission work sessions; further opportunity for public comment will occur at the Planning Commission, Housing 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 COMMENT**

Public notices were sent to property owners within a 1,000-foot radius of the project site. At the time this report was written, staff had not received any comments from the surrounding property owners. Staff will forward to the Commission any public comments as they are received.

During Planning Commission Work Sessions, a number of Parkside residents spoke, expressing their concerns. In addition, the representative from Chamberlin and Associates, the adjoining property owner to the west, also spoke, expressing concerns. Please refer to the work sessions minutes for their comments.

## **VII. 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. A total of 177 multi-family housing units was 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:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(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.

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.

## 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 which would help the City meet its 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 a resolutions recommending: 1) approval of Case PUD-103, PUD development plan, subject to the conditions of approval listed in Exhibit A, and 2) Case P14-0086, a development agreement for the project, and forward the applications to the City Council for public hearing and review.

Staff Planner: Jenny Soo, 925.931.5615; email: [jsoo@citypleasantonca.gov](mailto:jsoo@citypleasantonca.gov)



**PUD-103 & P14-0086, Summerhill Apartment Communities**

**Applications for: (1) Planned Unit Development (PUD) Development Plan to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site located at 5850 West Las Positas Boulevard in Hacienda Business Park; and (2) Development Agreement to vest the entitlements for the project. Zoning for the property is PUD-MU (Planned Unit Development – Mixed Use) District.**

Jenny Soo presented the staff report and described the scope, layout, and key elements of the application, including revisions to the site plans that address input provided by the Commission and concerns from the neighbors expressed at the two Work Sessions on the proposal. She also noted that staff had distributed a memo to the Commission regarding some revisions to the Conditions of Approval.

Commissioner Pearce asked staff to talk about the reason for the removal of Condition No. 64 of the Conditions of Approval, which was referred to as Condition No. 63 in the staff memo, regarding the traffic signal system.

Ms. Stern replied that this was the traffic signal on Willow Road. She explained that in a recent discussion with the City Traffic Engineer, Mike Tassano, he mentioned that he thought the project was actually closer to Willow Road than it actually is, and he felt when he first reviewed the project that pedestrians might be using the Willow Road/West Las Positas Boulevard crossing, but understands now that pedestrians will really use the Hacienda Drive crossing, so all of the improvements being made on Hacienda Drive are sufficient.

**THE PUBLIC HEARING WAS OPENED.**

Kevin Ebrahimi, Vice President of Development for Summerhill Apartment Communities, Applicant, stated that he would be presenting to the Commission the changes that have taken place since the last Planning Commission meeting. He stated that, as the Commission is aware, this project is the product of more than six months of work with the Commission, City staff, and the community. He noted that the Summerhill team has been working hard to develop a design that meets their vision of creating a vibrant, high quality apartment community that is consistent with the City's design guidelines and meets the zoning requirements for the site. He then thanked Ms. Soo, Ms. Stern, and Brian Dolan for helping them through the process and getting them to this stage, and the community for helping them to come up with the modified proposed design before the Commission tonight, a design which they believe addresses the comments they have received from the Commission and the neighbors, as well as the City's and their own high standards.

Mr. Ebrahimi stated that he would begin with a summary of the study sessions and neighborhood meetings that they have participated in to develop the current design. He indicated that the Commission and City staff asked them to make a strong effort to reach out to the community about the project, and they believe that their outreach efforts have

positive results for everyone. He stated that their outreach efforts have included the following:

- Community open house on September 4, 2013;
- Planning Commission Work Session on September 11, 2013;
- Individual outreach with neighbors in September and October of 2013;
- Neighborhood meeting on October 6, 2013;
- Community meeting on October 20, 2013;
- Distributed a FAQ sheet and met with neighbors to review and go over all issues in November 2013; and
- Planning Commission Work Session on January 22, 2014.

Mr. Ebrahimi stated that when they presented their project to the Commission at its first Work Session in September 2013, the Commission provided positive feedback on the proposed design, gave several suggestions, and encouraged them to continue to meet with the neighbors, hear their concerns, and work with them to come up with a viable solution that would work for this site and the neighborhood. He noted that staff had summarized the project well, and he would like to give just a little more detail on how they came about these changes and how they were incorporated into the project. He indicated that the Commission gave eight recommendations:

1. *Provide a two-story view of Buildings C and D from the vantage point of the Parkside neighborhood; do not increase the heights of Buildings A and B, the four-story buildings along West Las Positas Boulevard.*

The units on Buildings C and D were redesigned to eliminate the third story of the units facing the Parkside neighborhood while keeping the three-story element facing north towards the interior of the project site. While this design eliminates the third floor requested by the Parkside neighborhood, it also limits the number of units that must be relocated elsewhere in the project, thereby avoiding the need to increase the heights of Buildings A and B. A slide illustrated the two-story portion of Buildings C and D, which is visible from the south, which the three-story portion is visible from the north towards West Las Positas Boulevard.

2. *Increase the open space grass area within the project.*

The size of the open field in the central area was increased while still complying with the Statewide water ordinance.

3. *Remove direct access from West Las Positas Boulevard to the open space area of the project.*

Access to the project open space along West Las Positas Boulevard was relocated and the entrance was gated for added security. Individual apartment units along West Las Positas Boulevard will still have direct access to the public sidewalk, but private open space remains secure and closed.

4. *Consider relocating the pool area away from the southern portion of the site to reduce visibility and noise impact to the Parkside neighborhood, and design a noise barrier for the pool area.*

The open space component of the project was redesigned by relocating the swimming pool to the central portion of the site in order to increase the distance between the pool and the Parkside neighborhood. A connecting wall between Buildings C and D was also added and a six-foot tall wall was incorporated along the southern property line; both will act as additional noise barriers.

5. *Provide more trees and shrubs to screen the project from view by the Parkside neighborhood; save the existing Eucalyptus and Palm trees along the southern property line; provide visual representations of the landscape screening at the three-, five-, and ten-year growth periods.*

All existing trees along the southern property line be preserved, and an evergreen hedge row has been added along the entire southern property line. A row of large evergreen trees will also be planted at the same location all the way along the property line, with additional planting of a series of large evergreen Southern Live Oaks in the parking area to provide additional screening. This will provide a three-tier landscape for buffer. Slides showed the three-year, five-year, and ten-year growth for landscaping, and for comparison purposes, the current view of the existing commercial building versus the proposed project with a ten-year landscape growth.

At the January Work Session, the Commission suggested a redesign of the roofs of Buildings C and D to provide more visual interest and variation. Slides of visual simulations showed the redesigned roof with blended roof tiles and added dormers with vents, not windows, to improve the visual character of the roofs.

6. *Provide more architectural detail and potentially darken the white exterior color of the buildings.*

The revised plans show updated architecture with elevations that highlighted the changes made, including:

- Wooden gates at entries to the patios
- More awnings
- Rafter tails
- Sconces
- Recessed windows
- Two darker color palettes replacing the exterior white color
- Off-white finish on Buildings A and B and a taupe finish on Buildings C and D
- Redesigned end unit in Building A that is visible from West Las Positas Boulevard to provide much greater architectural detail
- Added pilasters and wrought iron

- Raised height of the brick exterior treatment and increased brick banning at key locations
7. *Continue to work with Chamberlin, the neighboring commercial property on the west side of the project, regarding the proposed carports, landscaping, and other visual screening.*

Agreement has been reached with Mr. Doug Giffin regarding fencing and landscaping and the provision of a total of six carports on the southern west portion of the property line. Commitment was also made with Mr. Giffin to work with Chamberlin on the treatment of landscaping, painting, and any architectural detailing of the six carports to ensure that Chamberlin is comfortable with the final design.

8. *Continue our outreach with the community.*

As mentioned earlier, this has been taken to heart, and the applicants worked diligently with City staff and the community to develop a design that respects the concerns of the community while also meeting the City's and Summerhill's high standards. Additionally, agreement with the Pleasanton Unified School District (PUSD) has been reached to ensure that any impacts of the project on PUSD's high-quality schools are mitigated.

Mr. Ebrahimi stated that to enhance the visual character and reduce reflected noise, they have added creeping fig vines that will be planted on the north side of the property wall and fit through a prefabricated hole so they can grow on the southern face of the wall as per standard CalTrans detail. He noted that based on recommendations of the principal engineer, an articulated "grapestake" design surface will be used on the south side of the wall to diffuse reflected noise from the southern wall. With respect to the wall height, he indicated that the acoustical engineer evaluated the project and provided a summary report which concluded that an increase in wall height from six feet to eight feet would not provide inaudible noise detection for the southerly property neighbors; the potential reduction in noise from vehicles would be one to two decibels, which is inaudible to the residences to the south at 240 feet away.

Mr. Ebrahimi stated that following the Commission's recommendations at its January 22, 2014 Work Session, they made the following changes:

1. To reduce the noise associated with trash pickup, the trash enclosure at the south end of Building B was moved and redesigned such that garbage cans can only be loaded into the main street where garbage trucks would pick them up at that location and would not need to use the alley on the south side of Buildings C and D along the Arroyo. Pleasanton Garbage Service has confirmed that this layout works.
2. To reduce potential noise associated with the dog wash area, this feature has been moved away from the southerly western portion of the site to the more central area within the community.

In response to questions asked at the last Planning Commission Work Session with respect to whether Buildings A and B would be visible when viewed from the southerly Parkside neighborhood, Mr. Ebrahimi stated that they put together an exhibit that shows a line of sight which reflects that at best, only a very slight view at the ridge of the buildings on Buildings A and B is visible. He concluded by saying that Summerhill has been very successful with their projects as they accommodate their neighbors while keeping their projects economically feasible.

Chair Olson inquired how the school impacts are being mitigated and if there is a written agreement.

Mr. Ebrahimi replied that the School District has a standard agreement that is based on the particular site being developed. He indicated that after reviewing the agreement, it was finalized; then they went to the School Board hearing, and the agreement was accepted and has been executed.

Larissa Seto stated that staff will revise the section on the school impact fees in the Development Agreement to reflect that there is now an agreement between the School District and the developer, and the developer would be required to show that they have met those conditions before they can pull building permits.

Pat Kernan, Kingsley Bogard, Counsel to the Pleasanton Unified School District (PUSD), stated that this is the first time PUSD actually has a mitigation agreement in place prior to Planning Commission approval. He noted that Mr. Ebrahimi and John Hickey were very proactive and great to work with. He indicated that this is a great project and that PUSD looks forward to having them literally as a neighbor with Hart Middle School right across the street. He added that the agreement with Summerhill, as well as that with Ponderosa, was approved at the February 11, 2014 School Board Meeting, and PUSD Superintendent Parveen Ahmadi just signed the mitigation agreements tonight before he came over to the Planning Commission meeting tonight. He indicated that he will actually have counter-signed and recorded documents.

Mr. Kernan stated that he knows Mayor Jerry Thorne said some very nice things about the School District yesterday, and that tonight it is his turn to reciprocate some of the comments about the City. He indicated that he was present for the Pleasanton Gateway project when the rezoning of eight sites was launched. He noted that PUSD has been able to get mitigation agreements with all seven sites; the agreements for the two BRE sites have not been signed, but they are in place, waiting for the project to move forward. He stated that this is remarkable and that it would not have happened without a lot of people. He thanked the developers; the attorneys, including Marty Inderbitzen, Larissa Seto and Jonathan Lowell, who have been instrumental in making things happen; the Planning Commissioners, without whose Conditions of Approval, PUSD would not be here; and finally, City staff, Mr. Dolan and Ms. Stern, who have been great to work with on all these projects.

Mr. Kernan stated that this is a little bit of a closure for him because the process has been remarkable and they have been able to have the developers, the City, and the School District really work together. He then thanked Ms. Soo, who is not just a staff planner but has been his remarkable go-to person at the City on every one of these projects, and who has called him and gotten right back to him with information he needed.

James Paxson, Hacienda Business Park, expressed his support for the project, which was before Hacienda's own design review committee. He also commended the team for all of the excellent work they did. He indicated that again, with many of their sites, there is this confluence of objectives that has to occur; not only is it the design standards but it is meeting the concerns and creating the proper context. He stated that with Summerhill, as with the previous four projects in Hacienda that the Commission has recently seen, Hacienda has another project of which everyone can be very proud and which they are very anxious to see move forward.

Mr. Paxson stated that he also wanted to address the condition and let the Commission know that absolutely, this project is eligible to take advantage not only of Hacienda's Eco-pass program which will be available to every resident within the project, but that Eco-pass allows complete use of the Wheels system for any of their particular travel needs. He added that most notably, it is a very convenient access point to BART and to the Ace Train, the special Express bus that goes up to Pleasant Hill and Walnut Creek so anybody living in Pleasanton who also has employment up the I-680 corridor has a free travel back and forth to those locations in addition to all of the travel that they can enjoy around town as well. He indicated that there are a number of other programs that he would be glad to answer any questions about. He added that they take pride in their nationally recognized commute program that is available not only to the employees in the Park but also to its residents, and every resident in this project will get to take advantage of those as well as other programs.

Anthony Ghio stated that something he would like addressed at some point is how many Planning Commissioners have actually gone out to the Parkside neighborhood to view the existing development that is there and what is going to be built to get some perspective of the pictures that are shown. He indicated that he has been to several of these meetings, and he does not feel like some of the depictions put up are accurate as to detail. He stated that he lives about two doors away from the Arroyo, and from his house, he can look out his front yard and can tell what kind of cars are parked in the parking lots across the way where the development is going to take place. He noted that the photos that present the development from the Parkside neighborhood is nowhere near that kind of detail that can be seen from Parkside. He added that he thinks the Planning Commission really needs to go out there and look at that before it makes decisions on things like a six-foot versus an eight-foot fence, and one of the things that goes with the extra fence height is the blocking of headlights of vehicles. He pointed out that while a normal car may have its headlights down below, some of the tallest vehicles that can fit in there are going to have lights on top of them.

Mr. Ghio stated that he has not been really happy with the outreach that Summerhill has done. He indicated that they came to their doors, which is great, and pointed out that John Hickey comes to all their houses; he is an attorney who does this for a living and did not work for Summerhill until a few months ago.

Mr. Ghio stated that one other thing he would like to bring up is that they have talked with the City about having 5794 West Las Positas Boulevard rezoned back to strictly commercial, and he would love to see the Planning Commission endorse that and say that maybe one of these apartments right here is enough. He noted that when he moved to his house, the area was not zoned this way; it was rezoned. He questioned if the City really needs to have two apartments side by side across from Hart Middle School. He indicated that his children will be going to Hart Middle School, and he does not think have two apartment complexes across from the school is a good thing. He pointed out that it has been a lot for him and a lot for his neighbors to come to these meetings and try to keep up with everything. He added that he had to leave work early every day that he had to come to these meetings.

Mr. Ghio stated that this is not pleasurable for him or any of his neighbors, and he really thinks the City and the Planning Commission should put a lot of effort in, go to the Parkside neighborhood, and take a look at what is there now and look at the height of the trees, look at the buildings that are there that are two stories in the adjoining lot, and see how these pictures really depict what is going to be there because he does not think they are accurate.

Karen Ellgas commended staff for working with the five or six of the Parkside residents who have met with Mr. Dolan and have gone over some of their requests. She stated that she also wanted to commend Summerhill for listening to them and responding appropriately. She indicated that she was really not planning on speaking tonight because she thought everything was good, until she heard about the School District and the Housing Element. She stated that she thought things were going to be taken care of one at a time. She indicated that she wanted to put on record that she has not seen the school plan mitigation that Mr. Kernan was very happy about, and she has not reviewed the Housing Commission's agreement with Summerhill. She stated that this was a concern for them, and she is bringing it up to the Planning Commission.

Mr. Ebrahimi stated that they are very appreciative of the time that the Parkside neighborhood had given them; invited them to their homes on Sundays; set group meetings for them on the weekends, which he has never done before as they typically do it on weekdays. He indicated that he pointed out to everyone in the community that if anyone wants to meet with them, they have his phone number, his office number, and his mobile number. He added that he would be more than happy to talk about any aspect of the project either tonight or after the project starts.

**THE PUBLIC HEARING WAS CLOSED.**

Commissioner Allen inquired if it would be appropriate for staff to quickly summarize for the residents the school agreement and the Housing Commission agreement so everyone understands what those agreements are.

Ms. Stern stated that she would be quoting from the Planning Commission report which was prepared the day after the Housing Commission acted for its recommendation, which will go to the City Council for approval. She indicated that Ms. Soo was at that meeting. She stated that the Housing Commission is proposing a total of 27 units, which is 15 percent of the total number of units, and it consists of six units of very-low-income housing, 50 percent of the Area Median Income (AMI) or below; 12 units of the 80 percent of the AMI; and nine of the 100 percent of the AMI. She added that there is a variety of one-, two-, and three-bedroom units in those.

Commissioner Allen commented that 85 percent of the units would then be at market rate.

Ms. Seto explained that that is consistent with what the Pleasanton Municipal Code generally provides for, with various changes in State law and court decisions. She added that staff feels this is the best approach the City can reach with the developer for affordable housing and making sure that they are there.

Ms. Seto continued that she would not be able to speak with definitiveness about the agreement between the School District and the developer because that is the agreement they have reached. She stated that it was a public matter, and Mr. Kernan is available to answer any questions. She noted that, generally, there are State laws about minimum levels of school funding, and she would assume that through the agreement process, that has been met and exceeded in this case.

Mr. Dolan stated that for clarification purposes, the mitigation is a cash payment of fees and then often some additional gift from the applicant.

Chair Olson inquired if that is based on the number of students that come from the project.

Ms. Seto replied that it is actually based on the number of units because no one knows exactly how many school children there are going to be in every unit.

Commissioner O'Connor requested confirmation that he believes that formula takes into account three bedrooms, two bedrooms, and one bedroom.

Ms. Seto replied that she believes it does. She reiterated that Mr. Kernan would be best able to address that specifically.

#### **THE PUBLIC HEARING WAS RE-OPENED.**

Mr. Kernan stated that very similar to the affordable housing requirement, there are statutory limits as to what a school district can impose on the State of California as there are limits for affordability percentages. He indicated that what this has required is for the



Planning Department and the developers, with their legal departments, try to come to some terms that would be satisfactory to both. He added that what the School District has done in all the projects that have been approved to date is to have the same formula: the developer has paid the same rate as that of the previous six projects, based on the generation factor; a statutory amount for the affordable component and an above-statutory rate for the market rate units. He added that if, in the future, those affordability units are converted to ownership or market rate, then there is an additional payment to be made to the School District. He indicated that the School District feels the developers have fully mitigated their impacts.

Commissioner Ritter inquired if this was not happening before.

Mr. Kernan replied that prior to this, there were primarily single-family development, and from the School District's standpoint, there are three components to this: a demographic report, a fee impact study report, and a capital facilities plan. He explained that those three things become intertwined into the basis. He stated that when he first went on the School Board, they worked routinely with the developers because at that time there were primarily five to ten local developers. He pointed out that these last seven projects have brought in non-local developers from New York and from southern California, and they were not aware of the "Pleasanton way" of developing and how our developers are responsible for the school facilities in this city. He noted that this is remarkable and would not be possible without the developers. He indicated that they have all been very supportive, and the School District's goal is to keep moving forward and keep meeting on an annual basis as the community builds out. He added, as an example, that the City and the School District meet with the developers of East Pleasanton on a regular basis.

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

Commissioner Allen stated that she has been looking at the designs, specifically the roofline of Buildings C and D facing the Arroyo, and thinks there was good progress with the roofline by adding the dormers and the quality material shown to make the roofline appear less massive. She indicated that she did walk the Arroyo today and spent over an hour walking from Hopyard Road, way past the building, and looked on both sides. She noted that she has a very good perspective of the views from the residences as well, and inquired if there is something more that can be done to make it even appear less massive and add a little more softening and character.

Mr. Dolan replied that there is, but it has some negatives and it is an issue that he talked about with the small group he was meeting with that was representing the larger neighborhood. He stated that the pitch of the big slanted roof can be changed to have a lower roof, then actually put a wall in, and then have another roof at the top. He noted, however, that there are some negatives with that, and that is that you would have one section of the building with different roof pitches from the rest of them and it might appear a little odd. He continued that the second thing is that the neighbors did not necessarily prefer that. He noted that it was a mixed reaction at best, and the decision was not to push on the developer to make that change as they seemed to prefer the dormer approach.

Mr. Dolan stated that these drawings do not show everything super clearly: there are those roof elements on the bottom that were there even the first time they designed it which are going to provide a little bit of shadow; then there are the dormers which were clearly a plus. He pointed out that this does fade away from them, and the view of the elevation like this cannot really be seen from anywhere in real life. He added that the textured tiles are something that was definitely an improvement, and staff was satisfied with that. He reiterated that there is something more architecturally that can be done, but it was not necessarily something the neighbors really wanted.

Commissioner Pearce stated that she wanted to bring up one thing as the Commission is forwarding this to the City Council, and she wants to be sure the Commission has exhausted all the things it talked about so the Council does not have to start fresh. She indicated that she reviewed all the Minutes and was walking the Arroyo today and taking a look at the buildings and at the fact that a lot of the homes that back to the Arroyo have gates into the Arroyo. She noted that she missed only one Work Session and does not recall discussing it at the other Work Session, and she had not seen any conversation about what seems to her an amenity to this project for the people who live there would be to have a gate out to the Arroyo. She indicated that she is sure they will have this conversation at the Council level, and she would like to have this conversation at this level. She stated that she does not really want to make people walk all the way out to West Las Positas Boulevard and walk down West Las Positas Boulevard to get to the Arroyo, and she wanted to know what the Commission thinks about that, given that the Commission has not talked about it yet.

Chair Olson stated that the Commission did talk about it and that he is on record saying he was not in favor of a gate for security reasons.

Commissioner Pearce inquired if that discussion was held at the January Work Session because it was not reflected in the Minutes.

Commissioner Ritter stated that the Commission talked more about a trail connecting than a gate. He indicated that from what he remembers, the Commission did not necessarily talk about a gate but that he remembers Chair Olson saying he did not want access in and out.

Commissioner O'Connor stated that he thinks that was the Commission's general consensus of the number of people that were present, and the Commission had concerns from the neighbors with this many people having access. He added that there was also the animals and dogs allowed to live here and so the Commission thought that was an okay change because there was initially an access.

Commissioner Pearce stated that was right, and then it was gone and there was no other conversation about it.

Commissioner Ritter noted that they still have the alleyway.

Commissioner Pearce said that was correct.

Commissioner O'Connor stated that he thought there still was an access on the other side that was not so way far away, but they do have to go out through the front and come back.

#### **THE PUBLIC HEARING WAS RE-OPENED.**

Robert Natsch stated that he was at the meeting that the Commission is referring to and that they did talk about a gate that the residents definitely do not want to see on the Summerhill property to the Arroyo. He indicated that they already have public access to the south side of the Arroyo with traffic, walkers, bicyclists, runners, and a lot of the general public. He noted that it is open to the general public, there is a gate at Hacienda, and there is another one halfway down the Arroyo. He stated that to have both sides of the Arroyo open is just inviting more litter, more activity, more distraction, more noise, and is something that the majority of the residents that he has spoken to at Parkside do not want to see. For the record, he stated that he is sure that people behind him would be willing to raise their hand if they support what he is saying, and that that is how the conversation was. *[Majority of the audience raised their hand.]*

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

Commissioner Allen commented that it was absolutely important to get that feedback and that she recalls the discussion. She stated that what strikes her more was thinking about the public access from West Las Positas Boulevard and the children coming through the property and having public access to the Arroyo. She noted that one of the items that the Commission just approved on the Consent Calendar tonight was P14-0002, City of Pleasanton, an application to update the Pleasanton Municipal Code to implement a Climate Action Plan to require that new cul-de-sacs within the City enable access for pedestrians and bicycles where feasible. She indicated that where she is today is that there is a principle of trying to encourage and make it easy for people to have access to trails and bikes and walking, and she would come out in favor of considering access, especially if it is just Summerhill because it is more or less somewhat private. She continued that the second reason is that she walked the Arroyo today and similar to what Commissioner Pearce mentioned, she did notice that there were about seven or eight or nine homes that have private gates that are locked, which says that residents appreciate and enjoy having that ability to have the access. She added that it just seems like the right thing to do, and suggested that perhaps a reconciler would be that there would be a gate code possibly so that the right people are using it. She indicated that she thinks of this as a park, and she wants to encourage people to have easy access to parks.

Commissioner O'Connor inquired if the private access gates are on the north side or the south side of the Arroyo.

Commissioner Pearce stated that they are on the south side, the Parkside site.

Commissioner O'Connor noted that the south side would be on the opposite side of this development.

Commissioner Pearce said yes.

Commissioner Allen replied that was correct.

Commissioner O'Connor asked if no one today on the north side has direct access.

Commissioner Allen said that was correct.

Commissioner Pearce stated that she just wanted to have the conversation because it did not look like the Commission had a conversation about a gate. She noted that there was a conversation about eliminating access from West Las Positas Boulevard through the property and that it is certainly not what she wants; that she is not looking for some kind of cut-through. She indicated that it seemed to her to be an issue of fairness and something that was appropriate if it is an amenity in terms of living, such as a park. She noted that there are residences that back up to all kinds of parks, such as a sports park or aquatics center, and there are gates that go right out to the park. She added that it seems like it is a benefit of living there, and she did not want to discount a conversation with regard to this simply because this is higher-density housing. She stated that she thinks all residences that back up to these public amenities deserve the same kind of access, so she wanted to have this conversation ahead of a Council conversation which she was certain would happen on the exact same topic.

Chair Olson stated that he will weigh in in favor of the neighborhood's view that there should be no access. He indicated that it syncs up with what he said during the Work Session. He noted that the Commission heard early on with this project from the Parkside neighbors that the Arroyo presents them with problems from time to time; things go on in there, out there, just on the other side of their fences, and he did not think the Commission should be contributing to that.

Commissioner O'Connor added that beyond that, he thinks the north side was developed as industrial and that it was never contemplated that there would be public access on that side. He indicated that he thinks this is a unique situation where if that had all been residential on the north side, they would have this same access as the south side does. He added that it is just a little unique that a piece of property right in the middle of an industrial area was rezoned, and no one contemplated that. He noted that they still do have access, and it is not that far away to come down the side alley.

Commissioner Pearce stated that she just wanted to make sure the Commission had the conversation.

Commissioner O'Connor stated that the Commission had quite a few Work Sessions, and the applicants had even more with the neighbors. He indicated that there have been a lot of requests for changes, and he cannot think of any that the applicants have not actually

come through and done. He noted that they have added a lot of articulation to these buildings and have improved the look a lot with all of the railings, the wrought iron, the gates, the roof changes, they extra brick. He further noted that the applicants have done everything the Commission has asked for, and he really thinks it is time to move on.

**Commissioner O'Connor moved to find that the conditions described in California Environmental Quality Act (CEQA) Section 15162 have not occurred as described in the Addendum to the Supplemental Environmental Impact Report (SEIR); 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, re are no new or changed circumstances or information which require additional California Environmental Quality Act (CEQA) review of the project, and that the proposed PUD Development Plan and Development Agreement are consistent with the General Plan; to make the PUD findings for the proposed Development Plan as listed in the staff report; to find that the exceptions to the Housing Site Development Standards and Design Guidelines as listed in the staff report are appropriate; and to recommend approval to the City Council of Case PUD-103, subject to the Conditions of Approval as listed in Exhibit A of the staff report with the modifications listed in the staff memo dated February 26, 2014, and of Case P14-0086, the Development Agreement for the project, as shown in Exhibit B of the staff report.**

**Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, O'Connor, Olson, Pearce, and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

Resolution No. PC-2014-09 recommending approval to the City Council of Case PUD-103, and Resolution No. PC-2014-10 recommending approval to the City Council of Case P14-0086, were entered and adopted as motioned.

**EXHIBIT F**

**PUD-81-30-89D  
P15-0169/P15-0170/  
PUD-81-30-55M  
Summerhill**

**ORDINANCE NO. 2030**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF THE CM CAPITAL PROPERTIES SITE (5758 AND 5850 WEST LAS POSITAS BOULEVARD), AS FILED UNDER CASE P11-0923**

**WHEREAS**, the City of Pleasanton has initiated the rezoning of the CM Capital Properties site (Site 13) located at 5758 and 5850 West Las Positas Boulevard (APN 941-2762-006-00 and APN 941-2762-011-01) from the Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) District to the Planned Unit Development – Mixed Use (PUD-MU) District; 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 CM Capital Properties site; and

**WHEREAS**, a duly noticed public hearing was held on January 4, 2012; and

**WHEREAS**, after consideration of the staff report, review of the materials presented, and comment at the public hearing, the City Council determined that the proposed rezoning of the CM Capital Properties site is appropriate; and

**WHEREAS**, the rezoning of the CM Capital Properties site is consistent with the General Plan, adopted on July 21, 2009.

**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 CM Capital Properties site is consistent with the General Plan, adopted on July 21, 2009.

**Section 2.** Approves the rezoning of the CM Capital Properties site (Site 13) located at 5758 and 5850 West Las Positas Boulevard (APN 941-2762-006-00 and APN 941-2762-011-01) from the Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) District to the Planned Unit Development – Mixed Use (PUD-MU) District.

**Section 3.** The uses allowed and development standards applicable to this site are those specified in the Hacienda PUD and Design Guidelines for Hacienda sites 18A and 19, and multifamily residential with a minimum density of 30 units per acre is authorized.

**Section 4.** Except as modified above, all present conditions of the approved Hacienda PUD development plans and design guidelines and City-approved major and minor modifications shall remain in full force and effect.

**Section 5.** 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. 487, attached hereto as Exhibit A, dated January 4, 2012, and incorporated herein by this reference.

**Section 6.** 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.

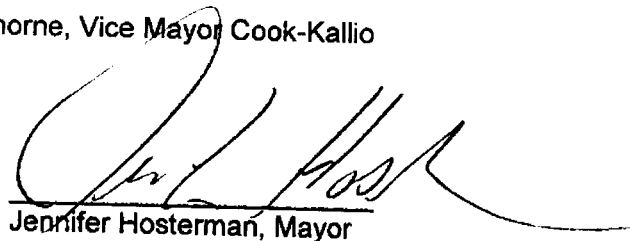
**Section 7.** This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on January 4, 2012 by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman  
Noes: None  
Absent: None  
Abstain: None

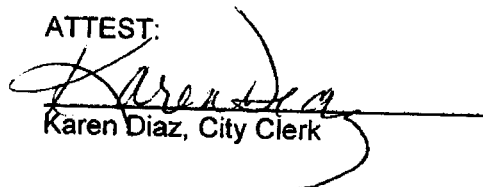
And adopted at a regular meeting of the City Council of the City of Pleasanton on January 10, 2012 by the following vote:

Ayes: Councilmembers McGovern, Sullivan, Thorne, Vice Mayor Cook-Kallio  
Noes: None  
Absent: Mayor Hosterman  
Abstain: None



Jennifer Hosterman, Mayor

ATTEST:

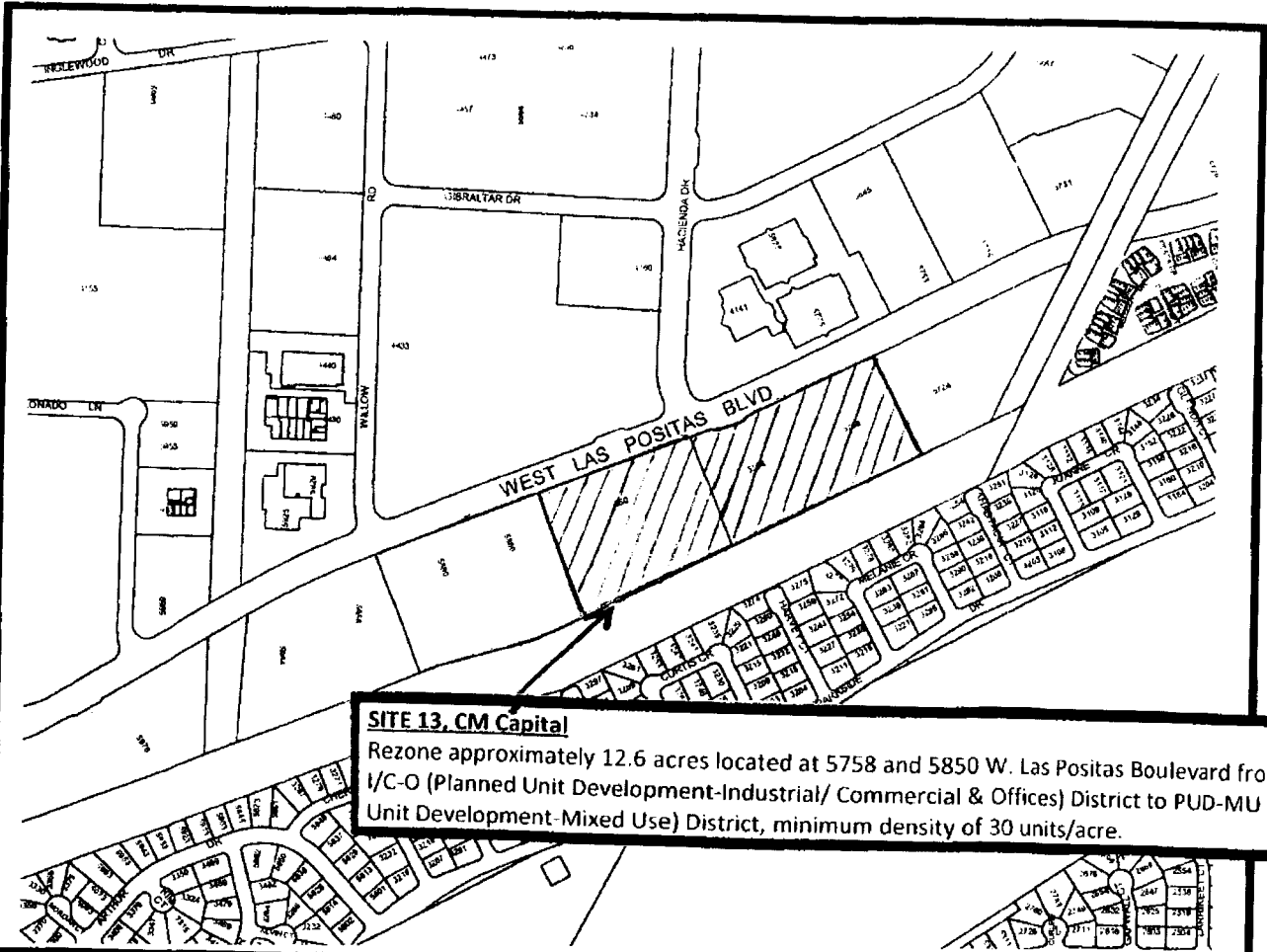


Karen Diaz, City Clerk

APPROVED AS TO FORM:



Jonathan P. Lowell, City Attorney



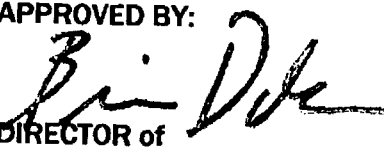
**SITE 13, CM Capital**  
 Rezone approximately 12.6 acres located at 5758 and 5850 W. Las Positas Boulevard from PUD-I/C-O (Planned Unit Development-Industrial/ Commercial & Offices) District to PUD-MU (Planned Unit Development-Mixed Use) District, minimum density of 30 units/acre.

**CITY OF PLEASANTON  
 PLANNING DIVISION**

**Ordinance No. 2030  
 Zoning Unit Map No. 487**

**DRAWN BY:**  
 T. Snyder

**SCALE:**  
 1" = 300'

**APPROVED BY:**  
  
 DIRECTOR of  
 COMMUNITY DEVELOPMENT

**DATE:**  
 January 4, 2012

**SEC. NO.:**  
 P11-0923 (Rezone)



**ORDINANCE NO. 2111****AN ORDINANCE APPROVING THE CITY-INITIATED REZONING OF THE CM CAPITAL 2 SITE (5758 AND 5794 WEST LAS POSITAS BOULEVARD), AS FILED UNDER CASE P14-1309**

**WHEREAS**, the City of Pleasanton has initiated the rezoning of the CM Capital 2 site located at 5758 and 5794 West Las Positas Boulevard (and APN 941-2762-011-01) from the Planned Unit Development – Mixed Use (PUD-MU) District (minimum density of 30 units per acre) to the Planned Unit Development – Mixed Use (PUD-MU) District (maximum density of 12.5 units per acre); and

**WHEREAS**, at its meeting of January 6, 2015, the City Council received the Planning Commission's positive recommendation for approval of the rezoning of the CM Capital 2 site; and

**WHEREAS**, a duly noticed public hearing was held on January 6, 2015; and

**WHEREAS**, after consideration of the staff report, review of the materials presented, and comment at the public hearing, the City Council determined that the proposed rezoning of the CM Capital 2 site is appropriate; and

**WHEREAS**, the rezoning of the CM Capital 2 site is consistent with the General Plan, adopted on July 21, 2009.

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

**SECTION 1.** It determines that the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 have not occurred and finds that the previously prepared Supplemental Environmental Impact Report (SEIR), including the adopted CEQA Findings and Statement of Overriding Considerations in City Council Resolution 12-492, are adequate to serve as the environmental documentation for the Project and satisfy all the requirements of CEQA.

**SECTION 2.** The City Council finds that the rezoning of the CM Capital Properties site is consistent with the General Plan, adopted on July 21, 2009.

**SECTION 3.** The City Council approves the rezoning of the CM Capital 2 site located at 5758 and 5794 West Las Positas Boulevard (APN 941-2762-011-01) from the Planned Unit Development – Mixed Use (PUD-MU) District (minimum density of 30 units per acre) to the Planned Unit Development – Mixed Use (PUD-MU) District (maximum density of 12.5 units per acre).

**SECTION 4.** The building height is limited to 40 feet for the site and the uses allowed and development standards applicable to this site are those specified in the Hacienda PUD and Design Guidelines for Hacienda sites 18A and residential with a maximum density of 12.5 units per acre is authorized.

**SECTION 5.** Except as modified above, all present conditions of the approved Hacienda PUD development plans and design guidelines and City-approved major and minor modifications 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. 493, attached hereto as Exhibit A, dated January 6, 2015, and incorporated herein by this reference.

**SECTION 7.** A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

**SECTION 8.** This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on January 6, 2015 by the following vote:

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

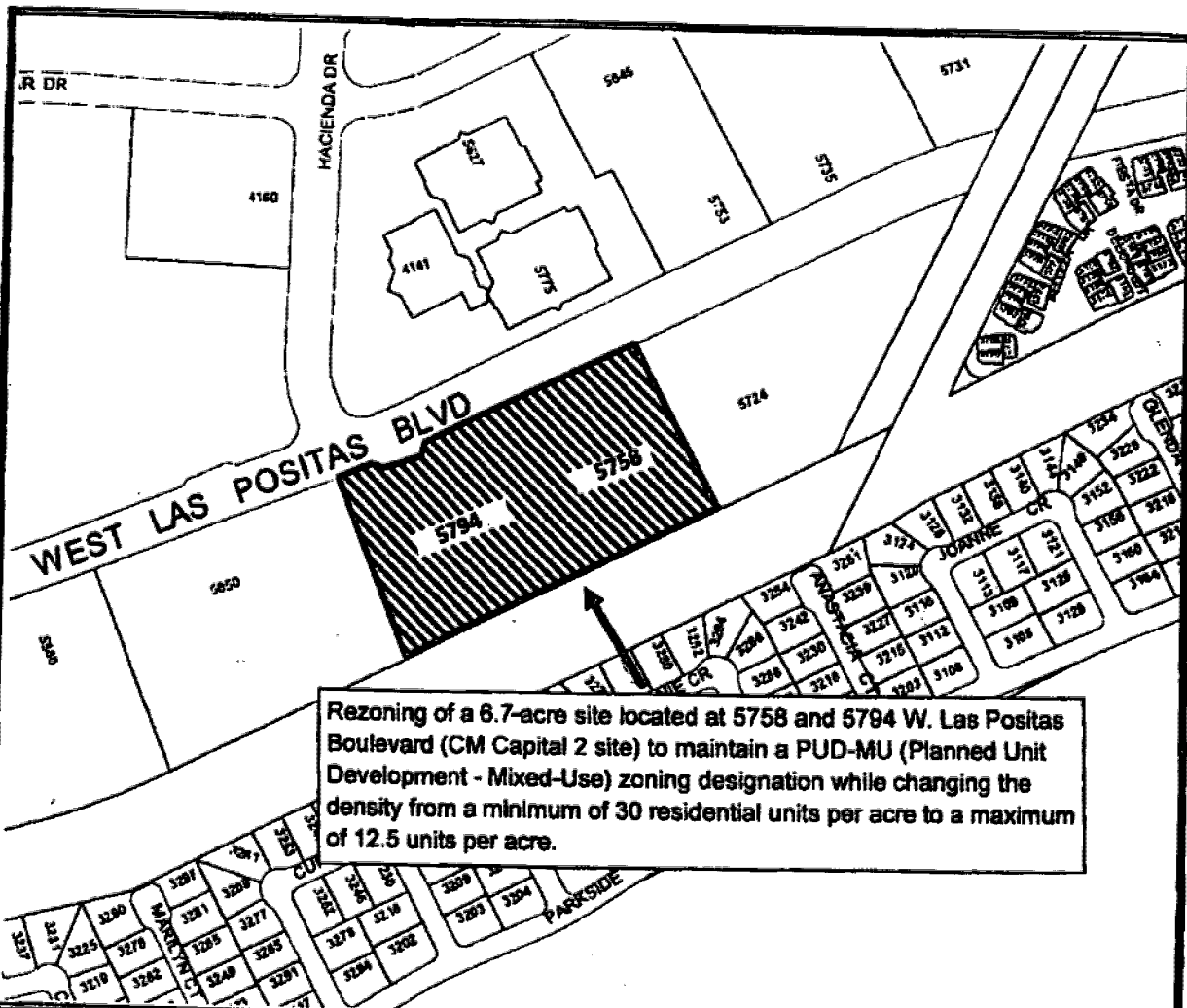
ATTEST:

\_\_\_\_\_  
Jerry Thorne, Mayor

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:


\_\_\_\_\_  
Jonathan P. Lowell, City Attorney



Rezoning of a 6.7-acre site located at 5758 and 5794 W. Las Positas Boulevard (CM Capital 2 site) to maintain a PUD-MU (Planned Unit Development - Mixed-Use) zoning designation while changing the density from a minimum of 30 residential units per acre to a maximum of 12.5 units per acre.

# CITY OF PLEASANTON PLANNING DIVISION

**Ordinance No. 2111**  
**Zoning Unit Map No. 493**

<b>DRAWN BY:</b> M. Hoey	<b>APPROVED BY:</b>  DIRECTOR of COMMUNITY DEVELOPMENT	<b>DATE:</b> January 6, 2015
<b>SCALE:</b> 1" = 300'		<b>SEC. NO.:</b> P14-1309



**PUD-81-30-89D  
P15-0169/P15-0170/  
PUD-81-30-55M  
Summerhill**

May 7, 2015

Mr. Adam Weinstein  
Planning Manager  
City of Pleasanton  
200 Bernal Avenue  
Pleasanton, CA 94566

Re: Preliminary Design Review Approval  
5850 West Las Positas Townhome Condominiums  
Site 19

Dear Adam:

This letter is being provided in accordance with the Declaration of Covenants, Conditions and Restrictions for Hacienda, Article III, Section 3.2, Paragraph 3.2.1, Preliminary Plans. The Design Review Committee for the Hacienda Owners Association has reviewed the Preliminary Plans dated March 6, 2015, prepared by KTG Group, Inc., on behalf of SHAC Las Positas Apartments LLC, Site 19. Landscaping, Building Elevations, Site Grading and Utility Plans have been designed in substantial compliance with the guidelines set forth in the Design Guidelines and Covenants, Conditions and Restrictions.

Prior to the time of Final Design Review the Hacienda Owners Association will want to see the following issues addressed:

Architecture

1. Provide details on the gross area and footprint of each building along with the corresponding number of units.
2. Consider minor modifications to the building elevations in various locations to create additional interest including: a stronger, more well-defined building base, score lines, bays to highlight door entries and breaks in the hipped roofs.
3. Consider improving the alignment and connectivity of pedestrian paths of travel along corridors that run north to south.
4. Provide publically accessible connections to the Arroyo Mocho Trail from the project or along the eastern perimeter at the termination of the common aisle drive.
5. Provide details on ADA compliance for walks, ramps and paths of travel through the project.
6. Provide a site lighting plan with details on fixtures, locations and conformance with minimum illumination requirements.
7. Provide a comprehensive sign program for all site signage including the demolition of any existing signs.

Landscape Architecture

1. Show the species, location and quantity of all landscape materials and note that some revisions to the plant palette may be required to achieve compliance with modifications to Hacienda Design Guideline landscape standards that are currently being developed by the City of Pleasanton.
2. Clearly indicate all trees proposed for removal within the W. Las Positas Public Service Easement on the landscape plan and verify that tree coverage requirements, as specified in the Design Guidelines, will be met with the remaining plantings.
3. Provide one tree for every six parking stalls in parking areas throughout the site.
4. Provide details on plantings and other screening along the Arroyo Mocho flood control channel to demonstrate compliance with planting requirements in this area.
5. Provide details on landscape screening for all utilities.

6. Show all trees with double stakes as per Hacienda Design Guideline standards.
7. Provide details showing 10' long x 24" deep root barriers at the curb walls and paving where trees are installed less than 5' from the paving.
8. Consider modifications to trees and shrubs on the plant list that are noted with a freeze potential in Pleasanton.
9. Consider decreasing the number of plants shown as moderate water users on the generic plant legend and replacement with low water using plants.
10. Consider modifying the distance between trees and buildings in those instances where the two are in close proximity.
11. Verify and remove invasive plants on the plant list per CAL-IPC.
12. Provide details to demonstrate conformance with all future reclaimed water use requirements as stipulated in Hacienda's Design Guidelines.

#### Civil Engineering

1. Provide details on all services to be abandoned or removed.
2. Provide details on the modification to the existing traffic signal loops for the new lane configuration at the exiting driveway.
3. Provide details on the grade conformance along the property line adjacent to the Arroyo Mocho flood control channel.
4. Provide details on all easement encroachments.

Four exceptions to the criteria outlined in the Design Guidelines and Housing Site Development and Design Standards have been approved for this application. The first exception is being granted to allow a deviation to the setback standards for internal streets and drives at Building 16 to reduce the setback to no less than ten feet. This is being done in order to align the site design with a request from the City of Pleasanton to widen the open green between Building 14 and Building 15. A second exception is being granted to allow a deviation to the setback standards for internal streets and drives at Building 9 to reduce the setback to no less than twelve feet. This is being done in order to align the site design with a request from the City of Pleasanton to add an additional affordable unit to Building 9. A third exception is being granted to allow a deviation to the setback standards for internal streets and drives at Building 9 and Building 10. This is being done in order to allow a two foot encroachment for patio walls and balconies along the eastern face of these buildings. A fourth exception is being granted to allow a deviation from the required site street hierarchy which will result in alterations to the normal design of internal streets and a non-standard use of alleys for circulation. This is being done in order to align the site design with a request from the City of Pleasanton to make special accommodations for project amenities and the orientation of site components in relation to adjoining sites.

This application is hereby approved by the Hacienda Owners Association and may be processed for necessary approvals by the City of Pleasanton. Please feel free to contact me at the Association's office if I can be of any assistance in this matter.

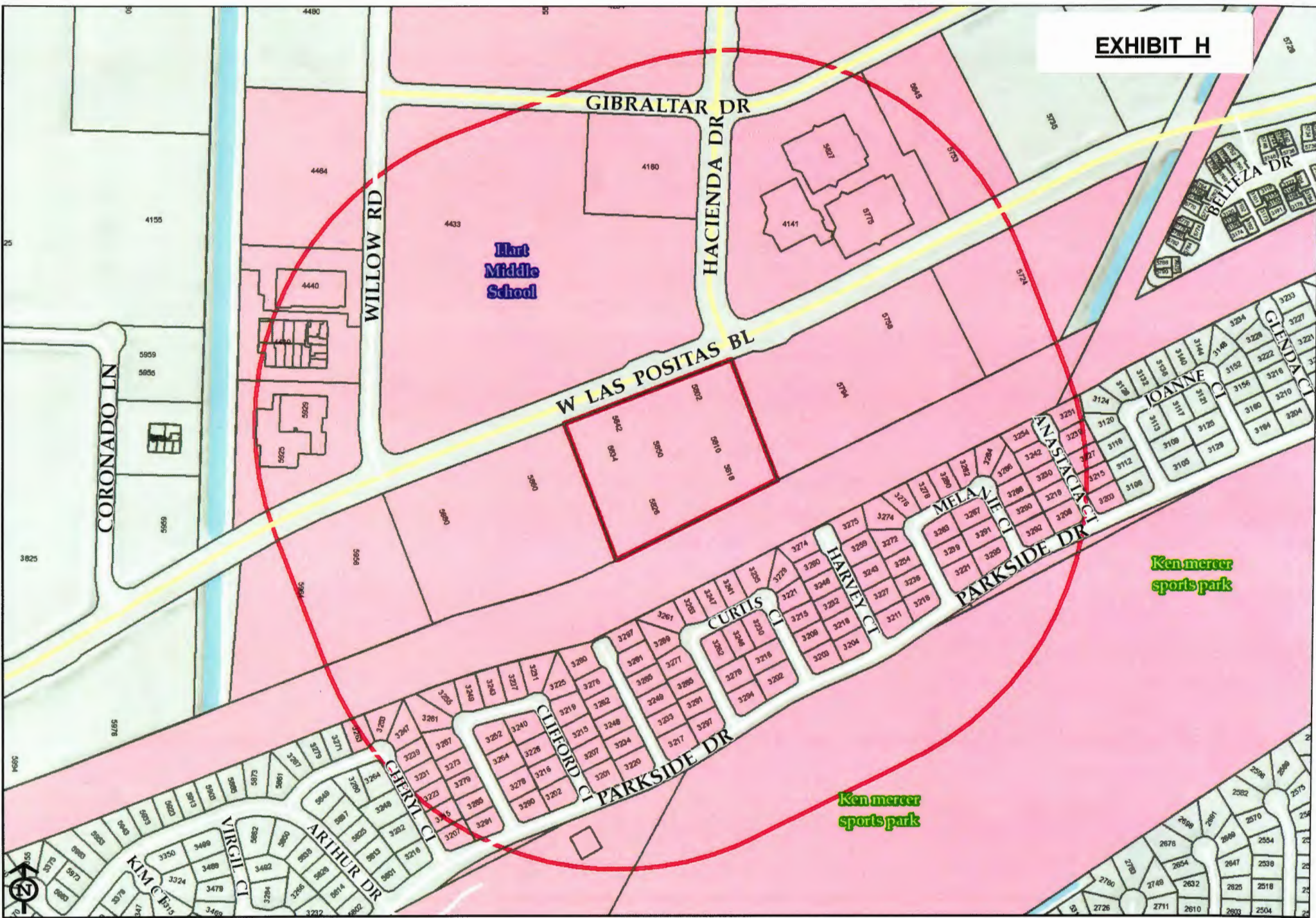
Sincerely,



James Paxson  
General Manager, HBPOA

cc: Kevin Ebrahimi  
John Hickey  
Marilyn Ponte  
Manny Gonzalez

**EXHIBIT H**



PUD-81-30-89D, Summerhill, 5850 W Las Positas

Planning Division  
April 28, 2015

