

**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

City of Pleasanton  
City Clerk's Office  
123 Main Street  
Pleasanton, CA 94566

Recording Fees Exempt Pursuant to Government Code § 27383

ABOVE SPACE FOR RECORDER'S USE

**DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is made and entered into in the City of Pleasanton on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the CITY OF PLEASANTON, a municipal corporation ("**City**"), and HACIENDA PLEASANTON, L.P. a California limited partnership ("**Developer**"), pursuant to the authority of California Government Code sections 65864 *et seq.* City and Developer are sometimes referred to herein individually as a "party" and collectively as the "parties."

**RECITALS**

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California enacted California Government Code sections 65864 *et seq.* (the "**Development Agreement Statute**"), which authorizes City to enter into an agreement with any person having a legal or equitable interest in real property regarding the development of such property.

B. Developer has a legal or equitable interest in certain undeveloped real property located in the City of Pleasanton, County of Alameda, California consisting of approximately 5.6 acres located at 5729 West Las Positas Boulevard, as more particularly described in **DA Exhibit A-1** attached hereto, and as diagrammed in **DA Exhibit A-2** attached hereto (the "**Project Site**"). Developer anticipates developing at the Project Site a high density residential development known as "Anton Hacienda Apartments," including 168 apartments, one clubhouse building/leasing office, parking areas, and related on-site and off-site improvements (the "**Project**"), all as more particularly described in the Project Approvals (defined below).

C. In October 2010, the City Council confirmed an 11-member Housing Element Task Force ("**Task Force**") with the mission to oversee the update of the City's Housing Element. After nine Task Force meetings, four community workshops, input from housing experts, and extensive community input, the Task Force recommended a draft list of sites for rezoning to residential uses. On recommendation of the Planning Commission, the City Council, following duly noticed public hearings, approved general plan and zoning amendments resulting in the Project Site being zoned Planned Unit Development-High Density (PUD-HDR). This zoning designation requires 30 dwelling units per acre.

D. City has undertaken several actions to meet its Regional Housing Needs Allocation ("**RHNA**") and to review and plan for future housing and retail uses on the Project Site, including, without limitation, the following:

(1) CEQA Compliance. A Supplemental Environmental Impact Report was prepared and, on January 4, 2012, certified by City for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment ("**Housing Element EIR**"). In connection with the Housing Element EIR, City also adopted a Mitigation Monitoring and Reporting Program ("**MMRP**"), portions of which were made applicable to the Project Site. The Housing Element EIR anticipated that a high density residential project of up to 168 housing units would be constructed on the Project Site. Upon receipt of Developer's project applications, City prepared and considered an Addendum to the Housing Element EIR and determined that the Housing Element EIR fully analyzed all the impacts of the Project.

(2) Housing Site Development Standards and Design Guidelines. On September 4, 2012, the City Council adopted the Housing Site Development Standards and Design Guidelines ("**Design Guidelines**") to guide development on the rezoned sites, including the Project Site.

(3) PUD Development Plan and Design Review. Following review and recommendation by the City Planning Commission and after a duly noticed public hearing, preparation and consideration of an Addendum to the Housing Element EIR, the City Council, by Ordinance \_\_\_\_\_, Planned Unit Development ("**PUD**") Development Plan 81-30-87D (the "**PUD Development Plan**") as more particularly described in attached **DA Exhibit B** (the "**Project Design Review**").

(4) Growth Management Agreement. Following review and approval of the Project Design Review, the City Council, by Resolution \_\_\_\_ determined that it was in the best interests of the City to approve a Growth Management Agreement covering the Project Site (the "**GMA**") and further determined that the City's obligations to meet its RHNA is best served if City issues the building permits for the Project Site consistent with the GMA.

(5) Affordable Housing Agreement. Following review and recommendation of the Housing Commission and after a duly noticed public hearing, the City Council, by Resolution \_\_\_\_\_, approved an Affordable Housing Agreement (the "**AHA**") covering the Project Site, attached as **DA Exhibit D**, and a related Inclusionary Unit Credit Agreement (the "**IUCA**"), attached as **DA Exhibit E**.

(6) Development Agreement. Following review and recommendation by the City Planning Commission and after a duly noticed public hearing, the City Council, by Ordinance \_\_\_\_\_, determined that this Agreement was consistent with the City's General Plan and PUD-81-30-87D and approved this Agreement.

The approvals described in this Recital D are collectively referred to herein as the "**Project Approvals**."

E. In exchange for the benefits to City described in these recitals, including but not limited to assurance that a residential project consistent with the PUD Development Plan and

Design Guidelines intended to meet the City's RHNA can proceed, together with the other public benefits that will result from the development of the Project Site, Developer will receive by this Agreement assurance that it may proceed with the Project in accordance with the "**Applicable Law**" (defined below), and therefore desires to enter into this Agreement.

NOW, THEREFORE, with reference to the foregoing recitals and in consideration of the mutual promises, obligations and covenants herein contained, City and Developer agree as follows:

## **AGREEMENT**

### **ARTICLE 1**

#### **Description of Property, Effective Date and Term**

##### Section 1.1 Description of Property

The real property which is the subject of this Agreement is the Project Site, as more particularly described and depicted in the attached **DA Exhibit A-1** and **DA Exhibit A-2**.

##### Section 1.2 Effective Date

This Agreement shall become effective upon the date the City ordinance approving this Agreement becomes effective (the "**Effective Date**").

##### Section 1.3 Term

The term of this Agreement shall commence on the Effective Date and expire ten (10) years thereafter (the "**Term**").

### **ARTICLE 2**

#### **Standards, Laws and Procedures Governing the Project**

##### Section 2.1 Vested Right To Develop

Developer shall have a vested right to develop the Project at the Project Site in substantial conformance with the terms and conditions of the Project Approvals, the Subsequent Approvals (defined in Section 4.4 below) (as and when issued), the Applicable Law (defined below) and any amendments to the Subsequent Approvals or this Agreement as shall, from time to time, be approved pursuant to this Agreement. Without limiting the preceding sentence, while Developer contemplates developing the Project Site in accordance with the Project Design Review, Developer shall have the vested right to develop the Project Site with 168 apartments, one clubhouse building/leasing office, parking areas, and related on-site and off-site improvements, in accordance with the PUD Development Plan.

##### Section 2.2 Permitted Uses

The permitted uses and the density and intensity of use of the Project Site; the maximum height, bulk and size of the proposed buildings; provisions for reservation or dedication of land for public purposes and the location of public improvements; the general location of public utilities; and other terms and conditions of development applicable to the Project, shall be as set forth in the Project Approvals and, as and when they are issued (but not in any limitation of any right to develop as set forth in the Project Approvals), any Subsequent Approvals (defined below).

### Section 2.3 Applicable Law

"Applicable Law" shall mean, collectively, the Project Approvals and the other existing (as of the Effective Date) rules, regulations, official policies, standards and specifications governing permitted uses of the Project Site, governing density, and governing the design, improvements, the City's Residential Growth Management Program (as set forth in Chapter 17.36 of the Pleasanton Municipal Code), and applicable City regulations, and construction standards and specifications applicable to the Project Site as set forth in this Agreement and the Project Approvals, and in force and effect on the Effective Date. During the Term, to the extent there are any conflicts between the Project Approvals (including but not limited to conditions to any of the Project Approvals) and this Agreement, the terms and conditions of this Agreement shall govern. Further, the parties further acknowledge that the GMA, once approved, is a vested element of this Agreement, notwithstanding subsequent RHNA cycles, or existing timing provisions or subsequent changes to the City's Growth Management Ordinance (the "GMO"). Further, during the Term, to the extent there are any conflicts between the GMA and the GMO, the terms and conditions of the GMA shall govern.

### Section 2.4 Moratorium, Initiatives and Conflicting Enactments

To the extent consistent with State law (and excepting a declaration of a local emergency or state emergency as defined in Government Code section 8558), if any ordinance, resolution or other measure is enacted subsequent to the Effective Date, whether by action of City, by initiative, referendum, or otherwise, that imposes a building moratorium, a limit on the rate of development, or a voter-approval requirement which would otherwise affect the timely development or implementation of the Project or Project Approvals or Subsequent Approvals on or for all or any part of the Project Site ("**City Law**"), City agrees that such City Law shall not apply to the Project, the Project Site, this Agreement, the Project Approvals, or the Subsequent Approvals, if any, during the Term.

### Section 2.5 Life of Project Approvals or Subsequent Approvals

The term of any Project Approval or Subsequent Approval shall automatically be extended for the longer of the Term of this Agreement or the term otherwise applicable to such Project Approval or Subsequent Approval if this Agreement is no longer in effect. The Term of this Agreement, any other Project Approval or Subsequent Approval shall not include any period of time during which any applicable development or utility moratorium, lawsuit or the actions of other public agencies that regulate land use, delays the granting of any Subsequent Approval or the development of the Project.

Section 2.6 Development Timing

Subject to Applicable Law, including the GMA, Developer shall have the right to develop the Project on the Project Site in such order and at such rate and at such times, if any, as Developer deems appropriate within the exercise of its subjective business judgment.

Section 2.7 Compliance with State and Federal Law

This Agreement is subject to Developer's compliance with all applicable federal and State laws and regulations and compliance with applicable provisions of the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA").

**ARTICLE 3**  
**Developer Obligations**

Section 3.1 Obligations of Developer Generally

The parties acknowledge and agree that City's agreement to perform and abide by the covenants and obligations of City set forth in this Agreement is a material consideration for Developer's agreement to perform and abide by its long term covenants and obligations, as set forth herein. The parties acknowledge that many of Developer's long term obligations set forth in this Agreement are in addition to Developer's agreement to perform all the mitigation measures identified in the MMRP and specifically applicable to the Project Site.

Section 3.2 Development Impact Fees

Except as otherwise specifically set forth in this Article 3 or otherwise herein, Developer shall pay to City the development impact fees and exactions which are in effect as of the Effective Date. A complete list of these applicable development impact fees and exactions is attached as **DA Exhibit C**. In the event Developer applies for multiple grading or building permits covering portions or phases of the Project, Developer shall only pay those development impact fees (or prepare such study or studies) applicable to the portion or phase of the Project covered by the issued permit. However, during the Term of this Agreement, except as specifically set forth in this Agreement or the Project Approvals, Developer shall pay those periodic cost of living or similar indexed increases, decreases or adjustments to such fees and exactions as are applicable and in effect at the time such fees or exactions would otherwise be payable to City.

Section 3.3 Traffic Mitigation Measures; Traffic Impact Fees

Developer shall be obligated to mitigate the traffic related impacts of the Project in conformance with the Housing Element EIR, Mitigation Measure 4.N-7, which shall be deemed full compliance with General Plan policy, by complying with each of the following:

- (a) Pleasanton Traffic Impact Fee. Developer shall pay to City the Pleasanton Traffic Impact Fee in accordance with the City's Non-NPID fee schedule in effect on the Effective Date of this Agreement, and

(b) Tri-Valley Transportation Committee Fee. Developer shall pay to the City the Tri-Valley Transportation Committee Fee as may be applicable.

Section 3.4 Below Market Rate Units

(a) Developer shall be obligated to comply with the obligations set forth in the AHA as they may be amended by Section 8 of the IUCA.

(b) City acknowledges and finds that in recognition of Developer's execution of the AHA, the Project is exempt from any obligation to pay the City's Lower Income Housing Fee.

Section 3.5 School Fees

Developer shall pay school fees in accordance with a written agreement entered into, or to be entered into, between Developer and the Pleasanton Unified School District ("PUSD"), and Developer shall provide to City, prior to building permit issuance, PUSD's written confirmation of such agreement.

Section 3.6 Processing Fees; Permit Fees

(a) Building Permit. Developer shall pay to City building permit fees in accordance with the City's building permit ordinance in effect at the time the applicable building permit is granted by City.

(b) Processing Fees. Developer shall pay to City the City's reasonable application processing fees for the Project in accordance with the City's fee schedule in effect at the time Developer submits the applicable Project application for processing.

Section 3.7 Park Fees

Consistent with, and in satisfaction of Developer's Quimby Act (Gov't Code section 66477) and City Park Fee Ordinance (Chapter 19.44 of the Pleasanton Municipal Code), Developer will pay City park fees totaling approximately \_\_\_\_\_. The precise amount of this contribution will be determined in accordance with the terms of the City's Park Land Fee Ordinance (Ordinance No. 1605) in effect on the Effective Date. Developer acknowledges that the inhabitants of the Project will benefit whether the City elects to apply these funds to the acquisition of parkland or to park and recreational improvements to Lions Wayside Park, Delucchi Park, Staples Ranch Community Park, the Alviso Adobe Community Park, Creekside Park, Bernal Community Park, the Tennis and Community Park, Sports Park and recreational trails, or a combination thereof. This Section 3.7 supersedes and terminates any other offers by Developer, or agreements between City and Developer, related to the payment of park fees for the Project, including the May 15, 2013 offer related to in lieu fees for Bernal Park improvements.

**ARTICLE 4**  
**City Obligations**

#### Section 4.1 Protection of Vested Rights

To the maximum extent permitted by law, City shall take any and all actions as may be necessary or appropriate to ensure that the vested rights provided by this Agreement can be enjoyed by Developer and to prevent any City Law from invalidating or prevailing over all or any part of this Agreement. City shall cooperate with Developer and shall undertake such actions as may be necessary to ensure this Agreement remains in full force and effect. City shall not support, adopt, or enact any City Law, or take any other action which would violate the express provisions or intent of the Project Approvals or the Subsequent Approvals (defined below).

#### Section 4.2 Availability of Public Services

To the maximum extent permitted by law and consistent with its authority, City shall assist Developer in reserving and securing capacity for sewer, water and any other utilities or services as may be necessary or appropriate to serve the Project.

#### Section 4.3 Developer's Right to Rebuild

City agrees that Developer may renovate or rebuild the Project Site within the Term of this Agreement should it become necessary due to natural disaster, changes in seismic requirements, or should the buildings located within the Project Site become functionally outdated, within Developer's sole discretion, due to changes in technology. Any such renovation or rebuilding shall be subject to the square footage and height limitations vested by this Agreement, and shall comply with the Project Approvals, any Subsequent Approvals, the building codes existing at the time of such rebuilding or reconstruction, and the applicable requirements of CEQA.

#### Section 4.4 Processing Subsequent Approvals

"**Subsequent Approvals**" shall mean those certain other land use approvals, entitlements, and permits other than the Project Approvals which are necessary or desirable for the development of the Project on the Project Site. The Subsequent Approvals may include, without limitation, the following: amendments of the Project Approvals, vesting tentative map, lot line adjustments and/or parcel maps or subdivision maps, improvement agreements, grading permits, building permits, sewer and water connection permits, and certificates of occupancy. The Subsequent Approvals shall be deemed tools to implement those final policy decisions reflected by the Project Approvals and shall be issued by City so long as they comply with this Agreement and Applicable Law and are not inconsistent with the Project Approvals. Without limiting the preceding provisions of this Section 4.4 or Sections 2.1-2.2, City shall not (a) impose any conditions of approval or other requirements upon any Subsequent Approvals that conflict with any Project Approvals or that could prevent or materially increase the cost of development of the Project pursuant to the Project Approvals; or (b) require any further legislative level entitlements to enable Developer to build out the Project on the Project Site.

### **ARTICLE 5** **Miscellaneous**



Section 5.1 Amendment to Project Approvals or Subsequent Approvals

(a) Administrative Project Amendments. Upon the written request of Developer for an amendment or modification to a Project Approval or Subsequent Approval, the Director of Community Development or his/her designee shall determine (i) whether the requested amendment or modification is minor when considered in light of the Project as a whole; and (ii) whether the requested amendment or modification is substantially consistent with this Agreement and Applicable Law. If the Director of Community Development or his/her designee finds that the proposed amendment or modification is minor, substantially consistent with this Agreement and Applicable Law, and will result in no new significant impacts not addressed and mitigated in the Housing Element EIR and Addendum thereto, the amendment shall be determined to be an "**Administrative Project Amendment**" and the Director of Community Development or his designee may, except to the extent otherwise required by law, approve the Administrative Project Amendment without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, minor increases or reductions in the density which do not affect the number of required affordable units as described in Section 3.4 above, minor increases or decreases in the intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, minor variations in color, changes in trail alignments, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project, and minor adjustments to the Project Site diagram or Project Site legal description shall be treated as Administrative Project Amendments.

(b) Other Project Amendments. Any request of Developer for an amendment or modification to a Project Approval or Subsequent Approval which does not satisfy the requirements for an Administrative Project Amendment shall be subject to the review, consideration and action by City pursuant to the Applicable Law and this Agreement.

Section 5.2 Amendment of Agreement

This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the parties hereto or their successors in interest, as follows:

(a) Administrative Amendments to Agreement. Any amendment to this Agreement which does not substantially affect (i) the Term of this Agreement, (ii) permitted uses of the Project Site, (iii) provisions for the reservation or dedication of land, (iv) conditions, terms, restrictions or requirements for subsequent discretionary actions, (v) the density or intensity of use of the Project Site or the maximum height or size of proposed buildings, or (vi) monetary contributions by Developer, shall not, except to the extent otherwise required by law, require notice or public hearing before the parties may execute an amendment hereto. Such amendment may be approved by the Community Development Director who shall make the determination in the context of the overall Project.



(b) Amendment Exemptions. No amendment of a Project Approval or Subsequent Approval shall require an amendment to this Agreement. Instead, any such amendment automatically shall be deemed to be incorporated into the Project and vested under this Agreement.

(c) Scope of Amendment. An amendment to this Agreement may properly address new impacts, if any, resulting from the proposed amendment and shall not serve as an opportunity for City to revisit vested rights unrelated to such amendment.

### Section 5.3 Cooperation in Event of Legal Challenge

In the event of an administrative, legal or equitable action or other proceeding instituted by any person not a party to this Agreement challenging the validity of this Agreement or any Project Approval or Subsequent Approval, the parties shall cooperate in defending such action or proceeding. The parties shall use best efforts to select mutually agreeable legal counsel to defend such action, and Developer shall pay compensation for such legal counsel; provided, however, that such compensation shall include only compensation paid to counsel not otherwise employed as City staff and shall exclude, without limitation, City Attorney time and overhead costs and other City staff overhead costs and normal day-to-day business expenses incurred by City. Developer's obligation to pay for legal counsel shall not extend to fees incurred on appeal unless otherwise authorized by Developer. In the event City and Developer are unable to select mutually agreeable legal counsel to defend such action or proceeding, each party may select its own legal counsel at its own expense.

### Section 5.4 Defaults

In the event City or Developer defaults under the terms of this Agreement, City or Developer shall have all rights and remedies provided under law. No default hereunder shall render invalid the lien of any deed of trust, mortgage or security interest in or upon the Project Site or any improvements or fixtures at any time located thereon.

### Section 5.5 Periodic Review

Throughout the Term of this Agreement, at least once every twelve (12) months following the execution of this Agreement, City shall review the extent of good-faith compliance by Developer with the terms of this Agreement.

### Section 5.6 California Law

This Agreement shall be construed and enforced in accordance with California Law.

### Section 5.7 Attorneys Fees

In any legal action or other proceeding brought by either party to enforce or interpret a provision of this Agreement, or otherwise arising out of the subject matter of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and any related costs incurred in that proceeding in addition to any other relief to which it is entitled.

Section 5.8 Severability

If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties.

Section 5.9 Covenants Running with the Land

All of the provisions contained in this Agreement shall be binding upon the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Project, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, *California Civil Code section 1468*.

Section 5.10 Assignment of Interests, Rights and Obligations

Developer may transfer or assign all or any portion of its interests, rights or obligations under this Agreement, the Project Approvals or Subsequent Approvals to any affiliate of Developer or any third parties acquiring an interest or estate in the Project Site or any portion thereof including, without limitation, purchasers or ground lessees of lots, parcels or facilities.

Section 5.11 Notices

Any notice or communication required hereunder between City and Developer must be in writing, and may be given either personally, by telefacsimile (with original forwarded by regular U.S. Mail) by registered or certified mail (return receipt requested), or by FedEx or other similar courier promising overnight delivery to the respective addresses specified by each party. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses set forth below:

If to City, to:                   City of Pleasanton  
  City Hall  
  123 Main Street  
  P.O. Box 520  
  Pleasanton, CA 94566  
  Attn: Nelson Fialho, City Manager  
  Telephone: (925) 931-5002  
  Facsimile: (925) 931-5482

With Copies to:                City of Pleasanton  
  City Hall  
  123 Main Street

P.O. Box 520  
Pleasanton, CA 94566  
Attn: Jonathan Lowell, City Attorney  
Telephone: (925) 931-5015  
Facsimile: (925) 931-5482

If to Developer, to: Hacienda Pleasanton, L.P.

c/o St. Anton Partners, LLC  
1801 I Street, Suite 200  
Sacramento, CA 95811  
Attn: Steven L. Eggert  
Telephone: (916) 444-9843  
Facsimile: \_\_\_\_\_

With Copies to: Cox, Castle & Nicholson LLP  
555 California Street, 10th Floor  
San Francisco, CA 94104  
Attn: Stephen C. Ryan, Esq.  
Facsimile: (415) 262-5199

Section 5.12 Exhibits

. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

- DA EXHIBIT A-1.....Legal Description of Project Site
- DA EXHIBIT A-2.....Diagram of Project Site
- DA EXHIBIT B .....PUD Development Plan
- DA EXHIBIT C .....List of City Development Impact Fees and Exactions
- DA EXHIBIT D.....Affordable Housing Agreement
- DA EXHIBIT E .....Inclusionary Unit Credit Agreement

Section 5.13 Entire Agreement, Counterparts and Exhibits

This Agreement is executed in two (2) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of [\_\_\_\_] pages and [\_\_\_\_] exhibits which constitute in full, the final and exclusive understanding and agreement of the parties and supersedes all prior and contemporaneous negotiations or agreements of the parties with respect to all or any part of the subject matter hereof. Any waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and the Developer.

Section 5.14 Estoppel Certificate. Developer may, at any time, and from time to time, deliver a written notice to City requesting City to certify in writing that: (a) this Agreement is in full force and effect and a binding obligation of the parties, (b) this Agreement has not been amended or modified either orally or in writing, and if so amended, identifying the amendments entered into by the parties, and (c) to the knowledge of City, neither party is or has been in default under this Agreement, or if any such default has to City's knowledge occurred, describing the nature of any such event of default and any cure thereof. City shall execute and return such certificate to Developer within ten (10) days following City's receipt thereof, and if City fails so to do within such 10-day period, the information in Developer's notice shall conclusively be deemed true and correct in all respects. The Director of Community Development, on behalf of City, shall execute certificates requested by Developer hereunder. City acknowledges that any certificate hereunder may be relied upon by any transferee or mortgagee of any interest of Developer hereunder.

Section 5.15 Further Assurances. Each of the parties covenants, on behalf of itself and its successors and assigns, to take all actions and to execute, with acknowledgment or affidavit if required, any and all documents and writings, that may be reasonably necessary, proper or convenient to achieve the purposes and objectives of this Agreement.

Section 5.16 Interpretation

Captions and headings in this Agreement are for convenience of reference only and shall not affect the meaning or interpretation of any provision of this Agreement. As used herein: (a) the singular shall include the plural (and vice versa) and the masculine or neuter gender shall include the feminine gender (and vice versa) where the context so requires; (b) locative adverbs such as "herein," "hereto," and "hereunder" shall refer to this Agreement in its entirety and not to any specific section or paragraph; (c) the terms "include," "including," and similar terms shall be construed as though followed immediately by the phrase "but not limited to;" (d) "shall," "will," "must," "agrees," and "covenants," are mandatory and "may" is permissive; and (e) "or" is not exclusive. The parties have jointly participated in the negotiation and drafting of this Agreement, and this Agreement shall be construed fairly and equally as to the parties, without regard to any rules of construction relating to the party who drafted a particular provision of this Agreement.

Section 5.17 Recordation of Development Agreement

Pursuant to California Government Code section 65868.5, no later than ten (10) days after City enters into this Agreement, the City Clerk shall record an executed copy of this Agreement in the Official Records of the County of Alameda.

IN WITNESS WHEREOF, this Agreement has been entered into by and between Developer and City as of the day and year first above written.

"CITY"

Dated: \_\_\_\_\_

CITY OF PLEASANTON,  
a municipal corporation

By: \_\_\_\_\_  
Nelson Fialho  
City Manager

Dated: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Jonathan Lowell  
City Attorney

**"DEVELOPER"**

Dated: \_\_\_\_\_

HACIENDA PLEASANTON, L.P., a  
California limited partnership

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me \_\_\_\_\_,  
(insert name and title of the officer) personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me \_\_\_\_\_  
(insert name and title of the officer) personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)



**EXHIBIT A-1  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**LEGAL DESCRIPTION OF PROJECT SITE**

**[See Attached]**

**EXHIBIT A-2  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**DIAGRAM OF PROJECT SITE**

**[See Attached]**

**EXHIBIT B  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**PUD DEVELOPMENT PLAN**

**[See Attached]**

**EXHIBIT C  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**LIST OF CITY DEVELOPMENT IMPACT FEES AND EXACTIONS**

**[See Attached]**

**EXHIBIT C  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**CITY FEE DEFERRAL PROGRAM**

**[See Attached]**

**EXHIBIT D  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**AFFORDABLE HOUSING AGREEMENT**

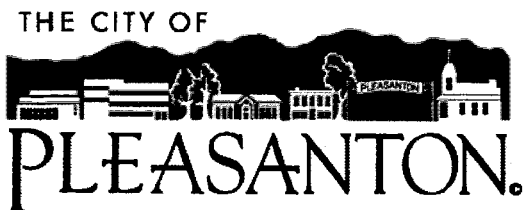
**[See Attached]**

**EXHIBIT E  
TO  
DEVELOPMENT AGREEMENT  
FOR 5729 WEST LAS POSITAS BOULEVARD**

**INCLUSIONARY UNIT CREDIT AGREEMENT**

**[See Attached]**





**Planning Commission  
Staff Report**

~~April 24, 2013~~  
*MAY 8, 2013*  
Item 6.a.

- SUBJECT:** PUD-81-30-87D
- APPLICANT/  
PROPERTY OWNER:** St. Anton Partners
- PURPOSE:** Application for Planned Unit Development (PUD) development plan approval to construct 168 apartment units and related site improvements.
- GENERAL PLAN:** Mixed Use/Business Park.
- ZONING:** Planned Unit Development – High Density Residential (PUD-HDR)
- LOCATION:** 5729 West Las Positas Boulevard
- EXHIBITS:**
- A. Conditions of Approval
  - B. Proposed Development Plan and Related Material:
    - 1. Plans, Project Narrative, Green Point Checklist, dated “Received April 9, 2013”
    - 2. Tree Report, dated August 16, 2012 with addendum dated April 10, 2013.
    - 3. Air Quality and Greenhouse Gas Review, dated January 21, 2013
    - 4. Geotechnical Investigation, dated June 25, 2012
    - 5. Phase I Environmental Site Assessment, dated June 19, 2012
    - 6. Traffic Noise Analysis, dated January 22, 2013
    - 7. Traffic Impact Analysis, dated January 7, 2013
    - 8. Climate Action Plan Checklist, dated “Received April 9, 2013”
  - C. Minutes of the November 14, 2012 Planning Commission Work Session Meeting
  - D. May 2, 2013, Housing Commission Staff Report and Attachments
  - E. Addendum to the Supplemental Environmental Impact Report
  - F. Ordinance No. 2033, Rezoning the 5.6-Acre Portion of the Nearon Property
  - G. Reciprocal Easement Agreement
  - H. Hacienda Owners Association Approval Letter
  - I. Location & Public Noticing Maps

## I. BACKGROUND

The subject site currently contains a single building of approximately 3,640 square feet that was built in 1983 as an auto service center in conjunction with an 110,000 square-foot, two-story office building for Hewlett-Packard. The lot was subdivided in 2004, which resulted in the auto center, a small lawn area, and a portion of the existing parking lot being located on a separate (approximately 5.6 acre) parcel.

In January 2012, the City rezoned nine sites for high-density multifamily development in order to meet the City's share of the regional housing need (the rezoning approval is attached as Exhibit F). The subject site was one of the nine sites that were rezoned.

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.

The 5.6-acre site is identified as Site # 7 in the Standards. Site # 7 is required to provide a density of 30 units per acre (168 units) as a maximum and a minimum.

The proposed application is 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.

### ***November 14, 2012, Planning Commission Work Session***

The project was brought before the Planning Commission as a work session on November 14, 2012, to receive early feedback from the Planning Commission and comments from any interested individuals regarding the proposed project. The Planning Commission provided the following comments on the work session discussion points (additional comments made by the Commission are located in the attached minutes):

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

All Commissioners indicated that they could support the requested exceptions, but they did request that the applicant review the project to see if there were any possible ways to get additional ground level entries incorporated into the design.

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

The Commission believed that the on-site circulation, parking layout, and positioning of the buildings were acceptable, but encouraged the applicant to do whatever they can to dissuade the fears of the adjacent residents regarding the adequacy of parking.

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

The Commission stated support of the recreation facilities and amenities being offered by the project.

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

The Commission generally felt that the building designs, colors and materials, and heights were acceptable and projected the "Pleasanton Look." Two Commissioners expressed concerns about the wrought-iron bars on the windows and it was suggested that the number of bars on the window be reduced.

**Work Session Public Comments**

James Paxson, General Manager of the Hacienda Owners Association, spoke in favor of the project.

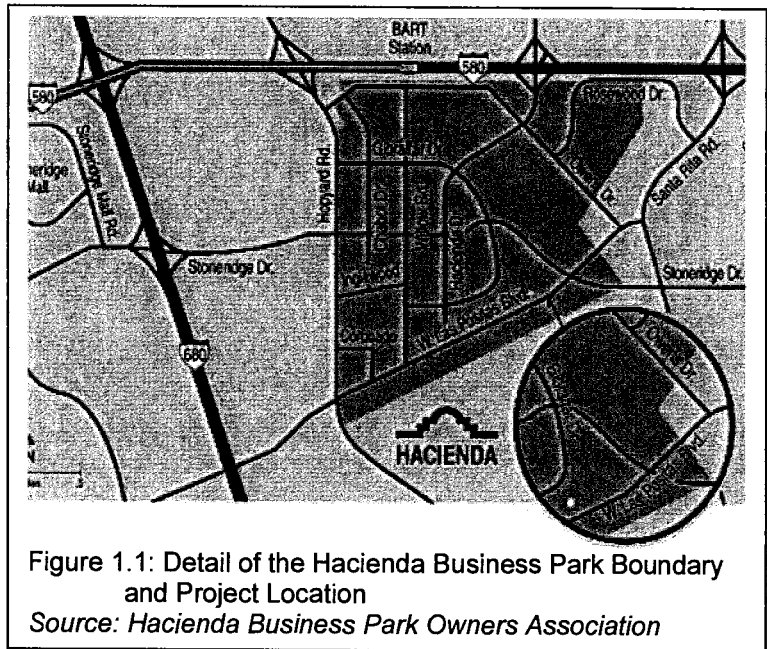
Diane Birchell, resident at the Verona Townhouses, stated that the principal concerns that affect the Verona residents directly are traffic and parking. She indicated that they have always had a parking problem, and this will become worse and would impact the residents because when people are looking for some place to park, they will go wherever they can find it. She indicated that, if it is possible, there should be a traffic light rather than a stop sign, at the very least, one that could be triggered only when traffic requires it, to prevent accidents.

In response to the Commissioners' request for input, Mike Tassano, the City Traffic Engineer, stated his review of the site indicated that sufficient gaps in traffic exist to allow for exiting with minimal delay and that installing a signal would increase the waiting time for residents exiting the development.

**II. SITE DESCRIPTION**

**Subject Property and Surrounding Area**

The approximately 5.6-acre site is located at 5729 West Las Positas Boulevard, within Hacienda Business Park. The site fronts on West Las Positas Boulevard and backs up to Tassajara Creek (northwest). The site was developed in 1983 for Hewlett-Packard and currently contains the existing auto service center, lawn area, and parking lot area. The site is generally flat. There is one bus stop with a shelter located along West Las Positas Boulevard partially along the project frontage. The 5.6-acre site is designated as Lot 23B (a portion thereof) in the Hacienda Design Guidelines.



The site is approximately one mile from the East Dublin/Pleasanton BART station and the site is within ¼ mile of the Hacienda Plaza Shopping Center, two City parks, and two high density developments (Figure 1.2).

Adjacent properties include a two-story office building (Occupied by ValleyCare Health System since 2004) to the east, the Verona development (Townhomes) to the south across West Las Positas Boulevard, Tassajara Creek to the west and north and, beyond the creek, are office developments.

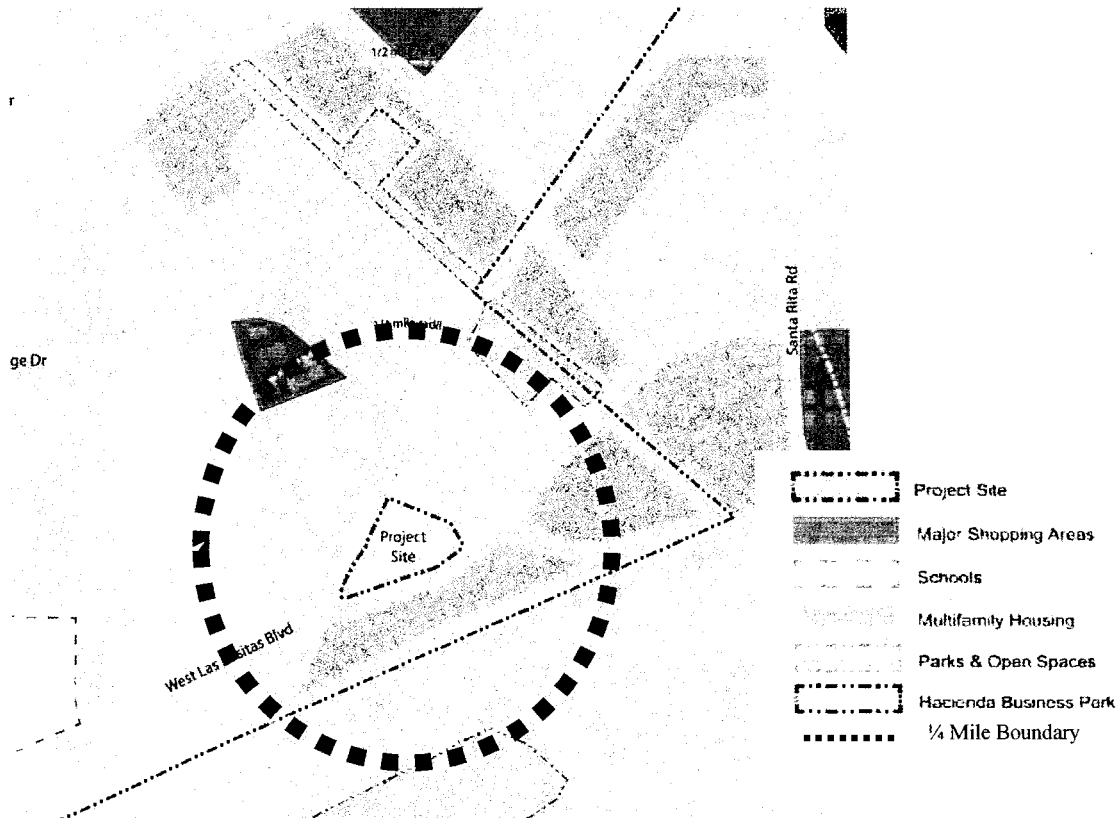


Figure 1.2: Uses within 1/4 mile of the Site

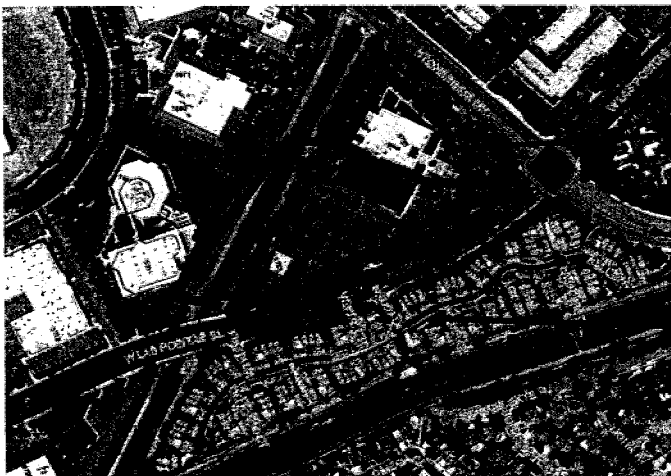


Photo 1.1: ValleyCare Health System

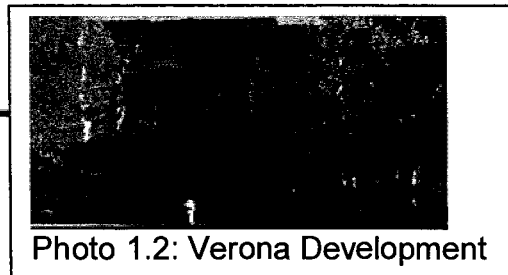


Photo 1.2: Verona Development



The site currently contains a single building of approximately 3,640 square feet that was built in 1983 as an auto service center in conjunction with the 110,000 square-foot, two-story office

that was originally built for Hewlett-Packard and is now occupied by ValleyCare Health System.



Photo: 1.3: The Existing Auto Service Center (not in operation).

The subject site is well planted with frontage trees and landscaping within the existing parking lot planting strips and pockets (Photo 1.4)



Photo 1.4- View of Site from West Las Positas Boulevard



### III. PROJECT DESCRIPTION

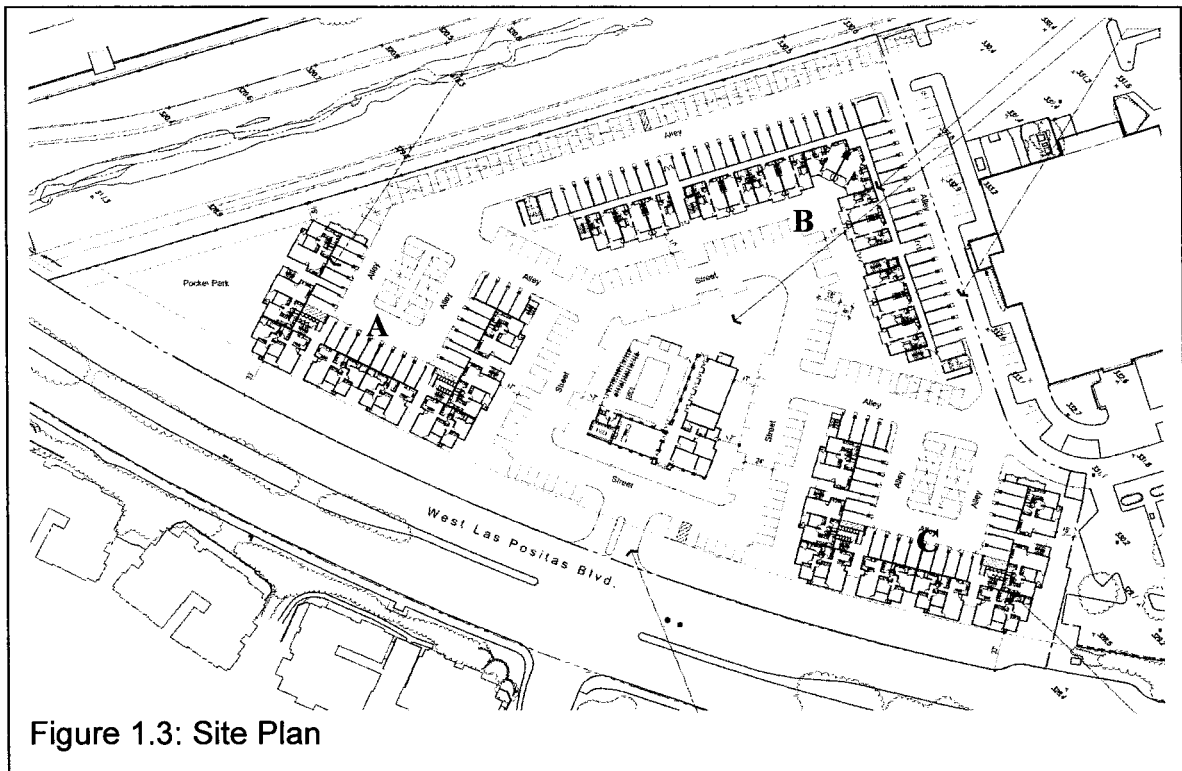
The applicant proposes to build an apartment complex on the approximately 5.6-acre site. The project features are summarized below:

- The project would provide 168 apartment units in total, one clubhouse building/leasing office, on-site amenities, and surface parking.
- The housing will be distributed among three buildings. Two "U"-shaped buildings fronting West Las Positas Boulevard are three-stories (38-feet tall), 58,000 square feet each, and house 38 units individually. The third residential building is an "L"-shaped structure (located in the northern part of the site) and is four-stories (53 feet) tall, 115,000 square feet in size, contains 92 units, and overlooks Tassajara Creek.

**Table 1: Project Unit & Square Footage**

Building	Residential Units	Total Square Footage
Building A	38	62,352
Building B	92	119,491
Building C	38	62,352
Clubhouse/Office	0	4,650
<b>Total</b>	<b>168</b>	<b>248,845</b>

- The clubhouse/leasing office is approximately 4,650 square feet in area and is one-story in height with a breezeway entry feature (maximum of 24' tall). The clubhouse will offer a fitness center (including yoga and group exercise studio), clubroom with kitchen and seating for community gatherings, and multiple leasing offices. The central outdoor recreation area offers an 800-square-foot outdoor swimming pool, children's play area, grassy village green, barbeque picnic area, and water feature.
- The southwest corner of the property contains a 9,000-square-foot pocket park with a large open lawn, community vegetable garden, fenced pet area, earth sculpture and gathering areas with seating. The pocket park is also designed to provide a 3,600-square-foot stormwater basin.
- In total, the project proposes 26,600 square feet of group open space and the total on-site impervious surface area would be 190,492 square feet.
- The main access to the site would remain on West Las Positas Boulevard with additional emergency vehicle access being provided off of Stoneridge Drive through the adjacent ValleyCare site (as outlined in the Reciprocal Easement Agreement, Exhibit G). Eight paseos connect the residential buildings, and the site in general, to the existing public sidewalk along West Las Positas Boulevard. Direct pedestrian access is also provided to the planned Tassajara Creek trail (along the south side of the creek). Pedestrian-designated walkways allow for multiple paths of travel between the proposed buildings and the on-site amenities and the Tassajara Creek trail (off-site).



- The front two "U"-shaped buildings are set back a minimum of 33 feet from the front property line, the clubhouse is 87 feet from the front property line, and the "L"-shaped building is a minimum of 231 feet from the front property line. The side property line setbacks range from three feet to 19 feet (an exception request is discussed in the *Exceptions Requested by the Applicant Section* of this report). The rear property line setbacks range from 15 feet to more than 280 feet (an exception request is discussed in the *Exceptions Requested by the Applicant Section* of this report).

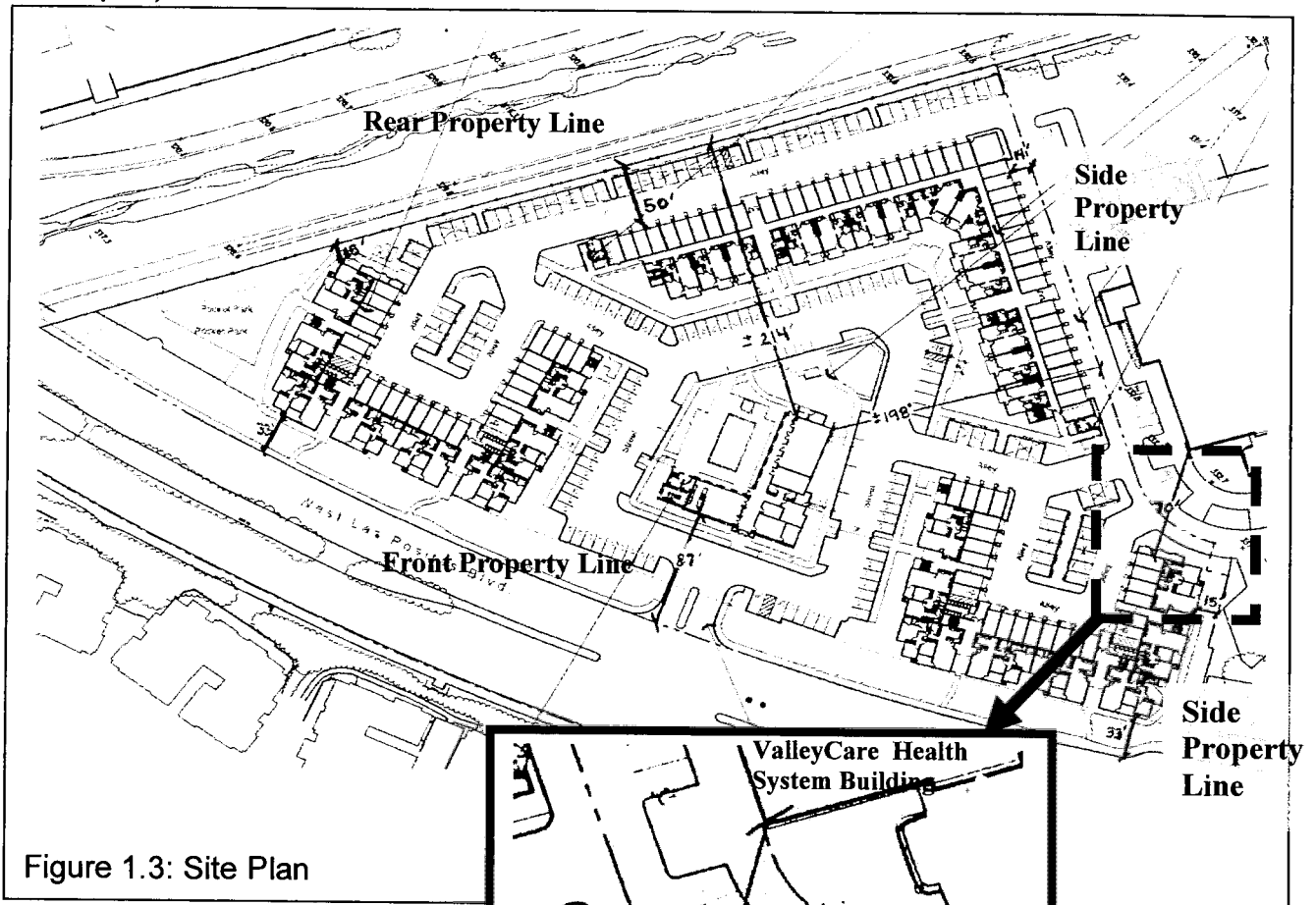


Figure 1.3: Site Plan

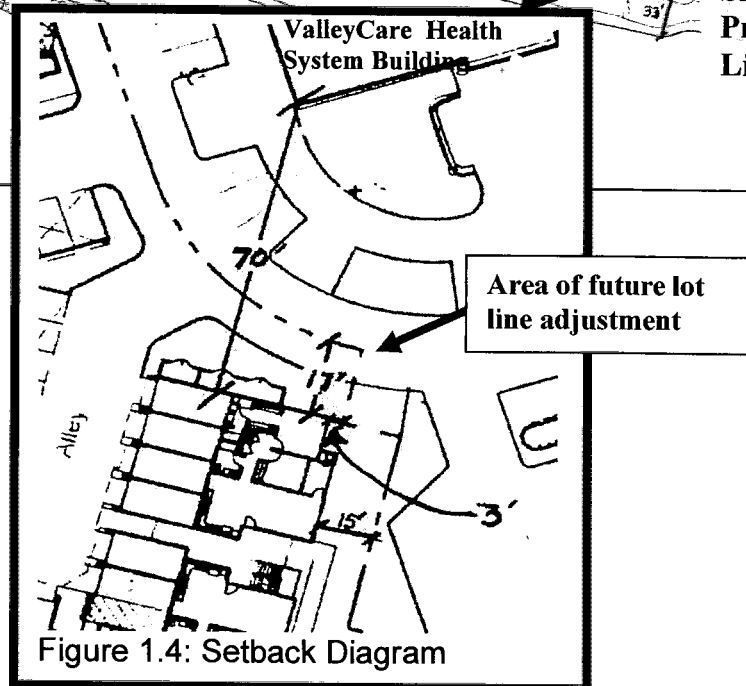


Figure 1.4: Setback Diagram



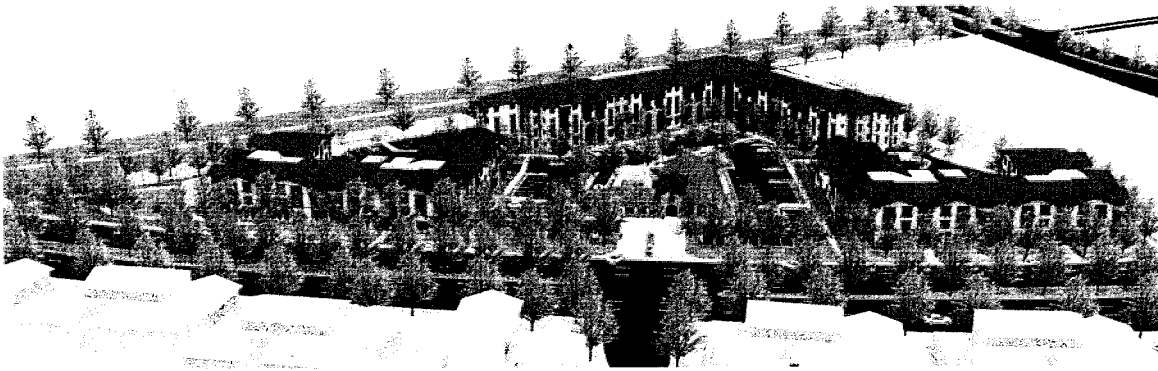


Figure 1.5: Illustration of the Project Site

- The applicant has worked with staff to develop options for incorporating affordable housing into this project. The applicant is proposing a residential development that accommodates mixed income groups appropriately distributed throughout the community. The Housing Commission is scheduled to consider the affordable housing options for this project on May 2, 2013, which is after the publication of this staff report. Staff will provide the Planning Commission with an update during the Planning Commission hearing for this project. Therefore, at this time, no agreement has been reached with regard to number of units, income levels, or placement within the development. The Housing Commission Staff report is attached for reference (Exhibit D).
- The Standards do not require private open space to be provided for each unit. All of the 168 units would have private open space area in the form of patios or balconies. The private open space areas range from 61 to 81 sq. ft. in area. The Standards do require 300 square feet of private group usable open space per dwelling unit (50,400 sq. ft. for this project). The proposed project offers 26,600 square feet of group open space and 10,074 sq. ft. of private patio open space. Per the Standards, the private open space is considered equivalent to two square feet of group open space and may be substituted as such. Using this substitution, the project would be able to offer 50,948 sq. ft. of total open space to satisfy the requirements of the Standards.
- A total of 286 parking spaces are proposed on-site. A combination of 90 garages and 79 carports, provide for 169 covered spaces. The remaining 122 are uncovered surface stalls and, of the total parking spaces, 73 are compact (about 25%). Spaces on the neighboring site (ValleyCare Health Systems) as part of the Reciprocal Easement agreement (Exhibit G) account for 22 of the 122 uncovered stalls. There will be 24 stalls designated for guest parking.
- Bicycle parking is accommodated within the 90 private garages and 45 separate bike storage rooms, for a total of 135 spaces being provided. The bike storage rooms will be located on the ground floor in either wing of the “L”-shaped building. There are also a total of 168 bulk storage spaces (40+ cubic feet). The two “U”-

shaped buildings contain 22 bulk storage spaces, and the remainder are located in storage closets on the private decks of the unit plans 1A, 1C, 2B, and 2C.

- There is one existing Livermore Amador Valley Transit Authority (LAVTA) bus stop partially on the project site, along West Las Positas Boulevard, on the south eastern tip of the parcel. The stop contains a shelter and is not proposed to be altered.
- The project is proposing to provide two gates that will provide direct connection to the future trail along Tassajara Creek. Although this section of the creek trail system is not currently connected to the other segments of the trail system, it is planned that this section of the trail (south side of the creek) will be linked with the other existing and planned creek trails at some point in the future.
- The proposed project models a Mission Hacienda architectural style. The materials that are proposed include stucco, limestone trim (simulated), stone veneer, wood-like trim for the windows, concrete roof S-tile, wrought iron work, and fabric awnings. The detailing of the rafter tails, the balconies, and accent trims create depth to the proposed buildings.
- Tree Removal: According to the Tree Report prepared by Hort Science (Exhibit B.2), the project site contains 137 trees, of which 55 are considered heritage trees as defined by the Pleasanton Municipal Code. Seventy-eight trees are proposed for removal, of which eight are heritage trees. The preliminary landscape plan provides general information on the plantings for the open space areas and the development as a whole. 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.



Figure 1.6: West Las Positas Boulevard Streetscape



Figure 1.7: Building A

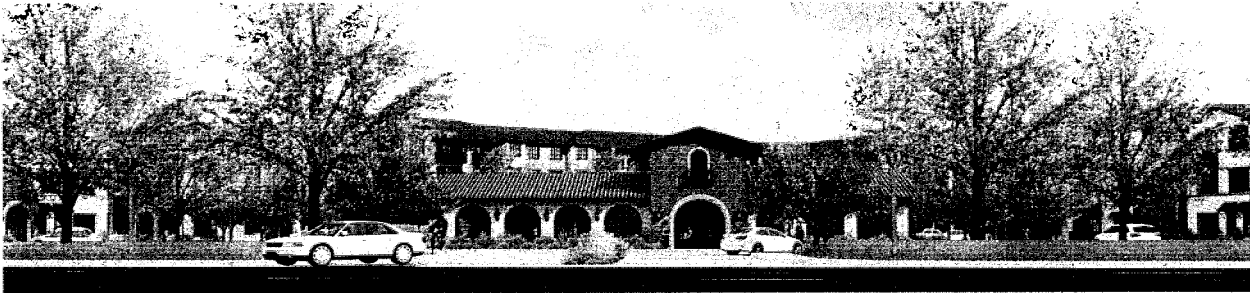


Figure 1.8: Project Entry and Community Building

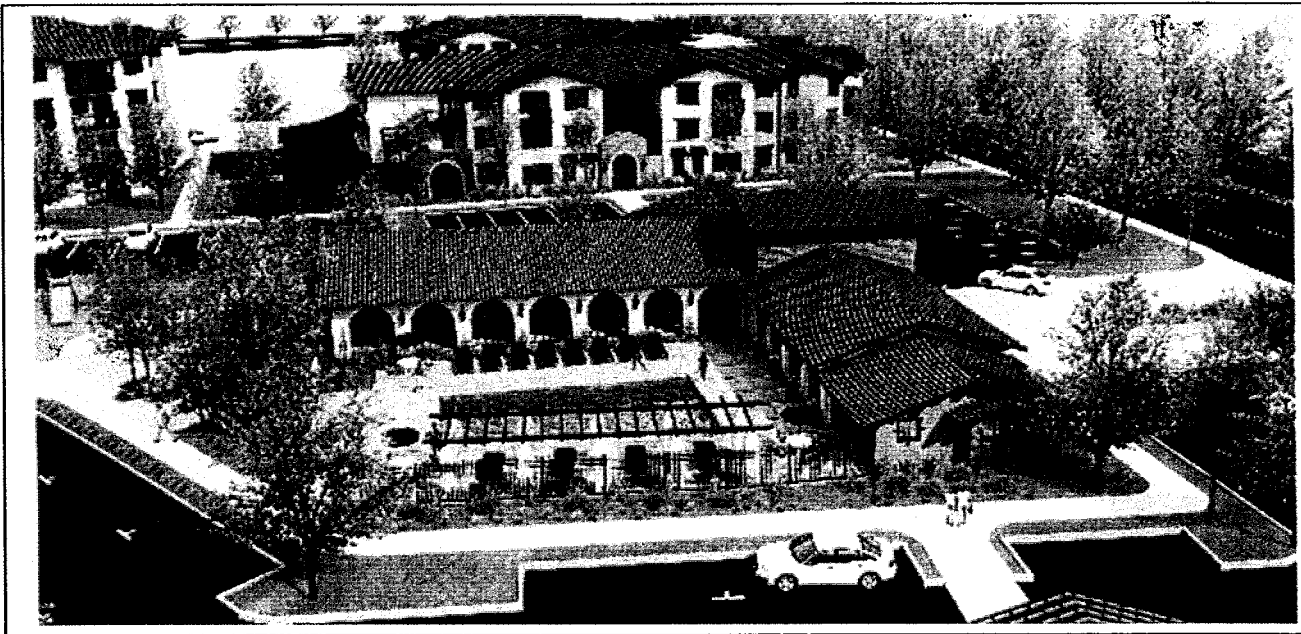


Figure 1.9: Community Building and Pool Area

#### 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

<sup>1</sup> The project is located 1 mile from the East Dublin/ Pleasanton BART station, adjacent to bus stops, and connecting to a trail system (to be expanded in the future).

“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

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.

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 5.6-acre site was rezoned in January 2012 to allow a multi-family residential development. Therefore, no rezoning is needed to allow the proposed development.

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

#### *Density*

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

#### *Exceptions Requested by Applicant*

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

1. Street Entries—a minimum of 75% of Ground floor units (within 5 feet of grade) shall have entries onto street, internal street, paseo (walk), or open space (including corridor buildings). The proposed project has 30 ground-floor units, thus requiring 23 units to have access onto a street, internal street, paseo (walk), or open space (including corridor buildings). The applicant is requesting an exception to allow only 16 units to provide such entries. *P. 37, Architectural Features C1.1.*
2. Rear Yard Minimum—the required rear yard setback is 20 feet. The “U”-shaped building nearest the creek has a corner that is set back 15 feet from the rear property line. The applicant is requesting the exception for this setback based on the acute angle of this portion of the site. *P. 9, Rear Yard Minimum.*
3. Side Yard Minimum—the required side setback is 8 feet with a total of 20 feet for both sides. The “U”-shaped building nearest the Valley Care Health System building has a notched-out property line (see Figure 1.4 above). The applicant has indicated that they are pursuing a lot line adjustment in the future to resolve this situation, but at the current time the project would also need an exception to allow a 3-foot setback on this corner. It should be noted that the separation to the adjacent ValleyCare Health System building is more than 70 feet away from the proposed building within this subject area and that the area between the two buildings contains landscaping, drive aisles, and surface parking. *P. 9, Side Yard Minimum.*
4. Buildings above 35' in height—the building façade above 35 feet in height (Building B) should be stepped back 10 feet. *P. 53, Special Design Standards & Guidelines.*

Comments: Based on the unusual configuration of the lot, the required density for the site, and the quality of the design, staff can support the exceptions that are being requested. With regard to the requested exception for ground level street entries, the applicant analyzed the project design to determine if additional ground level entries could be added to lessen or avoid the requested exception for the Street Entries standard, as requested by the Commissioners at the work session. However, the applicant has indicated that they were not able to revise the design to obtain additional street entries, as a revised design would result in impacts to the flow of the architecture, building design, parking layout, and the overall site layout that could not be overcome.

## **Site Plan**

The site contains a 15-foot wide levee and slope easement along the northwestern property line in connection with the creek. The easement is for drainage during a 100-year storm event, but has been intermittently abandoned by Zone 7 both upstream and downstream of this project site. If the applicant desired to have the easement abandoned, they would need to submit a request to Zone 7 to abandon the easement in this location. However, staff has noted in the field the existence of longitudinal cracking as if the area is sloughing into the channel. Therefore, a geotechnical report was required with the formal application to analyze this issue. The report explains the soil make-up/profile of the site as expansive silty clays and heavier clays with high plasticity. The report also specifies the foundation construction methods that should be employed for this site. Notably, staff is not supporting habitable structures within the drainage easement.

The project complies with the minimum building-to-building separation requirements and the minimum setbacks (except in those areas noted above). The parking has been positioned to minimize its visibility in as much as possible from West Las Positas Boulevard and the adjacent properties.

### Floor Area Ratio

The Housing Site Development Standards and Design Guidelines indicate that there is no Floor Area Ratio (FAR) applicable for the residential developments.

### Open Space/Amenities

The proposed project contains a variety of recreation areas and amenities. The clubhouse will offer a fitness center (including yoga and group exercise studio), clubroom with kitchen and seating for community gatherings, and multiple leasing offices. The central outdoor recreation area offers an 800-square-foot outdoor swimming pool, children's play area, grassy village green, barbeque picnic area, and water feature. The pocket park in the southwest corner of the property contains a large open lawn, community vegetable garden, fenced pet area, earth sculpture and gathering areas with seating. In total, the project proposes 26,600 square feet of group open space on-site. The project has also designed connections to the Tassajara Creek trail and will be installing access gates at West Las Positas Boulevard and Stoneridge Drive.

The Standards require a minimum of 300 sq. ft. of group open space per dwelling unit (168 units x 300 = 50,400 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., 1 sq. ft. of private open

space = 2 sq. ft. of group open space). The project would provide 26,600 sq. ft. of public open space and 4,200 sq. ft. of private open space and 10,074 sq. ft. of private patio open space which is equivalent to a total of 50,948 sq. ft. of group usable open space. Therefore, the project complies with the open space requirements.

Additionally, the residents would have access to even more open space than the above total with the use of the Tassajara Creek trail.

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. The project site can also be accessed via a right-in/right-out driveway and a full access driveway from Stoneridge Drive serving the adjacent ValleyCare Health System parcel.

Local roadways that serve the project site include West Las Positas Boulevard, Stoneridge Drive, Hacienda Drive, and Santa Rita Road. The project site is located approximately one mile 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 (Wheels). There are currently existing bus pullouts with shelters located in the project vicinity, on the north side of West Las Positas Boulevard and on the east side of Stoneridge Drive. All streets in the project vicinity have sidewalks and crosswalks at signalized intersections. Stoneridge Drive has striped bike lanes and West Las Positas Boulevard is currently signed as a bike route along the project frontage. According to the City of Pleasanton Pedestrian and Bicycle Master Plan, the segment of West Las Positas Boulevard adjacent to the project site is planned to include future bike lanes.

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 Hexagon Transportation Consultants, acting as the City's traffic consultant, to analyze the traffic and circulation for this project.

The Traffic Impact Analysis dated January 7, 2013 for the proposed project is attached to this report (Exhibit B.7). 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 buildout of the Pleasanton General Plan. Regional traffic growth is also considered in the cumulative/long-term scenario.



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.

As shown in Table 2, the project is expected to generate 1,117 daily vehicle trips, with 86 trips occurring during the AM peak hour and 104 trips occurring during the PM peak hour.

**Table 2: 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	168 units	6.65	0.51	0.62	1,117	17	69	86	68	36	104

Note: Rates based on ITE Trip Generation, 9<sup>th</sup> Edition, 2012: average rates for Apartments (ITE 220).  
Source: Hexagon Transportation Consultants 2013.

The trip distribution pattern for the proposed project was estimated based on a select-zone analysis from the Pleasanton Travel Demand Forecast model. In addition to adding traffic to the roadway network, the project would result in some redistribution of existing traffic at the site's access driveways and the intersection of Stoneridge Drive and West Las Positas Boulevard. With construction of the proposed project, existing vehicles that access the ValleyCare Health System building via the West Las Positas driveway may find it quicker to access the medical center via the existing Stoneridge Drive driveway.

The Traffic Impact Analysis indicates that the intersection of Stoneridge Drive and Santa Rita Road would operate at an unacceptable LOS E during the AM peak hour, under both buildout "no project" and buildout "with project" conditions. All other study intersections would operate at acceptable levels of service under buildout conditions during both the AM and PM peak hours with or without the proposed project.

Intersection improvements for the Stoneridge Drive and Santa Rita Road intersection are included in the City's Traffic Impact Fee and Nexus Report (May 2010) and the Capital Improvement Program for Fiscal Year 2012-2013. The City awarded the construction contract for these improvements in March of 2013. It is anticipated that the improvements identified in the General Plan for this intersection will be completed by the fall of 2013. Planned improvements include converting the second eastbound right-turn lane to an eastbound through lane and converting the remaining eastbound right turn to a free right-turn lane. Improvements also include constructing a northbound right-turn lane, and converting a northbound through lane to a third northbound left-turn lane. As shown in the Traffic Impact Analysis, implementation of these improvements would improve the intersection operation from LOS E to an acceptable LOS D.

Because the improvements will be implemented well in advance of the buildout scenario, the potential impact at the intersection of Stoneridge Drive and Santa Rita Road would not occur.

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.

Staff does note that the applicant is working with ValleyCare Health System's representatives and the City to change the address of ValleyCare Health System's site to correspond with the adjustment in the access to that site from West Las Positas Boulevard to Stoneridge Drive.

Therefore, staff believes that proposed project is appropriately designed to facilitate proper circulation on-site and the traffic impacts are minimal.

#### Transit

The Livermore-Amador Valley Transit Authority (LAVTA) currently provides bus service (the Wheels Bus System) to the project area, including lines 9, 54, 604, and 610. There are currently existing bus pullouts with shelters located on the north side of West Las Positas Boulevard and on the east side of Stoneridge Drive. 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. Routes 9 and 54 have bus stops along Stoneridge Drive and West Las Positas Boulevard near the project site. Route 604 is a school-focused route and provides service and bus stops along Stoneridge Drive near the project site. Route 610 is a school-focused route and provides service and bus stops along West Las Positas Boulevard near the project site.

According to the LAVTA Short Range Transit Plan (FY 2012 to 2021), most vehicles in the fleet have a seating capacity of 39 riders with an additional capacity of 21 standees. The bus routes that serve the project area average between 12.3 and 24.7 passengers per hour. According to the U.S. Census, transit trips comprise approximately 7 percent of the total commute mode share in the City of Pleasanton. For the proposed project, a 7-percent mode share would equate to approximately 6 or 7 new transit trips during both the AM and PM peak hours. This volume of riders would not exceed the carrying capacity of the existing bus service near the project site. Therefore, no improvements to the existing transit facilities would be necessary in conjunction with the proposed project. It should be noted that residents living within the Hacienda Business Park are eligible for free ECO Passes, which allows them free access to the Wheels Bus System. As such, staff believes that proposed project provides adequate access to public transit.

#### Bicycles:

The project would provide direct access to the proposed Tassajara Creek trail, which borders the project to the northwest and continues into the City of Dublin. Stoneridge Drive has striped bike lanes along the southbound travelled way north and south of West Las Positas Boulevard.

Along the project frontage, West Las Positas Boulevard is currently signed as a bike route. According to the City's Pedestrian and Bicycle Master Plan, the segment of West Las Positas Boulevard adjacent to the project site is planned to include future bike lanes.

The Standards for the proposed project require 0.8 bicycle spaces per apartment unit that is secured and weather protected (168 units x 0.8 = 135 spaces required). On-site, the project is proposing to provide a total of 135 bicycle parking spaces (90 spaces in the private parking garages, and 45 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.

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

#### Trail Connection

Two pedestrian/bicycle connections would be provided to a future trail along Tassajara Creek. The Tassajara Creek trail is planned as a Class 1 trail (10-ft. wide paved with a 4-ft. wide compacted soil/decomposed granite side path) that would extend from the Arroyo Mocho trail at the south end up to Rosewood Dr./I-580 to the north. Along the Anton Hacienda Apartment site, the trail would be located on top of the existing Zone 7 gravel access road on the south east side of the creek. There is currently no funding for the Tassajara Creek trail. In the meantime, staff asked Zone 7, the owner of Tassajara Creek, if it would allow public access on the existing gravel access road along this site, similar to what was done with the Archstone Apartments site and at other creek/arroyo locations in the City. Zone 7 indicated this would be acceptable subject to the terms of the existing license agreement between the City and Zone 7. To allow public access, the existing fences at both ends of the trail on Stoneridge Drive and West Las Positas Boulevard would need to be modified by installing pedestrian/bicycle openings. The applicant indicated that it is willing to install the fence modifications and a condition of approval addresses this item.

Therefore, staff believes that proposed project provides adequate improvements to facilitate access to the public trail system.

#### **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. The Code requirements and the proposed parking are indicated in the on the following page.

**Table 3: Project Parking Space Data**

<b>Parking Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>PMC Parking Standards:</b> <b>Apartment Units</b> 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.	<b>2 and fewer bedrooms:</b> 152 units = 230 spaces required  <b>3 or more bedrooms:</b> 16 units – 32 spaces required  <b>Total required:</b> <b>262 spaces</b>	262 spaces
At least one space per dwelling unit of the off-street parking required shall be located in a garage or carport.	169 spaces required	169
<b>Visitor Parking</b> Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided.	24 spaces required	24
<b>Total</b>	<b>286</b>	<b>286</b>

A total of 286 parking spaces are proposed on-site. A combination of 90 garages and 79 carports, provide for 169 covered spaces. The remaining 122 are uncovered surface stalls. Spaces on the neighboring site (ValleyCare Health System) as part of the Reciprocal Easement agreement (Exhibit G) account for 22 of the 122 uncovered stalls. The use of the 22 parking spaces by the residents will peak in the evenings and on the weekends when the residents are home (and the office use is closed), and the peak use of the parking spaces by the neighboring office use will be during normal weekday business hours (when residents are typically at work). There will also be 24 stalls designated for guest parking. The proposed project is parked at 1.70 spaces per unit.

The proposed design provides a parking capacity that meets the standards.

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 proposed project has parking that is located between the Community Center and the street frontage. The area between the parking and the street frontage has a slightly raised grade, in conjunction with heavy tree plantings (and existing trees) and screening shrubs to screen the views of the parking area.

The proposed design provides a parking screening that meets the standards.

**Noise**

Noise Exposure

External noise sources that could affect the site include traffic noise from Interstate 580 to the north, 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. 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.6) 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 would employ upgraded Sound Transmission Class (STC) rated 30 windows to achieve the required 26 dB noise reduction at the second-story facades located adjacent to or second-story windows that view West Las Positas Boulevard. Furthermore, all units on all floors would include air conditioning to allow occupants to close doors and windows as desired for additional acoustical isolation. Implementation of the upgraded STC rated 30 windows for the second and third stories of each building which have facades located adjacent to West Las Positas Boulevard, and incorporation of air conditioning for all units would ensure that interior noise levels would not exceed the 45 dB Ldn standard. The project design and associated traffic noise analysis fulfills the requirements of the Supplemental EIR (SEIR).

The acoustical analysis concluded that the proposed outdoor activity areas (swimming pool area, children's play area, and lawn area) of the development would be exposed to future traffic noise levels between 59 and 64 dB Ldn, below the 65 dB Ldn threshold identified in the SEIR. The submittal of the acoustical analysis fulfills the requirements of the SEIR.

#### Noise Impacts on Adjacent Properties

The development on the property will generate added urban noise, such as traffic, children playing, etc. However, given the existing noise levels produced by nearby street traffic and the existing commercial and office uses in the area, noise levels will not change substantially from that currently experienced in the area.

#### Traffic

Mitigation measures of the SEIR (MM4J-5a and 4.J-9) 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. To determine the project's potential contribution to offsite traffic noise impacts, a Traffic Noise Analysis was prepared by Bollard Acoustical Consultants, Inc. dated January 22, 2013 (Exhibit B.6). As indicated in the Traffic Noise Analysis, the existing traffic noise level on West Las Positas Boulevard, east of Hacienda Drive (directly in front of the project site) is 63 dB Ldn. The noise analysis concludes that the project-related traffic noise increase on this segment of roadway would be 0 dB Ldn. With no noise increase on the roadway in front of the project site, the noise levels related to the project are at least 10 dB below the existing traffic noise levels, i.e., 53dB Ldn or less. Because the project would not add traffic noise in excess of 55 dBA, an offsite noise study is not required<sup>2</sup>. As such, the proposed project would not substantially contribute to off-site traffic noise impacts in the existing plus project scenario.

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<sup>2</sup> according to Mitigation Measures 4.J-5a and 4.J-9 of the SEIR

### Construction

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 the south east side of the project (along West Las Positas Boulevard). The applicant is proposing to generally maintain the existing grades on the property. The haul route will be subject to the approval of the City Engineer. Parking lot and roof drainage would drain into a landscaped drainage basin that would filter contaminants before entering the arroyos and, ultimately, the bay. As conditioned, staff finds the proposed grading and drainage plan to be acceptable and in compliance with applicable stormwater runoff requirements.

### **Architecture and Design**

Given that the project is located within Hacienda Business Park and adjacent to an existing high density development, as well as on a major thoroughfare, staff feels that the buildings will need to be designed with a high quality visual image. Staff believes that the proposed buildings are generally well designed. The following items have been covered in the recommended conditions of approval:

- The use of high quality stucco treatment, such as the Santa Barbara style texture.
- The above-ground balconies need to contain detailed/framed-out arches.

At the Planning Commission work session, the consensus of the Commissioners was that the project was designed in the "Pleasanton Look" with a request by two Commissioners to consider revising/reducing the wrought-iron bars on the windows. The applicant has indicated that they would like to keep the windows as proposed. The applicant and staff have reviewed this request and believe that the bars add visual interest and variation that is difficult to achieve with the use of a neutral color palette and simple massing that is characteristic of the Mission style architecture. Therefore, the window bars are still incorporated in the proposed design.

Staff believes that the proposed buildings are well designed and articulated. The building designs are "four-sided" with no side minimized with respect to articulation or detailing. Portions of the building walls would pop-in or -out to provide variation in the wall plane and break up the building mass. The rooflines of the buildings are broken up to reduce the building mass and add interest. Building walls vary in materials and colors to provide variety and interest. The fabric awnings and wrought iron detailing enrich the quality of the architecture.

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**

No signage information has been provided for the apartment identification. A condition has been included that requires the applicant to submit a comprehensive sign program for the 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 (California Center, BRE Properties, and Windstar's PUD extension) were conditioned to provide Universal Design features for all of the required adaptable dwelling units. Staff has included 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 143 points. Some of the proposed green building measures include: installing water-efficient fixtures; exceeding Title 24 state energy conservation requirements by 18%; 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, several Strategies and Supporting Actions related to parking, transit use, water conservation, and energy conservation from the CAP are implemented in the proposed project or recommended conditions of approval.

### **School Impacts**

A condition of approval requires the project developer to work with the Pleasanton Unified School District and the City's 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 the parking planters, open space/recreation areas, and clubhouse/leasing office building. 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.

### **Tree Removal**

A tree report has been prepared 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 prepared by Hort Science (Exhibit B.2), the project site contains 137 trees, of which 55 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. A total of 78 trees are proposed for removal (eight are heritage trees). The remaining 59 trees (36 are heritage trees) would be preserved (total appraised value for the trees to remain is \$139,850.00). The preliminary landscape plan provides general information on the plantings for the open space areas and the development in general. The landscaping plan includes the planting of additional trees to offset the removal of mature vegetation and heritage trees.

The majority of the trees to be removed are ornamental species that were planted in 1983 with the development of the service building and parking lot area. Tree species to be removed include Silk tree, Italian alder, Chinese hackberry, Red river gum, Red ironbark, Raywood ash, Evergreen ash, Callery pear, Cost live oak, Valley oak, and Canary Island pine.



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 value of the eight heritage trees to be removed is \$13,150.00. The applicant would install a total of 155, 24-inch-box-sized trees with the proposed project. The installed value of the replacement trees (including labor to install, soil preparation, and tree stakes) is approximately \$98,425.00. Staff finds the tree replacement to be acceptable mitigation.

### **Affordable Housing and Housing Commission Recommendation**

The Housing Commission, at its May 2, 2013 meeting, will review Affordable Housing options to define an Affordable Housing Agreement (AHA) for the project. Please see the attached Housing Commission staff report for additional details and discussion on the proposed options (Exhibit D).

Staff is recommending Option 1 as it meets the Inclusionary Zoning Ordinance's (IZO) goal of 15% rent restricted units with variable area median income (AMI) levels (ranging from 50% AMI to 100% AMI). This option generally mirrors the affordability plan that was recently approved by the City Council for the California Center project. However, approximately half of the rent restricted units would be at the Moderate income level which is inconsistent with the IZO, which requires that they be very-low or low income level.

In accordance with the City's IZO, a developer's affordable housing proposal and related Affordable Housing Agreement is to be reviewed by the Housing Commission which shall make a recommendation to the City Council. As such, the Planning Commission does not have a defined role in the process and the proposed level of affordability is provided for informational purposes only. Since this Planning Commission staff report was written prior to the Housing Commission meeting, staff will indicate the outcome of the Housing Commission meeting at the Planning Commission hearing.

### **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 168 units be issued in 2013, thus the applicant's units would be used to meet the RHNA for the current cycle. The applicant will need to apply for and receive Growth Management approval by the City Council.

### **Developable Square Footage in Hacienda**

Hacienda Business Park received its original Planned Unit Development rezoning and development plan approvals in 1982. Several modifications to the PUD have been approved in the last 31 years that have modified the types of uses allowed in Hacienda as well as the developable square footage. Brief descriptions of the updates related to the developable square footage are listed below.

**Ordinance 1325** (Adopted August 4, 1987) - Approved the Phase 1 and Phase 2 development plans into a single combined project consisting of 833 acres. The total allowed square footage was not to exceed 11,755,000 square feet (excluding transit/public service center facilities and child day-care facilities).

**Ordinance 1456** (Adopted April 3, 1990) - Rezoned 12.4 acres to High Density Residential (HDR). The 11,755,000 square foot cap was not modified.

**Ordinance 1533** (Adopted January 7, 1992) – Rezoned 79 acres to HDR and reduced the maximum square footage allowed in Hacienda by 1,400,000 square feet (from 11,755,000 to 10,389,000 square feet) and prohibited the transfer of the office, commercial, and industrial building area from these 79 acres to other areas of the business park.

**Ordinance 1596** (Adopted June 15, 1993) – Redesignated 30 vacant parcels (approximately 280 acres) to a Mixed Office/Industrial Planning District (MOIPD) or a Mixed Commercial/Office/Industrial Planning District (MCOIPD) to allow more flexibility in uses, building height, FAR, parking, landscaping, etc. The total developable square footage in Hacienda was reduced to 9,889,000 square feet excluding residential areas, child day-care facilities, transit/public service center facilities, and BART stations and related facilities. In addition, a separate 4,623,000 square foot cap was established for the 30 parcels redesignated to MOIPD and MCOIPD excluding BART stations and related facilities.

**Ordinance 1637** (Adopted Sept. 6, 1994) – Added another Hacienda parcel to the 30 lots subject to the separate 4,623,000 square foot cap and increased this cap to 4,631,059 square feet. The total Hacienda building area cap of 9,889,000 square feet did not change.

As a result of Ordinance 1596, tracking of the 9,889,000 developable square feet in Hacienda needs to be done in two separate groups of properties: 1) the non-MOIPD and non-MCOIPD properties (commonly called pre-1993 properties) and; 2) the MOIPD and MCOIPD properties (commonly called post-1993 properties). The Nearon property is a pre-1993 property. The breakdown of the square footage allocated to each group is shown in the table below:

**Table 4: Square Footage Groups**

	<b>Total Square Feet Allowed</b>
Pre-1993	5,257,941
Post-1993	4,631,059
<b>Total</b>	<b>9,889,000</b>

Additionally, it is important to mention that the assumed development<sup>3</sup> of the subject site was 55,910 square feet of office. The proposed project eliminates the assumed office development and replaces it with 168 multi-family housing units, which has the office equivalent of 69,933 square feet. The subject site, by office equivalent, is only adding 14,000 square feet of area toward the cap. While Hacienda is nearing the cap, the addition of the 14,000 square feet of office equivalent is relatively minor (approximately 20 PM peak trips).

Roughly 552,000 square feet remains unassigned in Hacienda Business Park broken down for the two groups of properties as follows:

**Table 5: Unassigned Square Footage By Groups**

	<b>Total Sq Ft Allowed</b>	<b>Total Built or Approved Sq Ft</b>	<b>Total Remaining Sq Ft</b>
Pre-1993	5,257,941	4,864,392	393,549
Post-1993	4,631,059	4,472,4831	158,576
Total	9,889,000	9,336,875	552,125

The 552,000 square feet of unassigned capacity may change based on a few unresolved items: whether all residential uses are exempt from the cap and how and where to allocate excess capacity. There is language in Ordinance 1596 that indicates that all residential areas should be excluded from the calculation of the 9,889,000 square feet. However, it is unclear if the language relates to the existing and proposed residential projects in 1993 or if it also includes any future residential development in Hacienda. The issue of how to best treat the residential development against the cap needs to be resolved. Determinations are also needed on how and where the remaining square footage should be assigned (e.g., Should it remain first-come first-served with respect to its allocation? Should square footage in the pre-1993 area stay in the pre-1993 properties or could it move to post-1993 properties as long as the overall 9,889,000 square foot cap is maintained?). Staff is planning to bring these questions to Council this year to obtain direction.

At this time, staff believes it is acceptable to approve this project without these determinations made given that the City needed to allow residential on this site in order to meet its RHNA and, even if the City Council decides to count this project's 168 residential units towards the cap, it would still fit under the pre-1993 cap as shown in the table on the following page.

**Table 6: Square Footage Calculations Including Current Projects**

Total Remaining Square Feet for Pre-1993 Properties	393,549 sq. ft.
Recently Approved California Center Project: Project Total	134,433 sq. ft.
Proposed Anton Hacienda Apartment Project:	69,933 sq. ft. <sup>4</sup>
Pre-1993 Cap Remaining	189,183 sq. ft.

<sup>3</sup> Per the City's Traffic Model, which is updated every 3 to 4 years.

<sup>4</sup> Converted into office-equivalent square footage as follows: 168 units x 0.62 pm peak trips/unit = 104.2 pm peak trips. 104.2 pm peak trips x 1,000 sq. ft. of office/1.49 pm peak trips = 69,933 office sq. ft.

## **Hacienda Owners Association**

Hacienda Owners Association has authority to review and approve the proposed development before action is taken by the City. The approval letter from Hacienda Owner Association's General Manager, James Paxson, are attached as Exhibit H.

## **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 the office uses as well as retail and 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 a variety of uses: multi-story office buildings, medical offices, and other high density housing. The proposed residential use would be compatible with the surrounding uses. The building heights would be compatible with the multi-story office buildings adjacent to this site and the separation and landscape

screening mitigates the height difference from the proposed project and the residential development that is located across the street.

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>5</sup>, the project site is not located within a 100-year flood zone, but Tassajara Creek, 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.

**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.

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<sup>5</sup> Flood Insurance Rate Map 06001C0317G

**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 the subject property, that fulfills the desires of the applicant, and that meets the City's General Plan goals and policies. Moreover, input from the adjacent property owners has been sought and obtained through a Planning Commission work session; 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.

**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 Rezoning. 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 168 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 is 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 resolution recommending approval of Case PUD-81-30-87D, PUD development plan, subject to the conditions of approval listed in Exhibit A, and forward the application to the City Council for public hearing and review.

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**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL  
PUD-81-30-87D  
St. Anton Partners / Anton Hacienda Apartments  
May 21, 2013**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. The permitted uses for the Planned Unit Development – High Density Residential (PUD-HDR) zoned portion of the property shall include multi-family residential and a leasing office for the apartment complex.
2. The PUD development plan shall expire two years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued.
3. 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.
4. 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.
5. The applicant/developer shall pay the applicable in-lieu park dedication fees. In accordance with the letter dated May 15, 2013 from St. Anton Partners these fees may be used for improvement at Bernal Park.
6. 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.
7. The terms for the affordable housing proposed by applicant shall be reviewed by the Housing Commission which shall make a recommendation to the City Council whether to accept, reject, or modify the terms. As a condition of approval, the City

Council may require that terms of affordability be included in an Affordable Housing Agreement.

8. The project shall meet all requirements of the City's Growth Management Ordinance, as described in a Growth Management Agreement for the project.
9. The carport design shall be shown on the plans submitted for issuance and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
10. Prior to occupancy, the applicant/developer shall install improvements as required by Zone 7 to allow public access to the existing gravel path located on the east side of Tassajara Creek from West Las Positas Boulevard, Stoneridge Drive, and the project parking lot., including the installation of a pedestrian gates. Details of said improvements shall be shown on the plans submitted for issuance and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
11. The parking/storing of boats, campers, recreational vehicles, and/or trailers on site or in any parking space (i.e., carport, garage, or uncovered space) shall be prohibited. The garages and carports shall not be modified or used for storage in a manner that would interfere with the ability to park cars within the garage. In addition, the storage of materials in the carports or uncovered parking spaces shall be prohibited. The applicant/property manager shall be responsible for enforcing these restrictions, which shall be stated clearly in all leases.
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. A total of seven (7) bike racks for public use shall be install within the project, consistent with the Design Standards requirements. The location and typical installation details of said bike racks 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 high quality stucco treatment, such as the Santa Barbara style texture. 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 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.
16. The applicant/developer shall not install hose bibs at the project site which could be used by residents to wash vehicles. Should the applicant/developer wish to have a designated area to wash vehicles on-site, the applicant/developer and/or responsible party shall submit improvement and design plans of the wash area to the Planning Division for review and approval prior to designating, constructing, and/or allowing vehicles to be washed on-site.
17. The applicant/developer shall install STC rated 30 windows in all second floor facades located adjacent to West Las Positas Boulevard and all second-floor windows from which West Las Positas Boulevard is visible and shall install air conditioning for all units to ensure that interior noise levels would not exceed 45 dB Ldn. The STC rating for all windows and installation of air conditioning for all units 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.
18. 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.
19. 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.
20. 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.
21. The developer and/or property management shall use reclaimed water 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 water.

22. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
23. All trash and refuse shall be contained completely within the approved trash enclosures. Trash containers shall be stored within the trash enclosures at all times, except when being unloaded. The trash enclosures shall be sized to accommodate trash, recycling, and green waste containers. Elevation drawings and plan details, including color and material of the enclosures noted, shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
24. 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.
25. Prior to installation of any apartment project identification signs, a comprehensive sign program shall be submitted for review approval by the Director of Community Development.
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. No stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
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 Tassajara Creek, 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. 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 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. The leases for the apartment units shall include a disclosure of possible noise sources in the project vicinity. In addition, the applicant/developer shall establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints. The disclosure and procedures shall be submitted to the City Attorney for review and approval before leasing the first apartment unit.
38. 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.
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 Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Requirements. 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 the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.
  - a. Irrigation system shall meet all requirements for compatibility with future recycled water supply per City of Pleasanton Recycled Water Standards.
  - b. The final landscape plan shall be revised to reflect the following changes:
    - i. Under the Planting Plan: eliminate tree selection of *Sapium sebiferum* (Chinese tallow)
    - ii. Irrigation Note on LI.4 #4 should be changed to "per City of Pleasanton Recycled Water Specifications"
    - iii. Planting Notes on LI.4 #2 should be changed to "Planting to comply with Bay Friendly Basics Landscaping Requirements"

42. Unless otherwise shown on the approved PUD landscape plan, all trees used in landscaping be a minimum of 24" box in size and all shrubs a minimum of five (5) gallons.
43. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.
44. Water conservation devices shall be installed as part of the proposed project. The water conservation devices shall be stated on the plans submitted for the issuance of a building permit.
45. Energy Star appliances shall be installed in each apartment unit if available. The proposed appliances shall be stated on the plans submitted for the issuance of a building permit.
46. Each residential unit shall be sub-metered for sewer and/or water billing purposes.
47. Developer acknowledges and has demonstrated to the City that the affordable units provided for in the Affordable Housing Agreement are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code section 1954.50 and based upon the parties negotiating and entering into an Affordable Housing Agreement. Through this Affordable Housing Agreement and City's concurrent approval of Developer's project, Developer is receiving valuable consideration from City, namely the rights and entitlements conferred by such project approval and the Affordable Housing Agreement.
48. The applicant/developer shall provide two electric vehicle charging stations in the tenant parking area. The charging stations shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
49. The applicant/project developer shall install onsite electrical generation in the community/leasing center building to provide sufficient electrical power for the community's site lighting.
50. The applicant/project developer shall develop and implement measures that will achieve 25 percent better energy efficiency for the project over that required by T-24. The method used and plan details shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
51. The applicant/project developer shall incorporate solar tubes, skylights, and/or other daylighting systems, subject to the satisfaction of the Director of Community

Development, within the design of the community/leasing buildings. The method used and plan details shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.

52. The applicant/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.

### **Engineering Division**

53. The applicant/developer shall conduct a hydraulic analysis of the existing storm drain laterals stubbed to the site to ensure there is adequate capacity for the project. Said study shall be included with the plans submitted for plan check.

### **Traffic Division**

54. The Project Developer shall pay any traffic impact fees for the subject use as determined by the City Traffic Engineer. This fee shall be paid prior to issuance of a building permit and/or prior to operation.
55. Comprehensive traffic control measures shall be implemented, 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.
56. The haul route for all materials to and from this development shall be approved by the City Traffic Engineer prior to the issuance of a permit, and shall include the provision to monitor the street surfaces used for the haul route so that any damage and debris attributable to the haul trucks is identified and corrected at the expense of the project applicant or developer.
57. The Project Developer shall modify plans to install all way stop signs and legends at the eastern internal intersection (adjacent to the ValleyCare Health Systems site) to provide improved access between the existing development and the proposed development.
58. The Project Developer shall modify the existing parking spaces adjacent to ValleyCare Health Systems' main entrance to bring ADA parking stall numbers to current standards (16 new ADA spaces).

59. Unless otherwise approved by the Director of Community Development, all new parking spaces and drive aisles shall conform to the dimensions required by the Housing Site Development Standards and Design Guidelines. Plans submitted to the Building Division for permits shall have the dimensions noted on the plans.
60. The applicant shall design and construct a driveway entrance on West Las Positas Boulevard for right in right out access to the ValleyCare Medical plaza building site (5725 West Las Positas Boulevard), approximately 175 feet to the west of intersection of Stoneridge Drive and West Las Positas Boulevard. The driveway will require the relocation of the bus stop/pullout and may require the relocation of a fire hydrant. The interior of the lot shall be modified as necessary to allow for proper egress from the new driveway. Said driveway and site improvements shall be incorporated into the plans submitted for a building permit and are subject to the approval of the Director of Community Development. The driveway and related improvements shall be installed prior to final inspection of the apartments.
61. The Project Developer shall work with the adjacent property owner at 5725 West Las Positas Boulevard (ValleyCare Health System) and the City Traffic Engineer to modify the existing parking stalls, drive aisles and signage between the ValleyCare Medical Plaza building and Tassajara Creek so that Project related traffic does not unreasonably interfere with the uses on the ValleyCare property, as determined by the Director of Community Development. All modifications shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance. Said modifications shall be installed prior to final inspection of the apartments.

### **Fire Department**

62. 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).
63. Valve tamper and water flow shall be monitored by an approved supervising station in accordance with NFPA 72 and the California Fire Code.

64. 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 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.

### **Building and Safety Division**

65. The principles of Universal Design shall be incorporated into the apartment units wherever possible. Unless otherwise determined by the Chief Building Official, all required adaptable dwelling units shall provide the following features:

- a) Audible & visual doorbell within unit.
- b) Balcony/patio at same floor level as unit.
- c) Windows for viewing shall have a 36" maximum sill height.
- d) 44" minimum hallway width and 32" minimum clear door opening width for all doorways within units.
- e) Lever type handles on all doors.
- f) An 18" minimum clear floor space beside door on pull side at latch jamb.
- g) All receptacle or other outlets, 18" minimum height above finished floor.
- h) Rocker type light switches 40"- 48" above finish floor, and thermostats 48" maximum height.
- i) Variable height (28"- 42") work surfaces such as cutting boards, countertops, sinks, and/or cooktops.
- j) Loop handle pulls on drawers and cabinet doors or touch hardware - no knobs.
- k) Full-extension, pull-out drawers, shelves and racks in base cabinets.

- l) Full height pantry storage with easy access pull-out and/or adjustable height shelves.
- m) Front-mounted controls on all appliances.
- n) Adjustable height closet rods and shelves.
- o) Single-lever water controls at all plumbing fixtures and faucets.
- p) Hand-held adjustable shower head.
- q) Blocking in walls around toilet, tub, and shower for future placement and relocation of grab bars.

66. All ground-floor dwelling units and all dwelling units served by an elevator shall be adaptable and on an accessible route, as defined by the California Building Code Chapter 11A.

## **STANDARD CONDITIONS**

### **Planning Division**

67. Development shall be substantially as shown on the development plans, color/material board, Multifamily GreenPoint Checklist, and related materials such as the traffic noise analysis and tree report, Exhibit B, 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.

68. 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.

69. 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.

70. 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.

If required by PUSD, as part of the program developed to offset this project's long term effect on school facility needs in Pleasanton, the applicant shall pay to PUSD the school impact fees and supplemental mitigation amounts that PUSD has in place at the time the applicant files an application for a building permit for this project.

71. 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.

72. 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.

73. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.

74. 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.

75. Before project final, all landscaping shall be installed and reviewed and approved by the Planning Division.
76. 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.
77. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
78. 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.
79. The project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc., dated "August 16, 2012." No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
80. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report. 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 two years following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.

81. 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.
82. 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.
83. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
84. 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.

### **Community Development Department**

85. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

### **Landscaping**

86. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas included in this project will be maintained at all times in a manner consistent with the approved landscape plan for this development. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.
87. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
88. 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.
89. 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.
90. 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**

91. 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**

92. 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.
93. 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.
94. 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**

95. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
96. The project developer shall grant an easement to the City over those portions of the parcel needed for public service easements (P.S.E.) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.
97. 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.

98. 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.
99. The project developer shall include erosion control measures, prepared and signed by the Qualified Storm Water Pollution Prevention Plan Developer (QSD), on the 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.
100. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
101. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
102. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
103. Where the existing streets are widened, the curb and gutter along the street shall have a sub drain installed at either the back of the curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.
104. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
105. 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.

106. The building permit plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
107. 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.
108. 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.
109. 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.
110. 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.

### **Fire Department**

111. All 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.
112. 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.
113. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
114. 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.

115. 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.
116. 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.
117. 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.
118. 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.
119. 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.
120. 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**

- 121. 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.
- 122. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
- 123. 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 Appendix K 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.

124. 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**

125. 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.

126. 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.
127. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
128. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

### **Fire Department**

129. 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.
130. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA 13R for multifamily residential occupancies.
131. 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.
132. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant/developer is responsible for obtaining approval for the location and the number of boxes from the Fire Prevention Bureau. Information and application for the Knox Box is available through their website or the Fire Prevention Bureau. The applicant/developer and/or responsible party shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
133. 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.

134. 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.

135. 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.

136. 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**

137. 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/stormwater/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml)

### **Design Requirements**

138. 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.

139. 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 State Water-Efficient Landscape Ordinance Bay-Friendly Basics Landscaping Requirements.
  - 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.

140. The developer or applicant shall install trash capture devices within the project's storm drain inlets or storm drain piping to capture trash within the development. These devices shall trap particles of 5mm or greater and have treatment capacity not less than the peak storm from a "one year, one hour" event within the drainage area. The developer's or applicant's engineer shall submit calculations and product

submittals to the City Engineer for review and approval prior to the issuance of a grading or building permit, whichever is sooner.

### **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/finalconstpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf)*

141. 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 in 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.

142. 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.

### **Operation and Maintenance Requirements**

*The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as commercial, industrial, residential subdivision, mixed use, or public projects) that create and/or replace 10,000 square feet or more of impervious areas (5,000 square feet for auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots) 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 City.*

143. 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.

144. 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}