

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL  
PUD-85-08-1D-4M  
California Center  
March 27, 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 and, for the two retail buildings shown on the development plan, the permitted, conditionally permitted, and expressly prohibited uses indicated below:

**Permitted Uses**

- Art galleries, art supply, hobby and toy stores
- Bicycle shops/repair
- Bookstores, newsstands and music stores
- Clothing, shoe and accessory stores
- Convenience market (limited to the hours of 6 a.m. to 10 p.m.)
- Office supply, copying and similar business services
- Delicatessen stores
- Drug stores and prescription pharmacies
- Farmers Market
- Financial institutions – banks, savings and loans, credit unions
- Florists
- Gift shops
- Grocery Stores
- Gyms and health clubs
- Hardware stores
- Instruction and tutoring, 20 or fewer students at any one time
- Jewelry stores
- Laundries and dry cleaners
- Medical and dental offices
- Personal services (spas, nail and hair care)
- Pet and bird stores
- Photographic studios
- Post offices and private mailing services
- Professional Offices and Services (Accountant, Lawyer, Architect, Educational/training, etc)
- Recreation and sports facilities, indoor,

- Restaurants, cafes, take-out, and other ready to eat food not including drive-through facilities
- Shoe or watch repair shops
- Specialty retail stores
- Sporting goods stores, no firearms sales
- Tailor or dressmaking shops
- Other Uses - Uses similar in nature to any of the above, subject to the approval of the Director of Community Development

**Conditional Uses**

- Childcare centers
- Liquor stores
- Bars (as defined in the Pleasanton Municipal Code)
- Wine bars and wine sales
- Any permitted use from the list above that is proposed to have normal business hours between 10 p.m. and 6 a.m.
- Uses similar in nature to any of the above, subject to a finding and permit from the Planning Commission

**Expressly Prohibited Uses**

- Cigarette stores
- Adult bookstores

2. The PUD development plan and major modification shall expire two years from the effective date of this ordinance or later as approved by a development agreement unless a building permit is issued and construction has commenced and is diligently pursued. In the event of a conflict between any of these PUD conditions of approval and a development agreement for the project, the terms and conditions of the project development agreement shall govern.
3. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits or as provided for in a development agreement. The type and amount of the fees shall be those in effect at the time the permit is issued unless otherwise provided in a development agreement covering the project.
4. 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.
5. Prior to issuance of a building permit, the applicant/developer shall pay the applicable City and Tri-Valley regional traffic impact fees for the project as

determined by the City Traffic Engineer, or as identified in a project development agreement.

6. The applicant/developer shall pay the applicable in-lieu park dedication fees.
7. 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.
8. 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.
9. The project shall meet all requirements of the City's Growth Management Ordinance, as described in a Growth Management Agreement for the project and the project Development Agreement.
10. Prior to issuance of a building permit, the applicant/developer shall submit a phasing plan for the project subject to the review and approval by the Director of Community Development. The phasing plan shall include plans/details showing that adequate parking will be maintained for the existing office uses on the subject property during the construction of the residential and retail portions of the project.
11. Details and location of the wood screen wall shown on Sheet A5-1 of the development plans shall be submitted in conjunction 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.
12. The carport colors shall be subject to the review and approval by the Director of Community Development prior to painting. The carport colors shall match and/or complement the apartment building colors.
13. Prior to occupancy, the applicant/developer shall install a pedestrian gate within the existing fencing at either end of Tassajara Creek on Rosewood Drive and Owens Drive. In addition, the applicant/developer shall provide trail connections between the existing Zone 7 gravel access road along the west side of Tassajara Creek and the two trail connections on the CA Center property. 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.

14. 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 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.
15. Details of how the shared office/apartment parking spaces will be identified and regulated shall be provided with the plans submitted for issuance of building permits. Said details shall be subject to the review and approval by the Director of Community Development prior to occupancy of the apartment project.
16. The applicant/developer shall provide carpool/vanpool spaces in the office parking areas consistent with the number required by the Hacienda Guidelines. Said spaces shall be signed/striped in compliance with the Hacienda Guidelines. The office carpool/vanpool parking spaces shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
17. All 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.
18. The apartment windows shall be “punched” in from the exterior building wall or defined by well-designed trims subject to the satisfaction of the Director of Community Development. Window specifications and typical installation details shall be included with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
19. The individual ground floor unit entries for the apartments shall be modified to be more prominent subject to the satisfaction of the Director of Community Development. Said modification shall be shown 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.
20. The reveals for the stucco and smooth cementitious panels shall be substantial enough to be discernible subject to the satisfaction of the Director of Community Development. Details of the reveals shall be shown 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.

21. 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.
22. The outdoor dog wash station shall be roofed and drain to the sanitary sewer system. The location and design of the dog wash station shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.
23. 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.
24. 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.
25. 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.
26. 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.
27. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
28. 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.

29. The applicant/developer shall install trash and recycling receptacles within the retail plaza and within the sidewalk area in front of the retail buildings. The trash receptacle design and locations shall be shown on the plans submitted for issuance of building permits and shall be subject to review and approval by the Director of Community Development prior to issuance of building permits for the project.
30. 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.
31. Except for the speed tables required by the conditions of approval, no speed tables or speed bumps shall be placed within the drive aisles of the project site unless otherwise approved by the Director of Community Development and Fire Chief.
32. The applicant/developer shall install a pedestrian-scale, lighted complex directory sign near the main driveway showing the location of apartment building clusters, addresses, units, parking areas, etc. Prior to the installation, the developer shall submit the design and location of the directory sign to the Director of Community Development for review and approval.
33. Prior to installation of any retail tenant or apartment project identification signs, a comprehensive sign program shall be submitted for review approval by the Director of Community Development.
34. Details and locations of the planter areas, planter pots, and enhanced paving near the retail storefronts shall be submitted in conjunction 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.
35. Outdoor dining furniture may be installed for the retail building tenants. The final design and location of the retail furniture shall be submitted for review and approval by the Director of Community Development prior to installation. A four-foot (48 inches) unobstructed sidewalk clearance shall be maintained at all times from any portion of the dining furniture, and a minimum unobstructed clear area

shall be maintained around the business entrances which extends two feet beyond each door jamb and eight feet perpendicular from a door in a closed position.

36. Restaurant/food service tenants with cooking facilities shall be equipped at all times with filtering devices to minimize odors and fumes. Details of said devices shall be shown on the tenant improvement plans submitted for issuance of building permits and shall be subject to review and approval by the Director of Community Development and Chief Building Official prior to issuance of building permits for the tenant improvements.
37. There shall be no truck deliveries, parking lot sweeping, or leaf blowing between the hours of 10:00 p.m. and 6:00 am.
38. Only modular newspaper dispensers accommodating more than one newspaper dispenser shall be allowed outside of the buildings within the development. The design of these dispensers shall be approved by the Director of Community Development. Dispensers within the public right-of-way shall require an encroachment permit by the Engineering Division.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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
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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.

46. 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.
47. 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.

- 48. 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.
- 49. 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.
- 50. 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.
- 51. 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.
- 52. The locations of the proposed electric vehicle 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.
- 53. The locations of the proposed light-colored paving material for streets and parking areas 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.

54. The applicant and/or 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.
55. The applicant and/or project developer shall develop and implement a program for reclaimed water, grey water, and/or rainwater harvesting systems for the subject site to the satisfaction of 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.
56. 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.
57. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. A licensed landscape architect shall verify the project's compliance with the ordinance and checklist: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
58. 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.
59. Unless otherwise shown on the approved PUD landscape plan, all trees used in landscaping be a minimum of fifteen (15) gallons in size and all shrubs a minimum of five (5) gallons.
60. The apartment buildings shall be constructed to allow for future installation of a Photovoltaic (PV) system and solar water heating systems. The project applicant/developer shall comply with the following requirements for making all apartment buildings photovoltaic-ready and solar-water-heating-ready:
  - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;
  - b. An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current;

- c. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a prototypical photovoltaic system beyond that anticipated for roofing;
- d. Plumbing shall be installed for solar-water heating; and
- e. Space shall be provided for a solar-water-heating tank.

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

- 61. Energy efficient lighting shall be installed for the retail buildings. The energy efficient lighting shall be shown on the plans submitted for the issuance of a building permit.
- 62. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.
- 63. Water conservation devices shall be installed as part of the apartment complex and retail building projects. The water conservation devices shall be stated on the plans submitted for the issuance of a building permit.
- 64. A minimum of one appliance or system shall be installed in each apartment unit that meets Energy Star standards. The proposed appliances shall be stated on the plans submitted for the issuance of a building permit.

### **Engineering Division**

- 65. If a restaurant/food preparation facility occupies any of the buildings within this development, the private sanitary sewer lateral from the building shall have a grease interceptor installed on the building lateral.
- 66. Restaurant/food service tenants shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by Dublin-San Ramon Services District (DSRSD), or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control, such as a sand filter or oil/ water separator, shall be used and a sign shall be posted prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Chief Building Official. The project developer, property owner, and/or restaurant/food service owner shall instruct employees to conduct all washing activities in this area.
- 67. The applicant/developer shall conduct a sewer study to determine if there is adequate capacity within the local sewer system for this project. Said study shall be included with the plans submitted for plan check and shall be conducted by a qualified consultant acceptable to the City Engineer with the exact limits of the



study determined by the City Engineer. If the sewer study shows capacity deficiencies in the existing local sewer collection system for the project, then the applicant's/developer's engineer shall determine the number of units that can be permitted without exceeding the existing local sewer line capacity (up to the point discharging into the East Amador Trunk Sewer) and shall propose sewer system mitigations to correct the deficiency for the balance of the units. Both the number of units allowed under the existing conditions and the proposed mitigations shall be reviewed and approved of the City Engineer prior to issuance of the first building permit. Once the sewer system mitigations, if needed, are approved by the City Engineer, the applicant/developer shall complete said mitigations prior to occupancy of the units requiring the mitigation. If this mitigation benefits other future projects, then the applicant/developer may enter in to a reimbursement agreement to obtain pro-rata payment for constructing said improvements from other benefitting projects.

68. 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.
69. It is recommended that the minimum slope of the street gutters be increased to 0.0075 rather than 0.005 to eliminate ponding because of the expansive soil.
70. The grading adjacent to the trash enclosures shall be revised as necessary to ensure that storm water does not flow into the trash enclosure areas.
71. The proposed retail buildings shall have a minimum of one master water meter per building. It is recommended that each tenant space be sub-metered for sewer billing purposes.
72. The retail buildings shall connect to the public sanitary sewer via a separate service lateral from the residential development.
73. The applicant/developer shall pothole each utility lateral/main stubbed to the property to verify the laterals/mains have not been abandoned. This work shall be done prior to formal submittal of improvement plans for the development.
74. The applicant's/developer's engineer shall prepare all necessary plots and legal descriptions necessary for the City to abandon portions of the existing Public Service Easements (PSEs) on Owens Drive and Rosewood Drive. The final location of the PSEs shall be determined by the City Engineer.

### **Traffic Division**

75. The eastern Owens Drive driveway shall be widened to 37 feet consisting of one 15-foot wide ingress lane and two 11-foot wide egress lanes extending 50 feet into the site as measured from the end of the driveway radius. Said modification shall be shown on the plans submitted for issuance of building permits and shall

be subject to the review and approval by the Traffic Engineer prior to issuance of building permits for the project.

76. The main project entry driveway on Owens Drive shall be striped with one 16-foot wide entrance lane and one 12-foot wide exit lane. The striping for said driveway shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Traffic Engineer prior to issuance of building permits for the project.
77. The applicant/developer shall extend the Rosewood Drive bus turnout by the retail driveway northerly to provide an 80-foot long parking bay excluding the taper. Said improvement 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 Traffic Engineer prior to building permit issuance.
78. The applicant/developer shall paint "Bus Only" pavement legend and edge of roadway pavement markings to guide vehicular traffic away from the bus bay located at the retail project driveway exit on Rosewood Drive. These items shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Traffic Engineer prior to issuance of building permits for the project.
79. Comprehensive traffic control measures shall be implemented during construction, including scheduling of major truck trips and deliveries, to avoid peak travel hours. If necessary, as determined by the Traffic Engineer, proper lane closure procedures such as flagger stations, signage, cones, and other warning devices shall be implemented during construction.
80. The Creek Trail ¼ mile route markers shown on Sheet L1.17 of the development plans may be installed at the discretion of the applicant/developer. If the applicant/developer decides to install said route markers, the applicant/developer shall obtain approval from Zone 7 prior to installation. Written proof of compliance with this condition shall be provided by the applicant/developer to the City.
81. Unless otherwise approved by the Director of Community Development, all new office parking spaces shall conform to the dimensions required by the Hacienda Design Guidelines. Plans submitted to the Building Division for permits shall have the dimensions noted on the plans.
82. The applicant and/or responsible party shall maintain landscaping at all project entrance/exits, including the easterly Owens Drive driveway intersection, to maintain sight distance by keeping shrubs no higher than approximately 30 inches and tree canopies approximately six feet from the ground.
83. All applicable building permit plan sheets shall be modified to show two crosswalks in the eastern drive aisle as shown on the PUD landscape plans. The

southernmost crosswalk in the eastern drive aisle shall include a speed table to slow vehicular traffic. Said modifications shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Traffic Engineer prior to issuance of building permits for the project.

84. The applicant/developer shall modify the submitted plans to include an enhanced pedestrian crossing through the retail parking lot; this design shall include a speed table to control vehicle speed and encourage pedestrian activity. Said modifications shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Traffic Engineer prior to issuance of building permits for the project.

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

85. The buildings and parking garage 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).
86. Valve tamper and water flow shall be monitored by an approved supervising station in accordance with NFPA 72 and the California Fire Code.
87. 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**

88. 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, at a minimum, 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 44"- 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.
89. 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**

90. Development shall be substantially as shown on the development plans, color/material board, Multifamily GreenPoint Checklist, and related materials such as the noise analysis and tree report, Exhibit B, dated "Received" October 3, 19, and 25, 2012, and January 9 and 10, February 4, and March 5, 2013, 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.
91. 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.
92. 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.

93. All Residential Units: 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 the 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 the 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.

Retail Buildings: Prior to issuance of a building permit, the applicant shall pay the required commercial development school impact fee as prescribed by State law and as adopted by the Pleasanton Unified School District.

94. 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.

95. 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.
96. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.
97. 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.
98. Before project final, all landscaping shall be installed and reviewed and approved by the Planning Division.
99. 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.
100. The developer and/or property management are encouraged to use reclaimed gray water, rain water, etc., for landscape irrigation. If used, the details shall be shown on the permit plan set to the satisfaction of the Director of Community Development before issuance of a building permit.
101. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
102. 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.
103. The project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc., dated "October 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.

104. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report. In addition, tree nos. 475-481, 493, 494, 511, 512, 521, 522, and 715 (as numbered in the October 2012 tree report) may be removed, if necessary, to accommodate the project. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.
105. 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.
106. 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.
107. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
108. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.

### **Landscaping**

109. 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.
  110. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
  111. 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.
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112. 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.
113. 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**

114. 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**

115. 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.

116. 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.
117. 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**

118. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
119. 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.
120. 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.
121. 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.

122. 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.
123. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
124. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
125. 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.
126. 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.
127. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
128. 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.
129. The building permit plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
130. 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.

131. 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.
132. 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.
133. 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.

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

134. All commercial and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company UL certificate.
135. 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.
136. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
137. 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.
138. 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.
139. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPPD prior to commencing operations. Please contact the Hazardous Materials Coordinator at (925) 454-2361.

140. 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.
141. 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.
142. In commercial development, fire hydrants shall be installed at spacing not greater than 300 feet. In residential development, hydrant spacing shall be at 400 feet.
143. 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.
144. 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**

- 145. 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.
- 146. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
- 147. 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.
- 148. 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.)*

### **Planning Division**

149. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060 K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

### **Building and Safety Division**

150. 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.
151. 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.
152. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
153. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

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

154. 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.

155. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies, NFPA 13D for residential occupancies, and NFPA 13R for multifamily residential occupancies.
156. 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.
157. 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.
158. 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.
159. 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.

160. 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.
161. 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**

162. 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**

163. 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.
  164. 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
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- shall be designed to maximize stormwater entry at their most upstream point. The grading and drainage plans shall be subject to the review and approval of the City Engineer prior to the issuance of a grading or building permit, whichever is sooner.
- b. In addition to natural controls, the project developer may be required to install a structural control(s), such as an oil/water separator(s), sand filter(s), or approved equal(s) in the parking lot and/or on the site to intercept and pre-treat stormwater prior to reaching the storm drain. The design, location(s), and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. The structural control shall be cleaned at least twice a year (once immediately prior to October 15 and once in January).
  - c. The project developer shall submit to the City Engineer the sizing design criteria and calculations for a hydromodification facility, if required, and for the treatment of stormwater runoff. The design criteria and calculations shall be subject to the review and approval of the City Engineer and shall be submitted prior to the issuance of a grading or building permit, whichever is sooner.
  - d. Building/Structures shall be designed to minimize the occurrence and entry of pests into buildings, thus minimizing the need for pesticides, as determined by the Chief Building Official prior to the issuance of a building permit.
  - e. The project's landscape and irrigation plans shall be designed to: 1) minimize the use of fertilizers and pesticides that can contribute to stormwater pollution; and 2) promote surface infiltration. Prior to the installation of project landscaping and irrigation, the project landscape architect shall submit a landscaping and irrigation plan to the City Engineer for review and approval and submit written verification stating the project incorporates the following:
    - i. Plants tolerant of saturated soil conditions and prolonged exposure to water in areas that provide detention of water.
    - ii. Plants and soil amendments appropriate to site specific characteristics such as topography and climate.
    - iii. Landscaping and irrigation consistent with Bay-Friendly Landscaping.
    - iv. Water conservation techniques to promote surface infiltration.
  - f. Trash dumpsters and recycling containers shall be in an enclosed and roofed area to minimize water flowing in and from the area and to contain litter and trash to minimize disbursement by the wind or runoff. These areas shall not
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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.

165. 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)

166. 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.

167. 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.

168. 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.

169. 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}

**P12-1220, Pleasant Partners, LLC/RREEF America, LLC**

**Work Session to review and receive comments on a preliminary application to construct 305 apartment units, two retail buildings totaling approximately 7,520 square feet, new surface parking and a parking garage to serve the existing office uses, and related site improvements at the California Center property at 4400-4460 Rosewood Drive. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) and PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) Districts.**

Steve Otto presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner O'Connor inquired what the parking ratio came out to with the addition of the one additional parking space.

Mr. Otto replied that the Standards require 1.5 spaces per unit for the residences, and 1 guest space per 10 units.

Commissioner Blank inquired what a Class I bikeway is as opposed to a Class II.

Mr. Otto explained that the Class I bikeway that was approved in the Pleasanton Pedestrian and Bicycle Master Plan is a ten-foot paved bikeway, with four feet of decomposed granite on the side.

Chair Pentin added that would be two feet on each side.

Commissioner Blank noted that the design is a little weak on the Pleasanton look.

**THE PUBLIC HEARING WAS OPENED.**

Martin Inderbitzen, representing the Applicant, stated that the property owner is represented tonight by Mark English. He thanked Mr. Otto for doing a very complete and thorough job describing the project and that his team, who is also present tonight, will try not to repeat any of it as they present additional information to get more flavor for the project.

Mr. Inderbitzen stated that, as mentioned by Mr. Otto, this site was originally one of the sites of the PacBell break-ups and became AT&T about 25 years ago, pretty much with the beginning of the Hacienda Business Park. He noted that Hacienda Business Park's design during those early years was really kind of internal-faced, and as an office/campus site, this site fits that mold with big thoroughfares going through the Business Park and big setbacks around the perimeter of the site.

Mr. Inderbitzen stated that the owners of this project acquired the site about seven years ago, and they would like to bring it up to date, more into the 21<sup>st</sup> century. He continued that this dovetailed with the City's Housing Element Update and the

Transit-Oriented Program that Hacienda went through just before the Housing Element Update, and the 8.4-acre site was identified as a potential housing site. He indicated that the concept they kicked this project off with was, first, to update and reinvigorate the site; and second, to kind of reverse the trend from an internal-facing site to an external-facing, more inviting site which presents its own challenges not only within the Hacienda Business Park Design Guidelines and the CC&R's but also with the rest of the PUD overlay.

Mr. Inderbitzen stated that the other challenge which Mr. Dolan had set out for them right from the outset was that if they were going to put 8.4 acres of residential on this site with 300 apartment units or 305 units and a retail site, they do not want to have a segregated site from the existing campus office such that they would be turning their back on it with a sound wall or something similar that might eventually happen. He noted that their challenge was to fully integrate the retail and the residential into the campus office so they relate together in a nice, cohesive way, and their design team did a pretty good job of that.

Mr. Inderbitzen stated that they have spent quite a bit of time with Mr. Dolan and his staff, who were very insightful, very helpful, and very cooperative in identifying issues and working through those issues with them. He added that it was a pretty expeditious process, and what took time was the City's process, including the updating of the Housing Element.

Mr. Inderbitzen indicated that they are pretty much in agreement with just about everything that staff has said about the project. He noted that they have worked through virtually everything, including a good understanding of what the requested exceptions are. He noted that he did not hear staff's support for the garage setbacks but believes staff likes the way they dealt with that treatment.

Mr. Inderbitzen then introduced Padru Kang, Project Architect, from Dahlin Group; David Gates, Landscape Architect, from Gates + Associates; Brock Roby, Project Engineer, from BKF Engineers; and Todd Regonini and Brett Leon, Development Managers from the Sares Regis Group.

Chair Pentin disclosed that he met with Mr. Inderbitzen regarding this project.

Commissioners Olson and Narum indicated that they have also met with Mr. Inderbitzen.

John Thatch, Design Partner for Dahlin Group located at 5865 Owens Drive in Pleasanton, stated that this site has been very important to them for several years. He noted that working with Mr. Dolan Brian and his staff has gone far in really creating a pedestrian atmosphere for the project. He indicated that the key on this site is that it is in the middle of everything with apartments around it, parks such as the Paseo Park that goes along the creek, a hospital, and all types of different retail and schools, making it



an ideal spot to create a mixed-use project and change the scale of Owens Drive to make it more inviting and more pedestrian.

Mr. Thatch stated that what they have achieved and are doing on the site is creating connections back to the center, to the office park, to the retail, and the creek. He added that the 1.5-mile trail surrounding the whole site will also make connections to the parks and the paseos and will enhance the project. He indicated that creating the corner plaza can engage more pedestrian activities so that it is more people-activated on that edge. He continued that coming down the street, they created the architecture that brings the entries closer to the street to make it more interesting as well as an interesting drive street line that relates back to the center and makes the connection to the corporate center.

Mr. Thatch stated that they have the taller building, the podium building, farther down, which is set a little bit farther back. He added that they have also created a plaza and garden areas in front of those units as well as stoops and front porches to activate it and bring people to the street and create a more pedestrian environment in the architecture and the character of the land plan. With respect to the retail area, he indicated that they have broken the buildings in order to create this energy and connection back to the center of the project, the residence, the retail, the office building, and the plaza area out there.

Mr. Thatch stated that their buildings around the retail have three- and four-sided architecture with entries on both sides from the parking lot and the street, making it a very engaging building to the street and to the neighborhood. He added that they are working with the trees and some of the landscape elements from Bishop Ranch, but this will be a little bit smaller than before in order to create the plaza behind it for a little more security away from the street while still being able to activate it to have a pleasant place for people to sit and see things going by. He continued that the architecture is more contemporary in nature, and the retail area is eclectic with a residential mix to it.

Mr. Thatch stated that the main entry into the residential in the middle block off of Owens Drive presents some character with a variety of different scales and some strong geometric forms. He noted that some roof forms are more residential in character with a lot of up-and-down movement in architecture, and the windows utilizes a lot of glazing that will bring a lot of light, creating contemporary floor plans.

Mr. Thatch stated that the project will include a very nice clubhouse and lounge for multipurpose use of residents for yoga, recreation, and a bike shop with all the tools where people can work on their bikes. He added that the area also has connections to bike trails, along with a pool that is big enough for laps, and a business leasing and conference center which can be used by residents who will hopefully choose to work at home. He noted that along with this synergy of a village center is the creation of a pavilion building and lounge that is part of the podium, an outdoor living room and kitchen area, and an outdoor pavilion that will be a really nice entertainment and recreation area for residents.

Mr. Thatch stated that the big thing about the amenities of the project in the community area is the contemporary floor plan, which connects the site to shops and plaza and everything around it. He indicated that they are looking at the community center as a country club with club rooms, a pool and a spa, fitness and yoga, pool tables and bocce ball courts, an internet café, and outdoor kitchen and outdoor dining.

Mr. Thatch stated that their sustainable features are key, with buildings that are LEED Silver as far as reuse in materials and different things. He noted that the big thing about being sustainable in this project is that one can walk to work, to restaurants, to BART, to almost anywhere in the Bay Area without a car. He added that Wi-Fi and the business center will make it possible for people to work more at home and not have to use their car; it will be bike-friendly with secure bicycle parking and a repair shop. He noted that electrical vehicle charging stations will be part of this design, and storm water will be integrated and will be a big part of the design in water and energy efficiency.

Mr. Thatch stated that he believes they are conforming to the guidelines in intent but that Padru Kang would talk a little bit more in detail about what they are doing in that regard.

Commissioner Blank asked what types of retail will be included in the project.

Mr. Thatch replied that they are looking at a coffee shop and smaller service-related retail, such as dry cleaners, that will also work with the residents around the site.

Commissioner Blank commented that the idea that someone would sit in the plaza and watch the traffic between Owens and Rosewood Drives does not seem like something the residents would like to do.

Mr. Thatch replied that it is a place where residents can see people walking by and things going by. He added that he thinks it is an interesting outdoor space that faces southwest as far as getting the sun. He noted that while it is not perfect, it will be of interest because right now, there is really no outdoor dining area down Owens Drive except across the street to the little deli place, which has an outdoor space that actually faces the parking lot, while this space will be landscaped and would be more interesting.

Commissioner Blank commented that he wondered if there could be a different physical arrangement but realizes that it is kind of constrained, based on what they have to work with.

Mr. Thatch replied that he thinks it is constrained but that they would fine-tune the area with landscaping, trellises, and different elements.

Commissioner Blank asked Mr. Thatch if they have given any thought to the ratio of how many charging stations there will be.

Mr. Thatch replied that they have not gotten into that level of detail yet but that it will be a significant number.

Commissioner Olson inquired if the parking structure is only for the corporate offices.

Mr. Thatch said yes. He added that there will be a parking structure under the podium building; otherwise, there is tuck-under parking, garage spaces on the apartment buildings, and then surface and carport spaces.

Commissioner O'Connor noted that there was some talk about shared parking between office and residential and believes that the proposal was for 40 spaces.

Mr. Thatch replied that they talked about that but that they are just getting into more of the details about exactly how that will work as far as numbers, the buildings and locations of residents, and the proximity of where the office is.

Commissioner O'Connor inquired if those 40 spaces would be in addition to the 1.5 minimum required for the residential or if they would be used to meet that minimum requirement.

Mr. Thatch replied that it would be part of the number to meet the requirement. He indicated that he looks at how much parking there is and how they can really double up parking so they can to have less asphalt. He added that they are being sustainable as far as their approach to parking is concerned.

Commissioner O'Connor stated that he knew what the standard is. He asked Mr. Thatch what would happen in some of the properties, if those 40 are used to meet that standard, if the residents in the complex had two cars. He noted that there would be a lot of extra parking here that is really office parking, and inquired if there would be any way some of the parking could be utilized in the evenings or overnight if a residential parking problem arose down the road.

Mr. Thatch replied that he sees possibilities but that it is a question that Mr. Inderbitzen and the owners should respond to.

Commissioner Pearce stated that she is not aware if the City has ever done a shared residential/office parking before and asked Mr. Thatch how this works and if they have done one of this before.

Mr. Thatch replied that they have done one in Concord; however, the project is on hold and did not get built, but basically there were parking spaces that were available. He explained that it was more like a practical situation that those spaces farthest away from office were going to be available.

Chair Pentin inquired who would have priority for these parking spaces if push comes to shove; for example, if a major corporate client comes in to California Center and the

apartment buildings are filled up, who would have the priority, the residents or the corporate building.

Mr. Thatch replied that Mr. Inderbitzen or the owners would have to answer that question.

Mr. Dolan stated that from staff's perspective, residential/office sharing is probably the ideal situation and this opportunity does not come around often. He indicated that it makes a lot of common sense that during the work day, the offices are going to be filled up and the people who live in the place are going to be gone. He added that it would be a good idea in this location. He noted that somebody mentioned it back in the design standards because right now, there are lots of spaces, and this is really formalizing what might occur anyway even if a shared arrangement is not approved. He pointed out that he cannot really predict a circumstance where there would be a conflict because on that big day when they will have a conference with everybody visiting, it would still be a work day and most residents would be gone. He noted that the last people coming back home to the apartment building will be there well after the office has cleared out. He added that if the applicant would have asked for more shared parking, staff would have considered it because this is a good opportunity to take advantage of that concept.

Padru Kang, Project Architect, Dahlin Group, stated that at a higher density of 35 units versus a minimum of 30 for the other eight sites, this project has a unique opportunity to actually share the parking just north of the site. He noted that, as Mr. Dolan mentioned, it does make sense when it is shared with office, and they would never propose to do any kind of shared parking with retail.

Mr. Kang then briefly went through some of the items staff had mentioned in the report. He indicated that staff did a great job and that he enjoyed working with staff as well. He noted that the Design Guidelines is a great document and that they understand that the intent is to really try and maintain the high quality standards that the existing Pleasanton neighborhoods have, which is difficult with a high-density workforce housing.

Mr. Kang stated that what they are trying to do is put parking where it is really needed. He noted that they really do not have any other opportunities than trying to park around the central hub, and they have taken staff's consideration to widen the roadway from the standard 21 feet to 24 feet, consistent with what is on the back side of the alley. He added that they looked at doing some enhanced paving there to make it feel less like a parking lot and more like an auto plaza.

Mr. Kang stated that they would like a bit of flexibility with the exception regarding setting the garage door two feet back to enable them to carry some of the design around. He indicated that that are focusing on 360-design elements and want to wrap that around to the back side where they have opportunities to really play with some articulation and the alleyways are not highly visible. He added that the retail is also designed to be 360 in terms of architecture, out on the corner of the street near the intersection, with the driveway and circulation on one side. He noted that there is a

higher tower element with storefront essentially on all four sides and that visibility is not necessarily a factor with the design as it is a stand-alone retail.

Mr. Inderbitzen offered one specific comment regarding the retail plaza area. He indicated that he hears Commissioner Blank's concern about somebody going to sit out there and drink coffee, and his response to that is to drive by Peet's Coffee at the corner of Hopyard Road and Valley Avenue where people are not loathed to sit out and drink coffee while cars are going by. He noted that this could not be any worse as it is a much bigger plaza and much more protected, even though it is on the corner. He added that there is a right-turn opportunity there which opens up the plaza area, and they have separated the retail buildings so people can pass through there, making it much more useful and much more of an opportunity to activate that retail area and make it much more inviting.

Commissioner Blank stated that he was not suggesting eliminating it but finding some way to make it more curvy and envelop it more without losing the plaza.

Mr. Inderbitzen replied that Hacienda Business Park is very proprietary about corner treatments. He stated that they spent a lot of time with James Paxson discussing eliminating that wall to make the plaza bigger, and the answer was no. He added that had to spend a lot of time with the landscape architect and the architect designing that wall into the plaza so that it was more integrated.

Commissioner Blank inquired if there is any way to integrate the plaza better with the retail buildings such as making it more curvy around the corner. He noted that people will naturally drift in and out of the retail.

Mr. Inderbitzen replied that they can work on that as there is quite a bit of room there. He pointed out that even though it is roughly only 7,400 square feet of retail, it is very important to the project and they are committed to it. He added that it is real retail, legitimate retail that they want to be successful, attract really good tenants, make it as open and attractive as possible for people to come in there and use it. He noted that most of the retail around Hacienda Business Park turns its back on the street, and it is kind of offensive for someone driving by and not being able to see the stores in there; people will need to get into that plaza to know who the retailers are, and they do not want that scenario here.

James Paxson, General Manager of Hacienda Business Park, stated that they are incredibly pleased to be working on this project with Sares Regis, and they are very excited with the high level of design and architecture for this site. He reiterated what was said earlier about how this has been integrated not only within the existing project but within the Park. He indicated that this is an outstanding project and is about three-fourths of the way through the review process, with just a couple more things that need to be done to wrap up. He added that they anticipate providing their approval to the City within the next couple of weeks.

## THE PUBLIC HEARING WAS CLOSED.

The Commission then discussed the Work Session topics:

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

Commissioner Olson stated that he would. He added that he did not like the word “if” as this is a great project that ought to go forward as soon as possible.

Commissioner Narum agreed. She stated that she can support the exceptions that are being requested. She added that she likes the way it looks and can support it even if it is not necessarily consistent with the guidelines. With respect to the retail depths of 47 feet and 57 feet, she commented that she assumes the developer has people who are experts in leasing and who feel they can get these spaces leased at those varying depths.

Commissioner Blank said yes.

Commissioner Pearce agreed with Commissioner Narum’s comments. She noted that the sole goal is to get retail in here, and if the applicant believes this kind of depth can support the retail, she is all for it.

Commissioner O’Connor said yes.

Chair Pentin said yes too. He indicated that he loves the 360 retail and recalls that when Tully’s was built Downtown, he thought it would be a busy corner, and it is now the drawing point Downtown. He added that he thinks the plaza on that corner may end up with the same thing, with the residential and the corporate.

Commissioner O’Connor stated that he does not believe the Commission has seen the actual detail of the “James Paxson” wall and hopes that it does not block any visibility of the retail.

Commissioner Narum noted that she did not see any comment on the kind of trees.

Chair Pentin indicated that the Landscape Architect will be up in a minute.

Topics B and C were considered together.

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

*C. Does the Planning Commission support the use of shared office/residential spaces to meet some of the required residential parking*

Chair Pentin said absolutely yes for shared spaces.

Commissioner Pearce stated that given what staff and the applicant have said, she is in support of shared parking. She noted she is comfortable with the 360 retail positioning, the buildings are great, the parking layout looks good, and there is sufficient circulation.

Commissioner Blank stated that he was fine with both questions. He noted that his only comments are relatively minor ones that he has already made regarding finding some way to enhance the tie between the retail and the plaza. He reiterated that he is not looking to eliminate the plaza or suggesting that it is a bad thing. He indicated that he has seen this kind of approach in southern California and it is very successful. He added that this could be a great amenity and a really big hit.

Commissioner O'Connor stated that his only concern is flexibility in the shared parking. He indicated that he would rather see more than less; not that it is going to be required, but just a concern for the future in the event it is required and knowing that there is something there; and if it is not needed, then it is not needed.

Commissioner Olson stated that he is fine with both questions. He added that Mr. Dolan's comments regarding shared parking were spot on and hopes that the project gets there on shared parking.

Commissioner Narum echoed all that has been said and added that she would much rather have the shared parking and allow more open space here than adding in its own parking and having to give up some of the open space in the center of that podium building. She noted that it is a good concept and she is fine with it.

Chair Pentin concurred with Commissioner Narum. He stated that if it goes the shared parking route, and if the shared parking were to be increased to create more open space with the idea that if it ever came to that point, some of that may be reduced, he is good with that.

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

Commissioner O'Connor said he was fine with them.

Commissioners Olson, Narum, and Pearce said yes.

Commissioner Blank stated that he thinks they are pretty good. He commented that he saw only one tot lot in the area, and that seemed a little light to him. He noted that there might be an opportunity in Building P where there is that big area, not necessarily to put in a play structure but to have a recreational area where kids could play. He pointed out that residents living in Building P would have to go all the way over to the other side to where Building C is.

Chair Pentin stated he was fine with the on-site recreational facilities and amenities, with the addition of Commissioner Blank's comments.

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

Commissioner Blank stated that, as everyone knows, he is really big on the Pleasanton look, but people also know that he backed away from that with the Transit-Oriented Developments (TOD) because obviously, it is different than the Pleasanton look. He stated that overall, he is generally fine with this. He requested that when the project comes back to the Commission for the hearing, he would like to actually get to see visuals. He noted that Safeway had great visuals where they actually had people driving around the parking lots so the Commission could see how the buildings look and what the viewscapes were. He noted that it really helps the Commission and the public to get a good handle of what it is going to look like.

Commissioner Pearce stated that preliminarily, she thinks everything looks great. She indicated that the color palette looks fine but that she would love to see some actual colors which the Commission can look at under their day light lamps.

Commissioner Blank requested that the size of the color palettes be about 10 x 10, as opposed to the one-inch square ones, so the Commission can get a sense of the colors.

Commissioner Pearce agreed.

Commissioner Narum stated that she was fine overall, with one comment. She referred to page A2-14 of the plans and noted that the colors of the amenity buildings, specifically the mustard color, appear to be conflicting when put alongside the podium.

Commissioner Blank noted that it could be the color from the printer.

Commissioner Narum commented that she was pleased with the simplified towers which have that Pleasanton look.

Commissioner Blank agreed and added that he saw a little bit of that in there, and he always wants more.

Commissioner Pearce noted that she was looking at the same buildings when she asked for actual colors.



Mr. Inderbitzen stated that he will bring a color and materials board.

Commissioner Olson stated that he loves the architecture and that the design, the materials that have been described, and the heights are just outstanding. He commented that he has been on the Commission for over six years and he still does not know what the Pleasanton look is. He added that the Commission will need a separate workshop to inform the Commissioners on what the Pleasanton look is.

Commissioner Blank commented that staff knows what the Pleasanton look is.

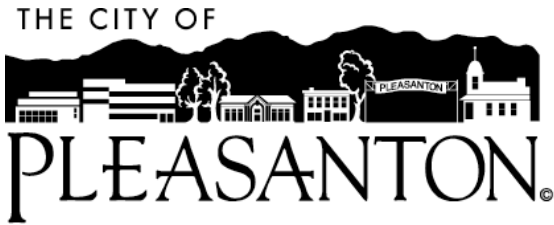
Commissioner O'Connor commented that he thinks the Pleasanton look is on page A2-5, how some of the roofing elements are brought in. He noted that there is none of that on page A2-1, which has more of a modern look and which he likes. He added that if they all looked the same, they would all blend in and not stand out; but he would like to bring attention to the retail, so he likes the way it is. He stated that the mustard color was acceptable.

Commissioner Olson agreed.

Chair Pentin stated that he also likes the way it is. He noted that he loves the architecture, the look, and the way they broke it up. He added that even on the exception for the garages with two feet and one foot moving in and out just broke it up and he really likes the looks of it. He noted that a mustard color was fine with him as long as it was not too bright.

Commissioner Blank asked staff if they got what they needed.

The staff said yes.



## Housing Commission Agenda Report

March 21, 2013  
Item 08

**SUBJECT:** **Approval of an Affordable Housing Agreement with Pleasanton Partners for a 305-Unit Apartment Development at 4452 Rosewood Drive (PUD-85-08-1D-4M) [CONTINUED ITEM]**

**STAFF RECOMMENDATION:** Approve the attached affordable housing agreement (based on Option 2) with Pleasanton Partners, LLC, and recommend that it be approved by the City Council as part of the PUD approval process.

**ATTACHMENTS:**

1. Recommended Affordable Housing Agreement
2. February 21, 2013, Agenda Report

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### **BACKGROUND**

At your February 21 meeting, the Commission reviewed a staff recommendation regarding an Affordable Housing Agreement (AHA) for the proposed 305-unit apartment complex located 8.4-acres of the California Center property (CARR America). As an outcome of this review, the Commission expressed concern that the proposed terms did not meet its expectations and therefore, it requested staff meet again with the developer to explore further alternatives. Since that time, staff, including the City Manager, City Attorney and Director of Community Development, have met with the developer on a number of occasions in an attempt to develop an affordability level and unit mix that most closely reflects the intent of the City's Inclusionary Zoning Ordinance, City development standards and design guidelines, and the Commission's interest. As an outcome of those discussions staff is presenting the Commission with two options. The first (Option 1) is the same affordable housing plan presented at your February 21 meeting and reflected in Attachment 2. The second is the revised plan (Option 2) that meets the City's IZO goal of 15% affordable units. The attached February 21, 2013, agenda report provides related background material for the overall development.

A summary of these two options is as follows:

## SUMMARY OF CALIFORNIA CENTER AFFODABILITY OPTIONS

| Unit Type    | OPTION 1<br>(February 21, 2013, Proposal) |           |          |           | OPTION 2<br>(Revised Proposal) |           |           |           |
|--------------|---|-----------|----------|-----------|--------------------------------|-----------|-----------|-----------|
|              | 50%                                       | 80%       | 100%     | Total     | 50%                            | 80%       | 100%      | Total     |
| Studio       | 5   | 0         | 0        | 5         | 5                              | 3         | 8         | 16        |
| 1-Bedroom    | 5   | 5         | 5        | 15        | 3                              | 4         | 5         | 12        |
| 2-Bedroom    | 0   | 6         | 0        | 6         | 0                              | 4         | 6         | 10        |
| 3-Bedroom    | 0   | 10        | 0        | 10        | 0                              | 4         | 4         | 8         |
| <b>Total</b> | <b>10</b>                                 | <b>21</b> | <b>5</b> | <b>36</b> | <b>8</b>                       | <b>15</b> | <b>23</b> | <b>46</b> |

### DISCUSSION

As indicated in the above table, Option 2 does meet the Commission’s clear goal of obtaining 15% affordable rent restricted units. However, reaching this goal involves adjusting the unit mix and levels of unit affordability. As a result, Option 2 includes fewer 50% AMI and 80% AMI units and more 100% AMI units. Further, it reduces the number of affordable three bedroom units. However, notwithstanding this reduction, half of the affordable units are clearly within the targets set by staff and the 100% AMI units serve the purpose of avoiding significant rent spikes for long term tenants at this income range. Also, while staff is not privy to the developer’s project start-up rents, it has been informed that some could exceed rents affordable at 100% AMI and therefore, these units represent a rent reduction for qualified households. All other terms related to affordability remain the same and a summary of those is as follows:

- As an example of income levels, the current AMI at 50% for a one person household that would determine rents of the studio units is \$31,200. The current AMI at 80% for a five person household that would be used for determining rents for the 3-bedroom units is \$77,050. The current AMI at 100% for a two person household that would be used for determining rents for the 1-bedroom units is \$71,350.
- The agreement will be recorded with the land and the affordability would remain in perpetuity.
- Requires the development to accept Section 8 housing vouchers from eligible qualified applicants.
- Affordable units will be rented based on the City’s adopted preference system.
- Payment of the City’s Lower Income Housing Fee is not required as the development will meet the goals of the City IZO.
- One affordable 1-bedroom unit, one affordable 2-bedroom unit and one affordable 3-bedroom unit as included in 1(A) above shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deem significant for disabled access.

Based on staff review of the two options, it is recommending Option 2 and the attached Affordable Housing Agreement reflects this options affordability levels and unit mix. This option is recommended based principally on the following:

- It meets the 15% IZO target of having 15% rent restricted units and other IZO standards including unit construction quality, affordability for perpetuity and the City's preference criteria.
- While it does reduce the number of three bedroom units from eight to ten it does increase the number of two bedroom units from six to ten resulting in a total of 18 units that can accommodate families rather than the 16 units in Option 1.
- It represents the City best effort in negotiating an agreement in view of the current regulatory environment and other benefits requested by the City.
- The bedroom mix is generally consistent with other affordable housing projects.
- It continues to meet a need for providing units designed to meet the needs of the physically disabled

Notwithstanding the above, there are some advantages to Option 1 in that it provides deeper affordability for larger families and more 50% and 80% AMI units. However, in view of the Commission's concern regarding the precedent setting for Affordable Housing Agreements with less than 15% rent restricted units, Option 2 represents the better option and it is staff's recommendation. The developer has agreed however, to honor the original proposal should the Commission and City Council find it preferable.

Following the Commission's decision on this matter this development will be reviewed by the Planning Commission as part of the PUD process. The City Council will then decide on both the PUD and the recommended Affordable Housing Agreement.

**Recorded at the Request of  
and when recorded, return to:**

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

*Exempt per Gov. Code §27383*

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**AFFORDABLE HOUSING AGREEMENT**

This **AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2013, by the **CITY OF PLEASANTON**, a Municipal Corporation (“City”), and **PLEASANTON PARTNERS, LLC** a Delaware limited liability company (“Developer”).

**Recitals**

- A. Developer currently owns an 8.4 acre site at 4452 Rosewood Drive, Pleasanton, California, more particularly described in Attachment 1 attached hereto and incorporated herein by reference (the “Property”).
- B. For the Property, Developer has obtained all necessary entitlements to develop a mixed use and residential housing project consisting of 305 apartment units, 6,830 square feet of leasing and recreational facilities, and approximately 7,520 square feet of commercial/retail development (collectively the "Project").
- C. Developer and the City wish to make a certain number of the apartment units within the Project available to households with incomes between one hundred percent (100%) (median income) and fifty percent (50%) (very-low income) of the Area Median Income.
- D. Area Median Income (AMI) shall mean the area median income for the San Francisco-Oakland-Fremont Metropolitan Statistical Area adjusted for household size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937 or any successor statute.
- E. Execution of this Agreement meets the requirements of the City’s Inclusionary Zoning Ordinance and shall be in lieu of paying the City’s Lower Income Housing Fee for this Project.

**NOW, THEREFORE**, in consideration of the mutual covenants, agreements and conditions contained herein, City and Developer agree as follows:

1. Of the 305 apartment units, 46 shall be “Affordable” units. Developer shall make eight (8) Affordable units available for rent to households at or below 50% of the Area Median

Income, fifteen (15) Affordable units available for rent to households at or below 80% of the Area Median Income, and twenty three (23) Affordable units available for rent at or below 100% of the Area Median Income as set forth herein. The Affordable units shall be consistent with the following:

A. The Affordable unit mix shall be as follows:

| <b>Unit Type</b> | <b>Very Low Income<br/>(50% of AMI)</b> | <b>Low Income<br/>(80% of AMI)</b> | <b>Median Income<br/>(100% of AMI)</b> |
|------------------|---|------------------------------------|--|
| Studio           | 5                                       | 3                                  | 8                                      |
| 1 Bedroom        | 3                                       | 4                                  | 5                                      |
| 2 Bedroom        | 0                                       | 4                                  | 6                                      |
| 3 Bedroom        | 0                                       | 4                                  | 4                                      |
| <b>Total</b>     | <b>8</b>                                | <b>15</b>                          | <b>23</b>                              |

B. Affordable unit rents shall be based on the following household sizes:

| <b>Unit Type</b> | <b>Household Size</b>      |
|------------------|----------------------------|
| Studio Unit      | One (1) person household   |
| 1 Bedroom Unit   | Two (2) person household   |
| 2 Bedroom Unit   | Three (3) person household |
| 3 Bedroom Unit   | Five (5) person household  |

C. The monthly rent for each of the Affordable units shall be calculated based on the following:

- (i) The twenty three (23) Affordable units at Median Income shall not exceed one-twelfth of 100 % of the Area Median Income adjusted for the household sizes listed in Section B above multiplied by 30%.
- (ii) The fifteen (15) Affordable units at Low Income shall not exceed one-twelfth of 80 % of the Area Median Income adjusted for the household sizes listed in Section B above multiplied by 30%.
- (iii) The eight (8) Affordable units at Very Low Income shall not exceed one-twelfth of 50 % of the Area Median Income adjusted for the household sizes listed in Section B above multiplied by 30%.

D. Rent for Affordable units shall be based on the AMI at the time of the City issues Certificate of Occupancy and shall adjust consistent with adjustment in the AMI. If HUD fails to issue revised Area Median Income/ household income statistics for the San Francisco-Oakland-Fremont Metropolitan Statistical Area within 15 months of the previous revision, rents for the Affordable units may be adjusted based on the annual percentage increase in the San Francisco-Oakland Consumer Price Index for urban wage earners and clerical workers.

E. The rents described herein shall exclude utilities in the broadest sense, including, but not limited to gas, electricity, water, garbage, television cable, telephone, and internet service; provided, however, that if any or all of such utilities are offered

## ATTACHMENT 1

at no cost to market rate units they shall also be offered at no cost to the Affordable units.

- F. The Affordable units shall be dispersed throughout the Project unless otherwise approved by the City. The Affordable units shall not be fixed in the Project and may change depending on vacancies. Notwithstanding the above, the 3-bedroom Affordable units will be located within the Garden Walk-up buildings and the Studio Affordable units will be located in the Podium building.
  - G. The Affordable units shall have the same interior standards of quality (e.g., appliances, interior features/amenities, services, etc.) as the market rate units.
  - H. All Affordable units shall be rented to qualified applicants in accordance with the City's Preference System, as may be amended, with the most current version set forth in Attachment 2.
  - I. Once each year, the Developer (or the Developer's successor in interest) shall provide the City a report detailing the average annual income of tenants occupying the Affordable units for each of the income categories listed in Section 1(A) above, the number persons in each household occupying the Affordable units, the number of vacancies and new rentals during the year for the Affordable units.
  - J. All Affordable units shall be subject to this Agreement for perpetuity.
2. The Developer, with City consultation, shall assume all responsibility to market the Affordable units. Marketing shall be in accordance with City eligibility and income guidelines in-conformance with the City's Preference System. Marketing material, leases, rent-up schedules and other printed material related to the Affordable units is subject to City approval.
  3. One of the Affordable 1-bedroom units, one Affordable 2-bedroom unit, and one Affordable 3-bedroom unit as included in 1(A) above shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deem significant for disabled access. Developer shall market the availability of these units but may rent to any applicant if a qualified disabled applicant is not available for a period of ten (10) days after the initial marketing.
  4. Developer shall accept Section 8 vouchers as a means of assisting qualified applicants/residents.
  5. This Agreement shall be recorded in Alameda County and shall run with the land.

**THIS AGREEMENT** is executed the date and year first above written.

CITY:

**CITY OF PLEASANTON,**  
a Municipal Corporation

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

ATTEST:

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

APPROVED AS TO FORM:

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

**DEVELOPER:**

RREEF America L.L. C., a Delaware limited liability company  
Its: Authorized Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Attachments:

- 1. Legal Description
- 2. City of Pleasanton Preference System



2.

STATE OF CALIFORNIA )  
 )  
COUNTY OF ALAMEDA )

On \_\_\_\_\_, 2013 before me, \_\_\_\_\_,  
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 \_\_\_\_\_, 2013 before me, \_\_\_\_\_,  
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)

**ATTACHMENT 1**

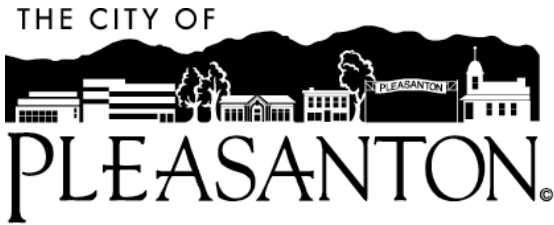
**LEGAL DESCRIPTION**

Real Property in the City of Pleasanton, County of Alameda, State of California, described as follows:

**ATTACHMENT 2**

**CITY'S PREFERENCE SYSTEM**

[Attached]



## Housing Commission Agenda Report

February 21, 2013  
Item 06

**SUBJECT:** **Approval of an Affordable Housing Agreement with Pleasanton Partners for a 305 Unit Apartment Development at 4452 Rosewood Drive (PUD-85-08-1D-4M)**

**STAFF RECOMMENDATION:** Approve the attached affordable housing agreement with Pleasanton Partners, LLC and recommend that it be approved by the City Council as part of the PUD approval process.

**ATTACHMENTS:**

1. Recommended Affordable Housing Agreement
2. *Inclusionary Ordinances after Palmer and Patterson*, publication from Goldfarb & Lipman LLP
3. City Resolution 10-390 concerning enhancements to existing non-discrimination policies

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### BACKGROUND

The approximately 8.4-acre southern portion of the 60.9-acre California Center property (CARR America) was one of the nine sites rezoned in January 2012 for high-density multifamily development in order to meet the City's share of the regional housing need. The zoning for the northern approximately 52.5-acres was not changed and is zoned Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) with a Hacienda land use designation of Mid-Rise Office Planning District (OMPD). The 8.4-acre southern portion of the site is required to provide a density of at least 35 units per acre (294 units) with no more than 40 units per acre (336 units). Up to 10,000 sq. ft. of retail is also permitted on this site with no minimum required. Recently, Pleasanton Partners, LLC has submitted a development application for the 8.4-acre site that includes:

- Five residential buildings housing 305 apartment units, three community/leasing office buildings totaling approximately 6,830 sq. ft. in area, and two retail buildings totaling approximately 7,520 sq. ft. in area. The density of the project is 36.3 dwelling units per acre on the 8.4-acre project site. There would be two residential building types: one podium style building containing 197 units and four garden style buildings containing a total of 108 units.

- The site layout consists of: two retail buildings located at the western corner of the site; two L-shaped garden style buildings located east of the retail buildings; two garden style buildings flanking the main entry drive off Owens Drive; a podium style building located at the southern end of the project site; and three community buildings centrally located near the residential buildings at the northeastern portion of the site.
- The 305-units include 34 studio units measuring 620 sq. ft. in area, 139 one-bedroom units ranging from 740 to 817 sq. ft. in area, 110 two-bedroom units ranging from 982 to 1,278 sq. ft. in area, and 22 three-bedroom units ranging from 1,327 to 1,403 sq. ft. in area. A washer and dryer would be provided for each unit.
- The project includes several active and passive recreation areas and amenities. Interior recreation areas and amenities include a fitness building with yoga studio, a community room with kitchen, a bike shop, business center, and two common rooms in the podium building. Exterior recreation and amenity areas include a pool, spa, seating areas, barbecue area, bocce ball court, children's play area with play equipment, and two common greens. The podium building would also have a plaza area along the Owens Drive frontage and a central open space area with various seating areas, pavilion with kitchen, and fireplace feature. A retail plaza area would be located at the corner of Owens and Rosewood Drives.

#### SITE LOCATION MAP



#### PRELIMINARY SITE PLAN



## **DISCUSSION**

To memorialize affordable housing standards, the City requires the parties to enter into an affordable housing agreement as required by the City's Inclusionary Zoning Ordinance (IZO). Typically these agreements are standardized recorded documents that clearly describe the affordability requirements.

As discussed with the Commission previously, recent court rulings related to city inclusionary zoning ordinances have potentially limited a city's ability to fully reinforce these ordinances and for the Commission's benefit, staff has included a recently completed legal analysis that outlines the new environment upon which the City is negotiating affordable housing agreements. In addition to being aware of the IZO environment, staff and the developer began discussion with the intent of addressing the policies included in City Resolution 10-390 concerning enhancing existing City non-discrimination policies. Of particular concern for staff was to meet those goals related to obtaining 3-bedroom housing for large low income families. Because obtaining this type of housing has been difficult in the past, staff expressed interest in providing developer incentives in return for these types of units.

A summary of the terms of the AHA are as follows:

- Of the total of 305 project apartment units, 36 will be affordable units as follows:

| <b>Unit Type</b> | <b>Very Low Income<br/>(50% of AMI)</b> | <b>Low Income<br/>(80% of AMI)</b> | <b>Median Income<br/>(100% of AMI)</b> |
|------------------|---|------------------------------------|--|
| Studio           | 5                                       | 0                                  | 0                                      |
| 1 Bedroom        | 5                                       | 5                                  | 5                                      |
| 2 Bedroom        | 0                                       | 6                                  | 0                                      |
| 3 Bedroom        | 0                                       | 10                                 | 0                                      |
| <b>Total</b>     | <b>10</b>                               | <b>21</b>                          | <b>5</b>                               |

- As an example of income levels, the current AMI at 50% for a one person household that would determine rents of the Studio units is \$31,200. The current AMI at 80% for a five person household that would be used for determining rents for the 3-bedroom units is \$77,050. The current AMI at 100% for a two person household that would be used for determining rents for the 1-bedroom units is \$71,350.
- The agreement will be recorded with the land and remain affordable for perpetuity.
- Requires the development to accept Section 8 housing vouchers from eligible qualified applicants.
- Affordable units will be rented based on the City’s adopted preference system.
- Payment of the City’s Lower Income Housing Fee is not required as the development will meet the goals of the City IZO and Resolution 10-390.
- One of the Affordable 1-bedroom units, one Affordable 2-bedroom units and one Affordable 3-bedroom units as included in 1(A) above shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deem significant for disabled access.

The 36 affordable units represent approximately 12% of the total units and as the Commission is aware, the IZO sets forth that 15% of the units should be affordable. Notwithstanding this situation, staff maintains that the proposed number of units meets the intent of the IZO for a number of significant reasons. First, as indicated previously, Resolution 10-390 is clear that the City should strive to obtain large 3-bedroom units for lower income families and the ten 3-bedroom units proposed at 80% AMI represents the largest number of three bedroom rental units ever provided to the City. As an example, the recently approved BRE development in Hacienda Business Park will include 506 units that will provide eight 3-bedroom units as compared to the ten 3-bedroom units provided in the 305 units for this project. Further, the BRE affordable Housing Agreement was negotiated as part of the Urban Habitat settlement and it agreed to provide a large number of affordable units so as to both assist the City with its settlement discussions and to gain approval of residential development in Hacienda Business Park. Since



that time, the City has adopted Design Guidelines and Standards and the recent changes relative to the authority of inclusionary zoning ordinances has diminished the City's IZO's authority. Notwithstanding this situation, staff remains committed to maximizing the number of affordable units in each development and will attempt to develop mutual understandings with future developers that a mixed income development is one that best meets the overall needs of the community.

It should also be noted that a total of five of the affordable units will be available for rent at 100% AMI which is generally above the desired AMI level of 80% or less. While staff would have preferred these units be at 80% AMI, recent City Council actions, including the recently approved Civic Square Apartment project, included rents above this mark. The purpose of these rents is to assure that those households with "workforce" income limits have opportunities to obtain rents with some protection against significant rent increases that may result in a marginally affordable rent becoming unaffordable.

Following the Commission's decision on this matter this development will be reviewed by the Planning Commission for PUD review. The City Council will then decided on both the PUD and the recommended affordable housing agreement.



**Recorded at the Request of  
and when recorded, return to:**

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

*Exempt per Gov. Code §27383*

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### **AFFORDABLE HOUSING AGREEMENT**

This **AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2013, by the **CITY OF PLEASANTON**, a Municipal Corporation (“City”), and **PLEASANTON PARTNERS, LLC** a Delaware limited liability company (“Developer”).

#### **Recitals**

- A. Developer currently owns an 8.4 acre site at 4452 Rosewood Drive, Pleasanton, California, more particularly described in Attachment 1 attached hereto and incorporated herein by reference (the “Property”).
- B. For the Property, Developer has obtained all necessary entitlements to develop a mixed use and residential housing project consisting of 305 apartment units, 6,830 square feet of leasing and recreational facilities, and approximately 7,520 square feet of commercial/retail development (collectively the "Project").
- C. Developer and the City wish to make a certain number of the apartment units within the Project available to households with incomes between one hundred percent (100%) (median income) and fifty percent (50%) (very-low income) of the Area Median Income.
- D. Area Median Income (AMI) shall mean the area median income for the San Francisco-Oakland-Fremont Metropolitan Statistical Area adjusted for household size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937 or any successor statute.
- E. Execution of this Agreement meets the requirements of the City’s Inclusionary Zoning Ordinance and shall be in lieu of paying the City’s Lower Income Housing Fee for this Project.

**NOW, THEREFORE**, in consideration of the mutual covenants, agreements and conditions contained herein, City and Developer agree as follows:

1. Of the 305 apartment units, 36 shall be “Affordable” units. Developer shall make ten (10) Affordable units available for rent to households at or below 50% of the Area

Median Income, twenty one (21) Affordable units available for rent to households at or below 80% of the Area Median Income, and five (5) Affordable units available for rent at or below 100% of the Area Median Income as set forth herein. The Affordable units shall be consistent with the following:

A. The Affordable unit mix shall be as follows:

| <b>Unit Type</b> | <b>Very Low Income<br/>(50% of AMI)</b> | <b>Low Income<br/>(80% of AMI)</b> | <b>Median Income<br/>(100% of AMI)</b> |
|------------------|---|------------------------------------|--|
| Studio           | 5                                       | 0                                  | 0                                      |
| 1 Bedroom        | 5                                       | 5                                  | 5                                      |
| 2 Bedroom        | 0                                       | 6                                  | 0                                      |
| 3 Bedroom        | 0                                       | 10                                 | 0                                      |
| <b>Total</b>     | <b>10</b>                               | <b>21</b>                          | <b>5</b>                               |

B. Affordable unit rents shall be based on the following household sizes:

| <b>Unit Type</b> | <b>Household Size</b>      |
|------------------|----------------------------|
| Studio Unit      | One (1) person household   |
| 1 Bedroom Unit   | Two (2) person household   |
| 2 Bedroom Unit   | Three (3) person household |
| 3 Bedroom Unit   | Five (5) person household  |

C. The monthly rent for each of the Affordable units shall be calculated based on the following:

- (i) The ten (10) Affordable 3 Bedroom units, six (6) Affordable 2 Bedroom units and five (5) Affordable 1 Bedroom units shall not exceed one-twelfth of 80 % of the Area Median Income multiplied by 30%.
- (ii) The five (5) Affordable Studio units and five (5) Affordable 1 Bedroom units shall not exceed one-twelfth of 50 % of the Area Median Income multiplied by 30%.
- (iii) Five (5) Affordable 1 Bedroom units shall not exceed one-twelfth of 100 % of the Area Median Income multiplied by 30%.

D. Rent for Affordable units shall be based on the AMI at the time of the City issues Certificate of Occupancy and shall adjust consistent with adjustment in the AMI. If HUD fails to issue revised Area Median Income/ household income statistics for the San Francisco-Oakland-Fremont Metropolitan Statistical Area within 15 months of the previous revision, rents for the Affordable units may be adjusted based on the annual percentage increase in the San Francisco-Oakland Consumer Price Index for urban wage earners and clerical workers.

E. The rents described herein shall exclude utilities in the broadest sense, including, but not limited to gas, electricity, water, garbage, television cable, telephone, and internet service; provided, however, that if any or all of such utilities are offered at no cost to market rate units they shall also be offered at no cost to the Affordable units.

- F. The Affordable units shall be dispersed throughout the Project unless otherwise approved by the City. The Affordable units shall not be fixed in the Project and may change depending on vacancies. Notwithstanding the above, the 3-bedroom Affordable units will be located within the Garden Walk-up buildings and the Studio Affordable units will be located in the Podium building.
  - G. The Affordable units shall have the same interior standards of quality (e.g., appliances, interior features/amenities, services, etc.) as the market rate units.
  - H. All Affordable units shall be rented to qualified applicants in accordance with the City's Preference System, as may be amended, with the most current version set forth in Attachment 2.
  - I. Once each year, the Developer (or the Developer's successor in interest) shall provide the City a report detailing the average annual income of tenants occupying the Affordable units for each of the income categories listed in Section 1(A) above, the number persons in each household occupying the Affordable units, the number of vacancies and new rentals during the year for the Affordable units.
  - J. All Affordable units shall be subject to this Agreement for perpetuity.
2. The Developer, with City consultation, shall assume all responsibility to market the Affordable units. Marketing shall be in accordance with City eligibility and income guidelines in-conformance with the City's Preference System. Marketing material, leases, rent-up schedules and other printed material related to the Affordable units is subject to City approval.
  3. One of the Affordable 1-bedroom units, one Affordable 2-bedroom units and one Affordable 3-bedroom units as included in 1(A) above shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deem significant for disabled access. Developer shall market the availability of these units but may rent to any applicant if a qualified disabled applicant in not available for a period of ten (10) days after the initial marketing.
  4. Developer shall accept Section 8 vouchers as a means of assisting qualified applicants/residents.
  5. This Agreement shall be recorded in Alameda County and shall run with the land.

**THIS AGREEMENT** is executed the date and year first above written.

CITY:

**CITY OF PLEASANTON,**  
a Municipal Corporation

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**DEVELOPER:**

RREEF America L.L. C., a Delaware limited liability company  
Its: Authorized Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Attachments:**

- 1. Legal Description
- 2. City of Pleasanton Preference System

2.

STATE OF CALIFORNIA )  
 )  
COUNTY OF ALAMEDA )

On \_\_\_\_\_, 2013 before me, \_\_\_\_\_,  
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 \_\_\_\_\_, 2013 before me, \_\_\_\_\_,  
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)

**ATTACHMENT 1**

**LEGAL DESCRIPTION**

Real Property in the City of Pleasanton, County of Alameda, State of California, described as follows:

**ATTACHMENT 2**

**CITY'S PREFERENCE SYSTEM**

[Attached]

League of California Cities  
City Attorneys Department  
Annual Conference  
San Jose, California  
September 17, 2009

Home Sweet Home? Legal Challenges to Inclusionary Ordinances  
and Housing Elements

*Inclusionary Ordinances after Palmer and Patterson*

Presented by:

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## I. Introduction

Two published Court of Appeal decisions in the past six months, *Building Industry Ass'n of Cent. California v. City of Patterson* (“*Patterson*”)<sup>1</sup> and *Palmer/Sixth Street Properties L.P. v. City of Los Angeles* (“*Palmer*”)<sup>2</sup> have together upended previous understandings about the validity of, and appropriate analysis applied to, inclusionary housing ordinances. For the 170 communities in the State (nearly one-third of all cities) that had adopted inclusionary ordinances of some type by 2007,<sup>3</sup> complying with *Patterson* and *Palmer* while still producing affordable housing has become more difficult.

As a means to understand the issues raised in *Patterson* and *Palmer* and to develop a coherent response, this paper initially discusses the various characterizations of inclusionary ordinances as either exactions, rent and price controls, or police power land use ordinances. While most communities in the state have adopted inclusionary ordinances as land use controls, *Patterson* found an inclusionary in-lieu fee to be a type of impact fee, and *Palmer* found that restricting rents in new developments violates State rent control laws, even though the Los Angeles plan at issue was adopted as a land use control. (Both cases are discussed in detail in the companion paper presented by Alan Seltzer, and so not all of the facts and holdings are repeated here.) This paper finally discusses alternative strategies for modifying inclusionary ordinances to meet the current legal landscape and the numerous associated issues raised by the cases.

*Palmer* was decided less than a week before this paper was drafted, and the conclusions reached here should be considered preliminary. In particular, it is to be hoped that the California

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<sup>1</sup> 171 Cal. App. 4<sup>th</sup> 886 (2009).

<sup>2</sup> 2009 Cal. App. LEXIS 1186 (B206102, Second Appellate District, Div. 4, filed July 22, 2009)

<sup>3</sup> Non-Profit Housing Association of Northern California, *Affordable by Choice: Trends in California Inclusionary Housing Programs* at 5 (2007) (hereinafter “NPH 2007”).

Supreme Court will accept review and engage in a far more robust analysis of the underlying issues than occurred in *Palmer*.

## II. The Characterization of Inclusionary Ordinances

Since the first inclusionary ordinances were adopted in the early 1970s, legal analysts have variously characterized the ordinances as run-of-the-mill land use controls (like zoning ordinances), as rent and price controls, and as “exactions” more akin to impact fees and land dedications.<sup>4</sup> Nationally, courts have taken all three positions. The *Palmer* case is the first where a California court has taken a definitive position (although still leaving unresolved the issue of whether the base inclusionary requirement is a land use control or an exaction).

### A. Inclusionary Ordinances as Land Use Controls.

From a city standpoint, it is most advantageous if inclusionary ordinances can be characterized as land use controls. As land use ordinances, they can then be enacted pursuant to ordinary state zoning legislation, and courts will apply the deferential rational basis test for local

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<sup>4</sup> See Thomas Kleven, Inclusionary Ordinances - Policy and Legal Issues in Requiring Private Developers to Build Low Cost Housing, 21 *UCLA L. Rev.* 1432, 1490 (1974). See also Barbara Ehrlich Kautz, In Defense of Inclusionary Zoning: Successfully Creating Affordable Housing, 36 *USF L.Rev.* 971, 975 (2002); Fred P. Bosselman et al., Panel Comments, in Inclusionary Zoning Moves Downtown 41-54 (Dwight Merriam et al. eds., 1985); Daniel R. Mandelker, The Constitutionality of Inclusionary Zoning: An Overview, in Inclusionary Zoning Moves Downtown 31, 35-36; William W. Merrill III & Robert K. Lincoln, Linkage Fees and Fair Share Regulations: Law and Method, 25 *Urb. Law.* 223, 274 (1993). Many commentators simply assume that inclusionary housing is an exaction. See Mark Fenster, Takings Formalism and Regulatory Formulas: Exactions and the Consequences of Clarity, 92 *Calif. L. Rev.* 609, 657 (2004); Lawrence Berger, Inclusionary Zoning Devices as Takings: The Legacy of the Mount Laurel Cases, 70 *Neb. L. Rev.* 186, 221 (1991); Brian W. Blaesser, Inclusionary Housing: There's a Better Way, Inclusionary Zoning: Lessons learned in Massachusetts, 2 *NHC Affordable Housing Pol'y Rev.* 14, 15 (Jan. 2002); Susan M. Denbo, Development Exactions: A New Way to Fund State and Local Government Infrastructure Improvements and Affordable Housing, 23 *Real Estate L.J.* 7, 11 (1994); Robert C. Ellickson, The Irony of "Inclusionary" Zoning, 54 *S. Cal. L. Rev.* 1167, 1211 (1981). One recent author assumes that inclusionary zoning is a price control. See Benjamin Powell & Edward Stringham, "The Economics of Inclusionary Housing Reclaimed: How Effective Are Price Controls? " 33 *Fla. St. U. L. Rev.* 671, 672 (2005).

zoning established in *Euclid v. Ambler Realty Co.*<sup>5</sup> and applied by the California Supreme Court in *Associated Home Builders etc., Inc. v. City of Livermore*.<sup>6</sup>

The land use ordinance position has been most clearly adopted by the New Jersey Supreme Court, in *Southern Burlington County NAACP v. Township of Mount Laurel*.<sup>7</sup> The court rejected distinctions between socioeconomic and other zoning, noting that all zoning, such as that for "detached single family residential zones, high-rise multi-family zones of any kind, ... indeed[,] practically any significant kind of zoning" has inherent socioeconomic characteristics. The court held that, where a community's obligation to provide housing for all income groups could not be met by the removal of zoning restrictions, "inclusionary devices such as ... mandatory set-asides keyed to the construction of lower income housing, are constitutional and within the zoning power of a municipality...We know of no governmental purpose ... that is served by requiring a municipality to ingeniously design detailed land use regulations ... actually aimed at accommodating lower income families, while not allowing it directly to require developers to construct lower income units."<sup>8</sup>

In 1990, in *Holmdel Builders Ass'n v. Township of Holmdel*,<sup>9</sup> the New Jersey Supreme Court revisited the issue while reviewing the constitutionality of affordable housing fees required by several New Jersey cities. The court explained that "inclusionary-zoning devices," including inclusionary in-lieu fees, are land use ordinances that bear a "real and substantial relationship to the regulation of land" because they are specifically designed to help create affordable housing

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<sup>5</sup> 272 U.S. 365 (1926).

<sup>6</sup> 18 Cal.3d 582, 604–05 (1976).

<sup>7</sup> 456 A.2d 390 (N.J. 1983).

<sup>8</sup> *Id.* at 448-50.

<sup>9</sup> 583 A.2d 277 (N.J. 1990)

and will therefore affect "the nature and extent of the uses of land and of buildings. . . ." <sup>10</sup> Further, the court held that inclusionary in-lieu fees are not exactions similar to impact fees, because the affordable housing requirements are not based on the impact of a project, but rather on the "the relationship that . . . development has on both the need for lower-income residential development and on the opportunity and capacity of municipalities to meet that need . . ." <sup>11</sup>

No court in California has resolved the issue or definitely characterized inclusionary ordinances as a land use control. In *Home Builders Ass'n v. City of Napa*<sup>12</sup> ("*Napa*"), the first published California case regarding inclusionary zoning, the City of Napa argued that its inclusionary ordinance was a land use ordinance that merely regulated the *use* of a small part of a development, and that inclusionary in-lieu fees were not impact fees because the underlying inclusionary requirement was not a monetary exaction, but rather a land use control, and fees were paid only at the election of the developer.<sup>13</sup> The Court of Appeals did not reach this issue.

Nonetheless, the *Napa* court's generally favorable comments about inclusionary zoning led most California practitioners to assume that inclusionary ordinances could be considered to be land use ordinances and adopted them as such, most commonly including findings regarding the need for affordable housing in the community (as documented in its housing element) and the strong State interest in affordable housing.<sup>14</sup> Certainly, the expansive interpretation of local police power and the State's interest in affordable housing appeared to support inclusionary housing as strongly in California as in New Jersey.

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<sup>10</sup> *Id.* at 286-97.

<sup>11</sup> *Id.* at 288.

<sup>12</sup> 108 Cal. Rptr. 2d 60 (2001).

<sup>13</sup> See Brief of Amicus Curiae in Support of Respondent City of Napa at 9, *City of Napa* (Cal. Ct. App. 1<sup>st</sup> Dist.) (No. A090437); memorandum of Points & Authorities in Support of Defendant City of Napa's Demurrer at 17, *Home Builders Ass'n v. City of Napa* (Napa County Super. Ct.) (No. 26-07228).

<sup>14</sup> See, e.g., Government Code Sections 65580, 65581, and 65582.1.

Using the same logic adopted by the New Jersey courts and argued in *Napa*, in-lieu fees have usually been based on the dollar subsidy required to provide the same number of inclusionary units, at the same income levels, as would otherwise be constructed on the site. (In practice, most in-lieu fees have been set at a significantly lower amount than is actually needed to provide the same number of units.<sup>15</sup>) While this author has long been concerned that allowing an in-lieu fee alternative invites the courts to treat the entire inclusionary program as a development exaction rather than as a land use control (communities do not collect in-lieu fees as an alternative to setbacks and height limits), the California Supreme Court's approval of an art in public places fee provided at least some support for the concept that an in-lieu fee alternative would not automatically convert a zoning requirement to an exaction. In *Ehrlich v. City of Culver City*<sup>16</sup> ("*Ehrlich*"), the Court reviewed a Culver City ordinance that required every development to include a piece of art equal to 1 percent of the building valuation or pay an equivalent fee to the City. The Court held unanimously that the fee was *not* a development exaction but rather an "aesthetic condition" akin to traditional land-use regulations such as setbacks, parking, lighting, and landscaping. While it might be questionable whether the Court would apply the same analysis to an inclusionary ordinance that restricts prices and rents and has no aesthetic component, the combination of *Napa* and the *Ehrlich* gave practitioners a fair amount of confidence in the strategy.

The inclusionary requirement and alternative in-lieu fee established in Los Angeles' Central City West Specific Plan and challenged in *Palmer* was adopted as a land use control: it was based on a study showing high rates of poverty, a need for affordable housing in the Specific

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<sup>15</sup> See Non-Profit Housing Association of Northern California and California Coalition for Rural Housing, *Inclusionary Housing in California: 30 Years of Innovation* at 17 – 19 (2003).

<sup>16</sup> 12 Cal. 4<sup>th</sup> 854, 885-86 (1996). The case is discussed in depth in Alan Seltzer's paper.

Plan area, and development practices that had removed one-third of the affordable housing in the Plan area. The Specific Plan required that 15 percent of new units be affordable or that an in-lieu fee – calculated as the cost equivalent of building the units – be paid. Where low-income units had been demolished on the site, the Specific Plan alternatively required that they be replaced. In Palmer's case, this resulted in an inclusionary requirement of about 18 percent. The Plan offered density bonuses and other development incentives (not accepted by Palmer) in exchange for the affordable units. In *Palmer*, the City asserted that its inclusionary requirements were land use controls rather than rent controls governing the entire rental housing market – a defense rejected by the Court of Appeal. While not disagreeing that the requirements (imposed through a specific plan) were land use controls, the Court found that so long as the requirements restrict rents, they must comply with State rent control statutes.<sup>17</sup>

Since both the inclusionary requirement and the in-lieu fee were found in *Palmer* to be preempted by State law as applied to a *rental* project, clearly the "land use control" model can no longer be used to require affordable rental units. This will have a major impact on inclusionary housing practice, because of the inclusionary units surveyed in 2007, 71 percent were rentals.<sup>18</sup> While the land-use theory may retain some validity for units offered for sale, the *Patterson* case (discussed in the next section) has made it questionable whether in-lieu fees can avoid analysis as impact fees.

## B. Inclusionary Ordinances as Exactions

The development community and many published analyses of inclusionary zoning have

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<sup>17</sup> In particular, the Court held that the inclusionary provisions must comply with Civil Code Sections 1954.51 – 1954.535 (Costa Hawkins Act). The case is discussed in detail below.

<sup>18</sup> NPH 2007, *supra* note 3, at 15.

simply *assumed* that inclusionary requirements are development exactions (see footnote 4 above). Home builders, developers, and, in particular the Pacific Legal Foundation, have brought a series of cases<sup>19</sup> attacking inclusionary ordinances on various grounds (including equal protection, substantive due process, etc.) but in particular designed to bring the ordinances under the intermediate scrutiny prescribed by the U.S. Supreme Court's *Nollan/Dolan* decisions. In California, there has also been an effort to bring inclusionary requirements (particularly in-lieu fees) under the purview of the Mitigation Fee Act. (Alan Seltzer's companion paper provides an excellent analysis of these cases and issues.) The goal has been to treat inclusionary requirements as impact fees and to require a nexus-type study to justify them, in order to make it more difficult for jurisdictions to impose these requirements. As stated in one law review article:

If the exactions rules did apply to [inclusionary] programs, . . . jurisdictions would have to make difficult, individualized demonstrations of the connection between the proposed project and an increase in the affordable housing shortage, and demonstrate proportionality with the percentage of affordable units or fees required. Demonstrating nexus and proportionality would not be impossible insofar as each new unit of market-priced housing in an expensive region boosts the need for service workers who cannot afford to pay market prices in such an area. Nevertheless, a burden of showing nexus and proportionality would raise the costs and risks for local governments that rely on inclusionary zoning as a tool for addressing affordable housing crises.<sup>20</sup>

Until *Patterson*, these efforts were generally unsuccessful. That is in part because the litigants were somewhat entranced by *Nollan/Dolan* and based their litigation strategy (in *Napa* and in *Action Apartment Ass'n v. City of Santa Monica*,<sup>21</sup> for example) on subjecting inclusionary ordinances to *Nollan/Dolan* rather on characterizing inclusionary requirements as

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<sup>19</sup> *Napa* and *Action Apartment Ass'n v. City of Santa Monica*, discussed in detail in Alan Seltzer's paper, were both litigated by the Pacific Legal Foundation. *Mead v. City of Cotati*, 2008 U.S. Dist. LEXIS 94238, and *Kamaole Pointe Dev. L.P. v. County of Maui*, 573 F. Supp. 2d 1354 (Dist. Hawaii (2008)), also litigated by the PLF, have been appealed to the Ninth Circuit. Other challenges settled prior to a published decision have been filed against Sacramento County and the City of San Diego by the BIA or developers.

<sup>20</sup> Fenster, *supra* note 4, at 657.

<sup>21</sup> 166 Cal. App. 4<sup>th</sup> 456 (2008).

exactions. Since the California Supreme Court has limited *Nollan/Dolan* to exactions required on an individualized basis as a condition for development,<sup>22</sup> and the inclusionary requirements being challenged were generally applicable legislative enactments, the Court of Appeal consistently rejected the effort to apply *Nollan/Dolan*.

In *Patterson*, however, the Court of Appeal instead applied the more deferential "reasonable relationship" test to an inclusionary in-lieu fee, assuming that it was a generally applicable impact fee and without ever considering (at least in the published opinion) whether the underlying requirement was an exaction or a land use requirement. There are many odd facts about *Patterson* that have led practitioners to believe that it could be distinguished from most inclusionary in-lieu fees in a properly briefed case: the case arose in the context of interpreting a development agreement that required fees to be "reasonably justified;" the fee was calculated based on the cost of subsidizing the City's *entire* regional housing need, not just the affordable housing that would otherwise have been included in the project; the argument was apparently never made that basic inclusionary requirement was similar to the art in public places requirement reviewed in *Ehrlich*.<sup>23</sup> Nonetheless, the language in *Patterson* characterizes the in-lieu fee as not substantively different from an affordable housing fee reviewed in *San Remo Hotel v. City and County of San Francisco* ("*San Remo*")<sup>24</sup> and subject to the requirement that there be a reasonable relationship between the amount of the fee and the "deleterious public impact of the development." The *San Remo* fee in fact *was* an impact fee: it was intended to mitigate the impact on the City's affordable housing supply caused by the conversion of residential hotels to tourist hotels. However, because the language in *Patterson* characterizes an

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<sup>22</sup> See *Santa Monica Beach, Ltd. v. Superior Court* (1999) 19 Cal. 4<sup>th</sup> 952, 966-67.

<sup>23</sup> However, this author has not reviewed the *Patterson* briefs.

<sup>24</sup> 27 Cal.4<sup>th</sup> 643, 670-71 (2002).



in-lieu fee as an impact fee, any community that wishes to continue to characterize its in-lieu fee as a land use control akin to the *Ehrlich* art in public places fee will need to be prepared to defend their fees against a challenge that their analysis does not comport with the language in *Patterson*, nor is it like the impact fee that was reviewed in *San Remo*. Developers have viewed *Patterson* as a significant victory. ("[T]he *Patterson* decision provides a powerful new tool for developers to use in challenging affordable housing in lieu fees...cities or counties must show that the fees are reasonably related to impacts being created by the new market rate development."<sup>25</sup>).

The effort by the building industry to characterize inclusionary ordinances as exactions has been known for years, yet few communities have completed nexus studies to support their inclusionary and in-lieu fee requirements. In retrospect, this seems surprising, since cities are familiar with the procedural requirements for impact fees and exactions and this may be a “safer” alternative. There are several explanations:

- Affordable housing advocates have disfavored nexus studies because they often result in reduced affordable housing requirements, especially in less wealthy communities. (In general, the wealthier the community, the higher percentage of affordable housing that can be justified.)
- The methodology for completing these studies is not as developed as that for, say, traffic impact fees.<sup>26</sup>

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<sup>25</sup> Cox Castle Nicholson, "Court Holds that Affordable Housing In Lieu Fees Must be Reasonably Related to the 'Deleterious Impact' Caused by New Market Rate Housing" (March 3, 2009).

<sup>26</sup> Nexus studies typically show that the construction of market-rate housing contributes to the need for affordable housing by increasing household spending in a community and so creating low-wage jobs – the kind of job creation that redevelopment plans anticipate when they facilitate downtown housing in order to create a market for local-

- Nexus studies are expensive.

Nonetheless, the relative simplicity of the exactions approach (see discussion below) and its ability to resolve both *Patterson* (by showing that the fee is related to the deleterious impact of the project) and *Palmer* (by replacing a requirement for on-site units with an impact fee) may make this the majority approach.

### C. Inclusionary Ordinances as Rent or Price Control

A potential conflict between inclusionary zoning and rent control statutes – in particular, the Costa-Hawkins Act<sup>27</sup> – has been recognized for some time.<sup>28</sup> As early as 1998, a lawsuit claiming a conflict between inclusionary requirements and the State Costa-Hawkins Act was filed against the City of Santa Monica and settled by the City.<sup>29</sup> Nonetheless, based on the court decisions in New Jersey and the legislative history of the Costa-Hawkins Act, there was some hope that the California courts would agree that inclusionary controls on rents did not constitute rent control.

Conflicts with State Statutes Regulating Rent Control. Rationales presented for distinguishing inclusionary ordinances from rent control statutes include inclusionary zoning's remedial character as a response to exclusionary zoning; its application to a small portion of new development *only* rather than to existing apartments; its inclusion of both rental and ownership

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serving activities such as supermarkets. An alternative nexus theory, more difficult to quantify, is that market-rate projects use up land that would otherwise be available for affordable housing. In a case involving commercial linkage fees, the Ninth Circuit discussed the "indirectness of the connection between the creation of new jobs and the need for low-income housing," but ultimately concluded that the fees bore a "*rational relationship* to a public cost closely associated with" new development. *Commercial Builders of Northern California v City of Sacramento*, 941 F.2d 872, 874-76 (9<sup>th</sup> Cir. 1991).

<sup>27</sup> Civil Code Sections 1954.51 – 1954.535.

<sup>28</sup> See California Affordable Housing Law Project & Western Center on Law & Poverty, *Inclusionary Zoning: Legal Issues* at 24-29 (December 2002) (hereinafter "Legal Issues"); Kautz, *supra* note 4, at 1015-17; Nadia El Mallakh, *Does the Costa-Hawkins Act Prohibit Local Inclusionary Zoning Programs?* 89 Cal. L.Rev. 1847 (2001).

<sup>29</sup> See Mallakh, *id.*, at 1851.

housing; and its screening of owners and tenants (at least initially) to ensure that they are lower income households. In *Napa*, the plaintiffs had asserted that the City's ordinance was a rent control ordinance that violated the due process clause because it required the sale or rental of ten percent of housing units at a fixed price without any provision for a fair return on investment to the developer. While not resolving whether a fair rate of return was required, the Court of Appeal found that Napa's ordinance was not an ordinance that "require[d] property owners who develop residential housing to sell or rent 10 of their units [to low income individuals]," (i.e., was not a rent control ordinance) because any person who did not want to sell or rent a portion of his or her housing units to low income individuals could choose one of the numerous alternatives included in the ordinance, such as paying an in lieu fee or donating land.<sup>30</sup>

In 2000, the Colorado Supreme Court found that a similar ordinance was, indeed, a rent control law.<sup>31</sup> The Town of Telluride's ordinance required developers to create housing affordable to forty percent of the employees generated by the development. The developer could satisfy the requirement by constructing new housing with controlled rents, paying fees, or dedicating land. Even though the developer was not required to provide rent-controlled units, the Colorado court found that the Telluride ordinance set a base rent and strictly limited rent increases and that the "scheme as a whole operated to suppress rental values below their market values," violating the "plain language" of the Colorado statute prohibiting rent control. Similarly, in 2006 a Wisconsin appellate court found that an inclusionary ordinance adopted by the City of Madison violated the "plain language" of a Wisconsin statute prohibiting local rent control, despite state policies encouraging cities to provide housing affordable to all income levels. The

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<sup>30</sup> *Napa* at 199.

<sup>31</sup> See *Town of Telluride v. Lot Thirty-Four Venture L.L.C.*, 3 P. 3d 30, 35 (Colo. 2000).

court observed that, "local governments may not choose a means of achieving that goal that is prohibited."<sup>32</sup>

The Court of Appeal's decision in *Palmer* uses language very similar to that in the Colorado and Wisconsin cases. The state Costa-Hawkins Act provides that, barring an exception, for any building completed after February 1, 1995, "an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or unit."<sup>33</sup> The *Palmer* court held that the language of the statute was "clear and unambiguous" and that forcing Palmer to provide affordable housing at regulated rents was "clearly hostile" to his right under Costa-Hawkins to establish the initial rental rate for the dwelling unit. Further, in an analysis similar to the Colorado court's treatment of Telluride's fee and dedication alternatives, and without any acknowledgement of the contrary language in *Napa*, the Court found that because the objective of the Specific Plan was to impose affordable housing requirements and the amount of the fee was based on the number of affordable units required, the in-lieu fee option was "inextricably intertwined" with the preempted rent control option and similarly preempted. The Court went even further and stated in a footnote that if the base requirement had been a fee, with voluntary provision of rental affordable units as an alternative, both the fee and the *voluntary* provision of units would be part of "an overall plan that is preempted by [Costa Hawkins]" and illegal.

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<sup>32</sup> See *Apt. Ass'n of S. Cent. Wis., Inc. v. City of Madison*, 722 N.W.2d 614 (Wi. Ct. App. 2006).

<sup>33</sup> Cal. Civ. Code Section 1954.52(a)(1). There is a fair amount of evidence that Costa-Hawkins was never intended to apply to inclusionary ordinances. Mike Rawson of the California Affordable Housing Law Project stated in an interview that Costa-Hawkins proponents specifically asserted that the bill would not cover inclusionary units. However, he acknowledges that no such agreement is reflected in the legislative history. (Telephone Interview with Michael Rawson, Nov. 12, 2001.) See also Mallakh, *supra* note 28, at 1870-72. Mallakh also discusses the numerous statements of the bill's authors that Costa-Hawkins would affect only the five California cities that did not permit vacancy decontrol (Berkeley, Santa Monica, West Hollywood, Cotati, and East Palo Alto), see *id.* at 1870 n.149, although 64 cities at the time had inclusionary programs, and notes that nowhere in the legislative history was the act described as having a "prohibitive effect" on inclusionary programs. See *id.* at 1871 n.154.

For cities, there is now only one relevant exception to Costa Hawkins, which does not apply when "[t]he owner has otherwise agreed by contract with a public entity in consideration for a direct financial contribution or any other forms of assistance specified in [density bonus law, commencing with Government Code Section 65915]." <sup>34</sup> In the absence of financial assistance or another incentive, it is questionable whether a voluntary agreement to provide rent-controlled units could be enforced. <sup>35</sup>

Inclusionary Ordinances as Rent and Price Controls. The *Palmer* court's characterization of inclusionary zoning as a rent control could result in the characterization of controls on ownership units as price controls. If the courts begin to classify inclusionary ordinances as price controls, a different set of constitutional standards would prevail. The issue was raised in *Napa* but not resolved.

A price control is considered constitutional so long as it is not "confiscatory, i.e., ... fails to permit a landlord a fair rate of return." <sup>36</sup> However, prices for inclusionary units are not based on "fair return" concepts but on prices that are affordable to moderate and lower income families. The formulas used to set affordable prices have nothing to do with land costs, prices of market-rate units, financing, construction costs, or other factors that affect the developer's rate of return.

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<sup>34</sup> Civil Code Section 1954.52(b).

<sup>35</sup> While it would normally be assumed that a developer could agree to provide affordable rental housing as part of a development agreement, communities may want to include a term in their development agreements expressly stating that developer has agreed to limit rents in exchange for the regulatory incentives included in the development agreement.

The case also raises the question of the validity of existing agreements requiring the provision of rent-controlled housing when no city incentives were provided. We will attempt to discuss this issue in our panel discussion, but there has not been time to address this issue in this paper.

<sup>36</sup> *Santa Monica Beach, Ltd. v. Superior Court*, [P 998]

In *Pennell v. City of San Jose*,<sup>37</sup> the U.S. Supreme Court reviewed a constitutional challenge to a San Jose rent control ordinance based on a provision that permitted the City to *consider* "hardship to a tenant" when setting rents but did not *require* a reduction. The Court held that the provision was not unconstitutional absent any evidence of its actual impact.

*Pennell* appears to stand for the proposition that price controls cannot be challenged on their face unless they actually deny an owner a fair return. However, inclusionary provisions could be subject to rate of return analysis if viewed as price controls. Whether a court would review the rate of return for only the inclusionary units (likely negative) or for the entire project (likely positive) is unknown, since no court in California has applied such an analysis to a development project.

Conflicts with Other Statutes. The *Palmer* decision potentially conflicts with the Mello Act,<sup>38</sup> which requires that every new housing development in the coastal zone, "where feasible," provide housing affordable to low and moderate income households and also requires that all housing demolished in the coastal zone and formerly occupied by low and moderate income households be replaced within three years (subject to certain exceptions) or that the developer pay an in-lieu fee. Developers of new rental housing in the coastal zone will certainly argue that, given *Palmer*, it is no longer "feasible" for them to be required to provide affordable housing, and those who need to pay an in-lieu fee may argue that it is tainted by an on-site rent-controlled alternative. Although the issue was raised in the briefs, the *Palmer* court ignored it.

In addition, Government Code Section 65589.8 *specifically* allows developers who are required to provide inclusionary units to use rentals to provide all or some of the units:

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<sup>37</sup> 485 U.S. 1 (1988).

<sup>38</sup> Government Code Section 65590-65590.1.

A local government which adopts a requirement in its housing element that a housing development contain a fixed percentage of affordable housing units, shall permit a developer to satisfy all or a portion of that requirement by constructing rental housing at *affordable monthly rents*, as determined by the local government.

Nothing in this section shall be construed to expand or contract the authority of a local government to adopt an ordinance, charter amendment, or policy requiring that any housing development contain a fixed percentage of affordable housing units. (emphasis added)

This statute was not cited in either the City's or the amicus brief, but would appear to have no meaning at all if – as concluded in *Palmer* – rent control is only permitted pursuant to a agreement in exchange for money or incentives.<sup>39</sup> Perhaps one way to reconcile the two statutes and the Court's holding is to classify the developer's ability to substitute rental units for ownership units as an *incentive* provided pursuant to density bonus law (see discussion below).

### **III. Options for a Defensible Inclusionary Ordinance**

This section describes some initial ideas for creating a defensible inclusionary ordinance in the wake of *Palmer* and *Patterson* and discusses various associated issues. The discussion should be considered preliminary and subject to change.

#### **A. Don'ts.**

In light of *Palmer* and *Patterson*, some past inclusionary practices are no longer permitted:

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<sup>39</sup> This provision would also appear to provide ammunition to the argument that Costa Hawkins was never intended to apply to inclusionary ordinances, since the wording of this provision does not contain any acknowledgement that rent control provisions might apply to inclusionary ordinances.

- *Don't* require affordable *rental* housing in any newly created units (but see below regarding impact fees for rental units and requirements when condominium maps have been recorded).
- *Don't* include new affordable rental housing in a menu of options to meet affordable housing requirements (except as described in the next bullet). Including price-restricted rental housing in the program risks having the entire inclusionary scheme deemed "an overall program preempted by" Costa Hawkins.
- *Don't* enter into a voluntary agreement to restrict rents *unless* the builder receives either money or an incentive provided in density bonus law, *and* agrees by contract to restrict rents. An agreement limiting rents without money or an incentive as consideration may not be enforceable, since it does not comport with the precise language of Costa Hawkins.
- *Don't* calculate inclusionary in-lieu fees by dividing the total cost of subsidizing the City's entire fair share (RHNA) housing obligation by the number of units remaining to be built in the City (as was done by the City of Patterson).

B. The Pure Exactions Approach

The option that is conceptually the easiest to understand would treat all inclusionary requirements as exactions and/or impact fees. This would resolve the issues raised in *Patterson* and would convert all requirements for rental housing to an impact fee in response to *Palmer*. In this model, communities would:



- Complete a nexus study showing how the construction of market-rate housing contributes to the need for affordable housing. Generally such a study looks at the need created by different housing types (single-family homes, medium- and high-density multifamily, rentals v. ownership housing).
- Impose a housing impact fee on new rentals (usually a dollar amount per sq. ft.).
- Allow rental developments to provide on-site affordable housing only pursuant to a contract reciting financial or other incentives provided to the development.
- Determine an inclusionary percentage for ownership housing based on the nexus study. If it is desired to have an impact fee as an alternative, also determine the fee based on the nexus study.

Such an ordinance would be very similar to existing inclusionary ordinances, except that only an impact fee would be required for new rental housing.

C. The Mixed Exactions/Land Use Approach

Another approach uses the exactions approach for rentals and the land use control approach for ownership housing. Its treatment of rental housing is identical to that in the previous option.

- Complete a nexus study for rental housing only.
- Impose a housing impact fee on new rentals (usually a dollar amount per sq. ft.).

- Allow rental developments to provide on-site affordable housing only pursuant to a contract reciting financial or other incentives provided to the development.
- Retain existing on-site inclusionary requirements for ownership units as land use controls, with any in-lieu fee equal to the cost of providing the units elsewhere and with language stating clearly that the fee is not an impact fee. However, the in-lieu fees would remain subject to attack under *Patterson* and would need to be differentiated from the affordable housing in-lieu fees analyzed in *San Remo*. An option is to simply require that the units be provided on site and not include an in-lieu fee option.

One advantage of this structure may be that the city can amend only those portions of its ordinance related to rental housing, saving its existing provisions for ownership housing from a facial attack.<sup>40</sup> In addition, if the courts agree that the on-site requirements are land use controls, they will be subject only to the highly deferential “rational basis” test. However, as Alan Seltzer's paper states, once a nexus study is completed, it would be hard to avoid its conclusions regarding the justification for the fee in-lieu of producing housing on-site. As a final variation, this result can be avoided by removing rental housing without recorded condominium maps from all affordable housing requirements and retaining only provisions for ownership housing.

#### D. Random Considerations

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<sup>40</sup>See *Buena Park Motel Assn. v. City of Buena Park* (2003) 109 Cal. App. 4th 302, 308, holding that plaintiffs were precluded from challenging portions of a later-adopted ordinance that were "not altered" from an earlier ordinance.

Based on our review to date of *Palmer's* implications, here are additional thoughts on issues raised by the case. Because of the many issues, the discussion in most instances is cursory and intended primarily to alert practitioners to the issue.

Projects with Condominium Maps that Are Initially Rented. Developers of rental housing often record a condominium map at the time of construction so that they may be able to avoid the terms of a condominium conversion ordinance when and if they decide to sell the units. Even if the developer at the time of approval intended to sell the units, market conditions may require developers to rent for a time. The issue is whether these units could be subject to a local inclusionary ordinance.

There does not seem to be an obstacle to requiring as a condition of map approval that the developer provide a proportion of the units as ownership affordable units (assuming that this requirement is contained in the General Plan, zoning ordinance, or other generally applicable ordinance). As an option, the developer could be permitted to provide the units as rentals by entering into an agreement that meets the requirement of the Costa Hawkins exception (including City provision of a financial or regulatory incentive). This requirement withstood a challenge in the *Action Apartment Assoc. v. City of Santa Monica* case discussed in Alan Seltzer's accompanying paper.<sup>41</sup> Santa Monica automatically waives two taxes for required affordable housing units so that each project receives an incentive and also allows affordable units to receive density bonuses and incentives pursuant to State density bonus law (Section 65915). The rental option itself could also be defined as an incentive in an effort to reconcile Costa-Hawkins (which does not allow rent control unless the developer has received an incentive) and

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<sup>41</sup> See Santa Monica Municipal Code Sections 9.56.050(a) and (b) and 9.56.090 (fee waivers).

Government Code Section 65589.8 (which allows the developer to provide rentals as inclusionary units).

Limited Discretion to Avoid *Nollan/Dolan*. The deferential “reasonable relationship” test for impact fees and other exactions applies only to “legislatively mandated, formulaic mitigation fees” and not to ad hoc individualized exactions, which are subject to *Nollan/Dolan* scrutiny.<sup>42</sup> Consequently, an ordinance that has alternatives (such as dedication of land and off-site construction) needs to define them precisely so that the requirements are, in fact, “formulaic.” There has been a tendency regarding inclusionary ordinances to provide more and more options with more and more “flexibility.” At some point this will transform the inclusionary requirements into ad hoc exactions, which will make them more vulnerable to attack and transfer the burden of proof to the City.

Compliance with the Mitigation Fee Act. There have been repeated claims (beginning with *Napa*) that the imposition of in lieu fees or even inclusionary requirements must comply with the Mitigation Fee Act (“MFA”).<sup>43</sup> Alan Seltzer reviews these claims in detail in his companion paper.

If cities adopt any part of their inclusionary requirements as exactions or impact fees, they may want to follow MFA procedures to protect against a future challenge, even if not acknowledging that the fees are subject to the Act. A difficulty in complying completely with the MFA is the need to identify precisely the “public facilities” that the fee is to pay for. Affordable housing projects funded with impact or in lieu fees are typically proposed by private parties on an ad hoc basis, rather than – as in the case of other public facilities – being built by the public

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<sup>42</sup> See *San Remo* at 670-71.

<sup>43</sup> Government Code Section 66000 *et seq.*

entity pursuant to an adopted capital improvements plan. This difference may help convince a court that affordable housing is not a “public facility” and hence is not subject to the MFA (even if it is ultimately defined as an exaction). However, following the MFA procedures in *adopting* an ordinance may at least protect the adoption against a facial challenge (as was the case in Santa Monica).<sup>44</sup>

Takings and Price Control Issues. Clearly an impact fee and inclusionary requirement cannot be so confiscatory as to deprive an owner of "all economically beneficial use" of the property. The issue is whether, as price controls, they must also give owners a reasonable rate of return.

From a practical viewpoint, the requirement of the Department of Housing and Community Development (“HCD”) that cities demonstrate their inclusionary ordinances do not pose a “constraint” on housing has resulted in communities’ preparing economic studies to show that housing development remains feasible even after adoption of an inclusionary ordinance. Some of these studies have been based on a rate of return analysis. For instance, one study we reviewed looked at whether an inclusionary requirement would provide developers with a 12 percent profit on cost, based on data from the National Association of Homebuilders. Communities may want to include a rate of return analysis in their economic feasibility studies to protect against future claims based on the characterization of inclusionary requirements as price controls.

Relation to Density Bonus Law. If *Palmer* remains good law, rental affordable units can be required *only* if the project receives either money or “any other forms of assistance specified

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<sup>44</sup> Although a contrary argument may be made that, if the city follows MFA procedures, applicants may claim that the city has conceded the applicability of the MFA.

in [density bonus law].” The “forms of assistance” specified in the relevant code sections include density bonuses, “incentives and concessions” (almost any regulatory concession), waivers of development standards, and reduced parking requirements. Some communities now give incentives for inclusionary housing through mechanisms that are distinct from density bonus law. It may be prudent to specify that all forms of assistance granted to projects are being provided pursuant to state density bonus law, to ensure that all of these incentives can be recognized in an agreement requiring the provision of affordable rental housing.<sup>45</sup>

Some communities have adopted density bonus ordinances that provide bonuses and incentives only when the developer *voluntarily* agrees to construct affordable units. If affordable units are *required* by an inclusionary ordinance, the developer is not eligible for a density bonus. Practitioners should note that, pursuant to *Palmer*, because cities cannot require the provision of affordable rental housing, any affordable rental unit provided in a new development is, by definition, provided *voluntarily* and hence is entitled to state density bonuses and incentives.

Relation to Redevelopment Production Requirements. State law requires that 15 percent of housing produced in redevelopment areas be affordable (6 percent to very low income households, 9 percent to moderate-income households). As the Housing Set Aside money used for this purpose has disappeared into the giant State maw, more communities have been relying upon inclusionary ordinances to ensure that each project in the redevelopment area meets its production requirement (i.e., includes 15 percent affordable housing). Communities that lose the ability to obtain this affordable housing may have few opportunities to meet their production requirements.

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<sup>45</sup> However, at least one publication has opined that the “plain language” of the exception requires only that a *form* of assistance mentioned in density bonus law be provided, not that the incentive must actually be provided pursuant to density bonus law. See Legal Issues, *supra* note 28, at 27.

Some adopted redevelopment plans allow the redevelopment agency to adopt guidelines to ensure that the agency is meeting its affordable housing requirements. A question is whether such provisions could provide independent authority to reject a project that does not provide adequate affordable housing on site. Alternatively, a question is whether a nexus study would allow the city to charge a high enough fee to provide the required affordable housing elsewhere in the redevelopment area.

### **Conclusion**

The implications of *Palmer* for the creation of affordable housing in the State of California may be profound. If the case is not depublished or accepted for review, it would be prudent for communities with inclusionary ordinances to amend them to avoid a facial conflict with State rent control provisions. While some of the changes suggested here may mitigate the effect of adverse court rulings, *Palmer* will likely require changes in affordable housing policies and practices in the State if it is not modified by the California Supreme Court.

**RESOLUTION NO. 10-390**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING ENHANCEMENTS TO EXISTING NON-DISCRIMINATION HOUSING POLICIES**

**WHEREAS**, in 2003, the Pleasanton City Council adopted a Housing Element; and

**WHEREAS**, the City's Housing Element includes goals and programs that prohibits discrimination to housing opportunities in Pleasanton, including the goal of identifying and making special provisions for the community's special needs housing; and

**WHEREAS**, the City is about to embark on an update to the existing Housing Element; and

**WHEREAS**, through adoption of this resolution, the City Council reaffirms its position on housing non-discrimination, and

**WHEREAS**, it is the intent of the City Council to update its Housing Element goals and programs through study and consideration of adoption of additional goals and programs related to eliminating discrimination in the areas of affordable housing for families with children and senior citizens as part of its Housing Element update process.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That the Council does hereby adopt the following Non-Discrimination Policy:

In recognition of State and Federal laws which prohibit municipalities from discriminating against developers of affordable housing, including non-profit developers of affordable housing, and from discriminating against families with children in need of affordable housing, it is the official policy of the City of Pleasanton, that the City staff and the City Council will act affirmatively to promote the development of well-designed affordable housing for families with children in Pleasanton. The City Manager will report regularly to the City Council on the City's efforts to fulfill this policy, the success of those efforts, and plans and proposals to attract well-designed affordable housing for families with children in the future.

**SECTION 2.** As part of its Housing Element update process the City will study and consider adoption of goals and programs promoting affordable non-profit housing development for families, as well as for other special needs households, including strengthening existing programs to promote construction of affordable three bedroom units for large families and including the goal of building affordable family units and affordable senior units in proportion to the need for each.

**SECTION 3.** As part of the Housing Element Update process, the City staff will conduct analysis and prepare information for review by the public and consideration of adoption by the City Council, related to Sections 1 and 2 above. This analysis will include identifying sites that may be most competitive for Low Income Housing Tax Credits based on the "site amenities" point criteria included as part of the California Tax Credit Allocation Committee Application.

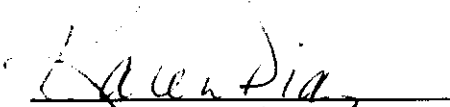


Following the public review process for the Housing Element, which will include discussion with non-profit affordable housing developers, and identification of the most competitive sites for Lower Income Housing Tax Credits, the City Council will adopt and implement one or more programs to attract non-profit affordable housing development for families for the identified sites. Such program(s) shall not preclude non profit housing developments on sites other than the identified sites. The City will also study its existing Lower Income Housing Fee and Inclusionary Housing Ordinance to determine if it is appropriate to increase the amount of the fee or percentage of affordability to support affordable housing development.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on July 20, 2010.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing Resolution was adopted by the City Council at a regular meeting held on the 20th day of July, 2010, by the following vote:

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

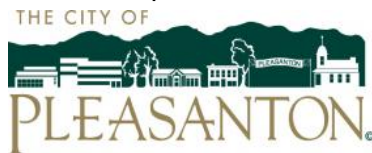
  
\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

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

**Addendum to the City of Pleasanton Housing Element and  
Climate Action Plan General Plan Amendment and  
Rezoning Supplemental Environmental Impact Report  
(State Clearinghouse Number 2011052002)  
for  
The Residences at California Center Project  
(PUD-85-8-1D-4M)  
City of Pleasanton, Alameda County, California**

Prepared for:



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Michael Brandman Associates

March 4, 2012



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## SECTION 1: INTRODUCTION

### Project Description

- |   |   |
|---|---|
| <b>1. Project Title and Number:</b>             | The Residences at California Center (PUD-85-8-1D-4M)  |
| <b>2. Lead Agency Name and Address:</b>         | City of Pleasanton<br>200 Old Bernal Avenue<br>Pleasanton, CA 94566   |
| <b>3. Contact Person and Phone Number:</b>      | Steve Otto, Senior Planner<br>(925) 931-5608  |
| <b>4. Project Location and APN:</b>             | 4400-4460 Rosewood Drive (941-2780-018, 941-2780-017, 941-2780-019-01)  |
| <b>5. Project Sponsor's Name &amp; Address:</b> | Pleasant Partners, LLC<br>101 California Street, Suite 2600<br>San Francisco, CA 94111  |
| <b>6. General Plan Designation:</b>             | Business Park/Mixed Use   |
| <b>7. Zoning:</b>                               | Planned Unit Development (PUD) – High Density Residential (HDR) and Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) |
| <b>8. Description of Project:</b>               | 305 apartment homes, 7,520 square feet of retail space; a 941-space, 5-story parking garage; and two surface parking lots               |

### Background

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

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

contained within the updated Housing Element and Climate Action Plan and the changes in land use designations proposed in the General Plan Amendment and rezonings. Within the Supplement EIR, the City identified 21 potential sites for rezoning and the buildout potentials of those sites to provide an adequate inventory of housing to meet Pleasanton's share of regional housing needs through 2014 (City of Pleasanton 2011). Not all 21 sites were needed to meet Pleasanton's share of regional housing needs, and the City ultimately selected only nine of the 21 sites for rezoning. As such, the Supplemental EIR provides a conservative analysis regarding potential impacts resulting from the development of residential land uses on rezoned sites.

The subject property (project site) was included as a potential site for rezoning in the Supplemental EIR as site Number 10. Within the Supplemental EIR, 8.43 acres of the 60-acre parcel was considered for the development of 252 to 420 units and up to 10,000 square feet of retail space. Any future development on the project site would be required to abide by all applicable mitigation included in the Supplemental EIR. As a result of the Supplemental EIR, the 8.43 acre portion of the project site was rezoned from Planned Unit Development - Industrial/ Commercial-Office (PUD-I/C-O) to Planned Unit Development - High Density Residential (PUD-HDR). The PUD-HDR zoning for the project site requires a housing unit per acre ratio from 35:1 to no more than 40:1 and, as analyzed in the Supplemental EIR, allows for up to 10,000 square feet of retail space.

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

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

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## **Project Site**

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The project site consists of approximately 19.3 acres located on Owens Drive between Rosewood Drive and Tassajara Creek on the 60.9-acre California Center corporate campus within the Hacienda Business Park in the City of Pleasanton (Exhibit 1). As shown in Exhibit 2, the project site consists of two separate areas:

- The first area consists of approximately 17.6 acres that are currently developed with surface parking, associated landscaping, and a turf area (Exhibit 2). An 8.4-acre portion of this area fronting Owens Drive is zoned as PUD-HDR.
- The second area consists of approximately 1.7 acres of turf, located directly northwest of the existing California Center corporate campus buildings (Exhibit 2).

The project site is adjacent to a variety of land uses, including multi-family residential uses to the south and east, commercial retail uses to the northwest, and commercial office space within the California Corporate Center to the north (Exhibit 2). Tassajara Creek forms the southeastern border of the project site, beyond which multi-family residential uses are located. The project site is approximately 0.3 mile south of Interstate 580 (I-580) and approximately 0.7 mile southeast of the East Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The project site is zoned Planned Unit Development (PUD) – High Density Residential (HDR) and Planned Unit Development– Industrial/Commercial-Office (PUD-I/C-O) and has a General Plan land use designation of Business Park/Mixed Use.

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## **Project**

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The applicant proposes the demolition of the existing parking lot, associated landscaping and 101,605 square feet of turf area and the construction of 305 residences in eight buildings, 7,520 square feet of retail space in two buildings; a 941-space, 5-story structured parking garage; and two surface parking lots. Including the residential and retail areas, total impervious surfaces at the California Center corporate campus would change from 1,658,602 square feet to 1,807,340 square feet, an increase of 148,738 square feet or 9 percent. (Exhibit 3a and Exhibit 3b).

The project proposes multi-family residential uses at a density of 36.3 dwelling units per acre and a FAR of 1.02. The project includes a mix of studio, one-bedroom, two-bedroom, and three-bedroom apartment homes within two residential building types (three-story walk up buildings and a four-story residential building atop one level of sub-surface parking). Table 1 provides a summary of the residential component of the project. In addition, the project includes two retail buildings consisting of 3,760 square feet each for a total of 7,520 square feet. The retail buildings could be divided to accommodate between two and six retailers and service providers. Table 2 provides a summary of the retail component of the project. A 941-space, 5-story structured parking garage would be constructed northeast of the proposed residences, adjacent to the existing California Center corporate



campus building. In addition, two separate turf areas, totaling 101,605 square feet, adjacent to existing corporate campus building would be removed and replaced with surface parking. Exhibit 5 provides images of the proposed project.

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

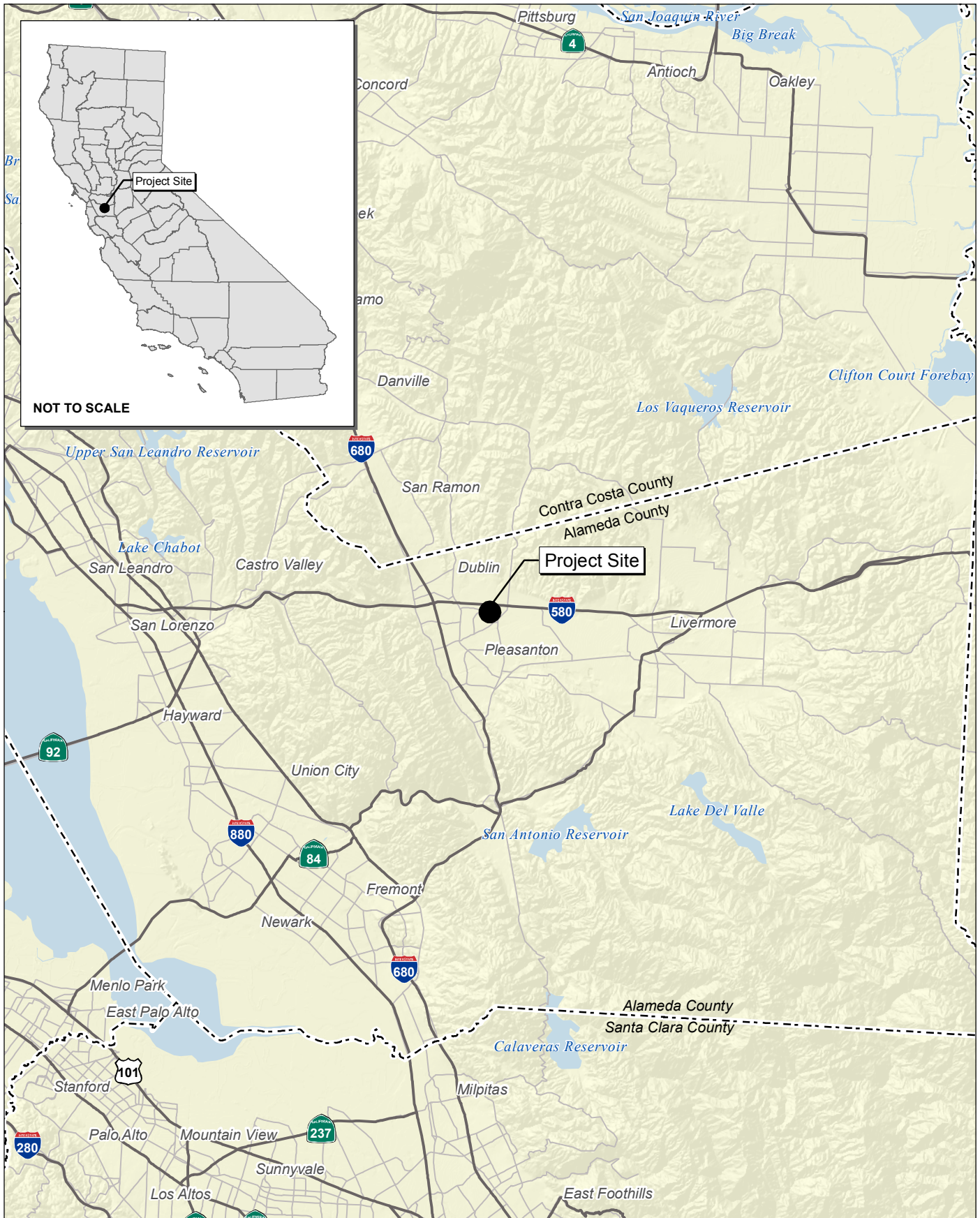
| Use                                  | Building            | Units      |
|--------------------------------------|---------------------|------------|
| Residential                          | Garden Walkup G1    | 37         |
|                                      | Garden Walkup G2    | 31         |
|                                      | Garden Walkup G3/G4 | 40         |
|                                      | Podium P1, P2, P3   | 197        |
| <b>Total</b>                         |                     | <b>305</b> |
| Source: Pleasant Partners, LLC 2012. |                     |            |

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

| Use                                  | Building | Total Square Footage |
|--------------------------------------|----------|----------------------|
| Retail                               | Retail 1 | 3,760                |
|                                      | Retail 2 | 3,760                |
| <b>Total</b>                         |          | <b>7,520</b>         |
| Source: Pleasant Partners, LLC 2012. |          |                      |

The residential and retail buildings would be constructed surrounding communal spaces, including plazas, site amenities, open spaces, and pedestrian/bicycle connections. Residential amenities would include a resident business center with high-speed internet and conference facilities; do-it-yourself bicycle repair shop; electric vehicle charging stations; pool and spa; fitness building; community building with community kitchen, indoor and outdoor seating, television and entertainment features; outdoor barbeque area; children’s playground; play lawn; potential bicycle connection to Tassajara Canal Trail; pet zones, including do-it-yourself dog-wash station; and garden areas.

A total of 489 parking spaces would be provided for the residences, 75 of which will be shared with the adjacent corporate campus. These spaces are separate from those in the proposed five-story parking garage and parking areas constructed within the existing turf areas adjacent to the corporate campus building. At least one covered stall would be provided for each apartment home: 60 would be provided in garages, 42 in covered carports, and 247 in a sub-surface parking garage beneath the four-story podium residential building. Parking for the retail use would be provided at a minimum of 5 spaces per 1,000 square feet of retail or 41 spaces.



Source: Census 2000 Data, The CaSIL, MBA GIS 2012.



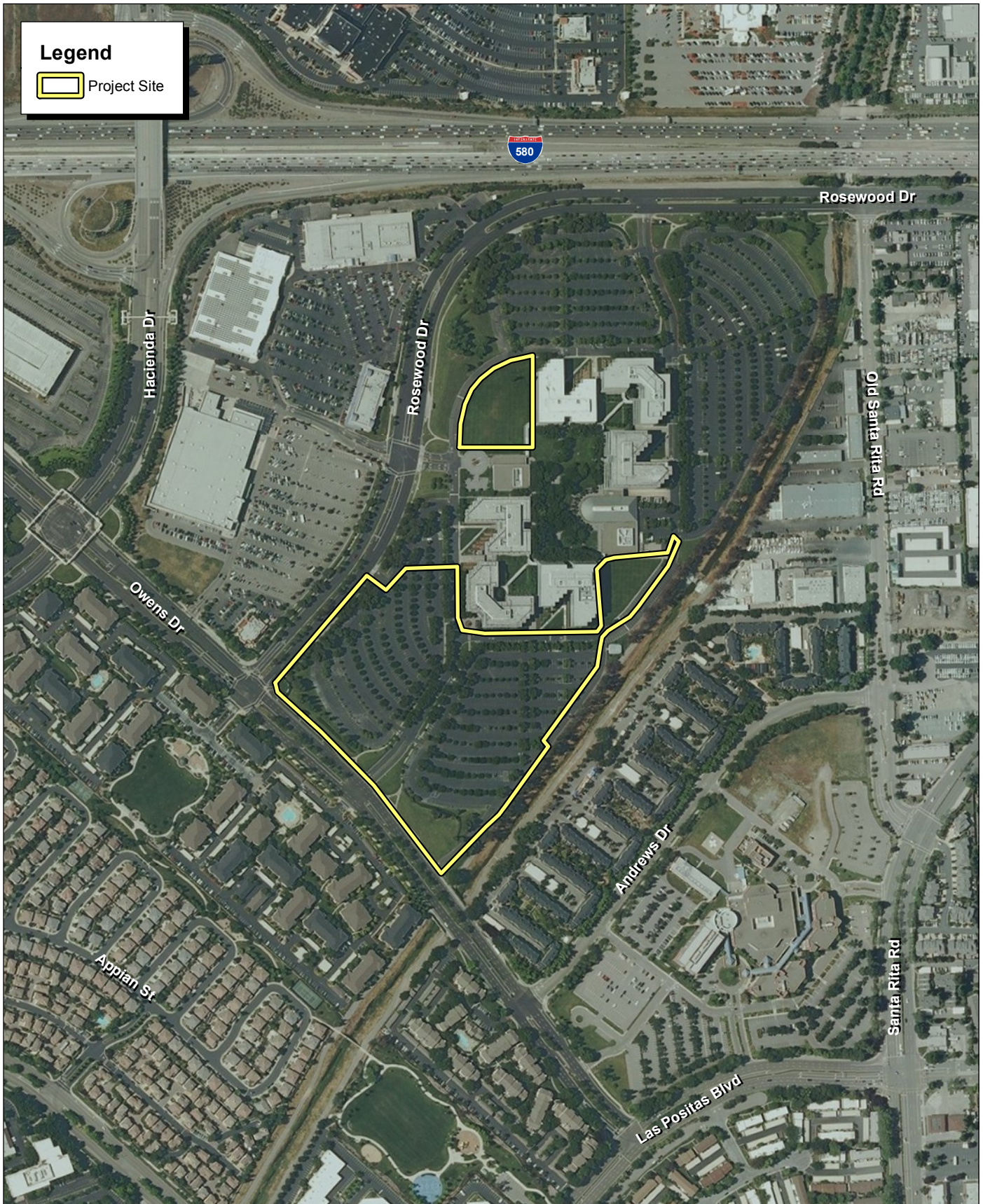
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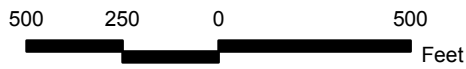
# Exhibit 1 Regional Location Map







Source: ESRI Aerial Imagery. Dahlin Group, September 2012.



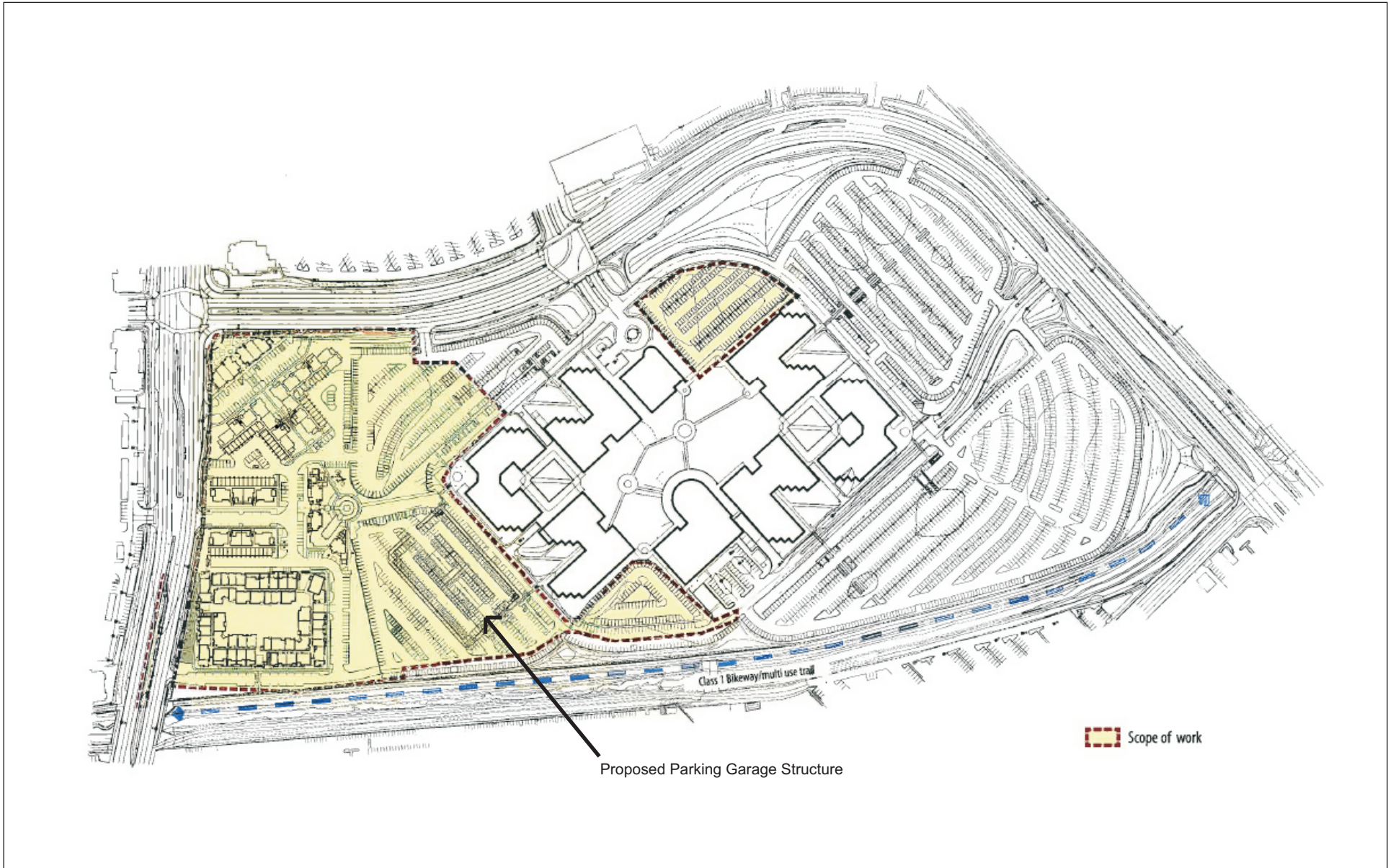
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## Exhibit 2 Local Vicinity Map Aerial Base







Source: Dahlin Group, 2012.

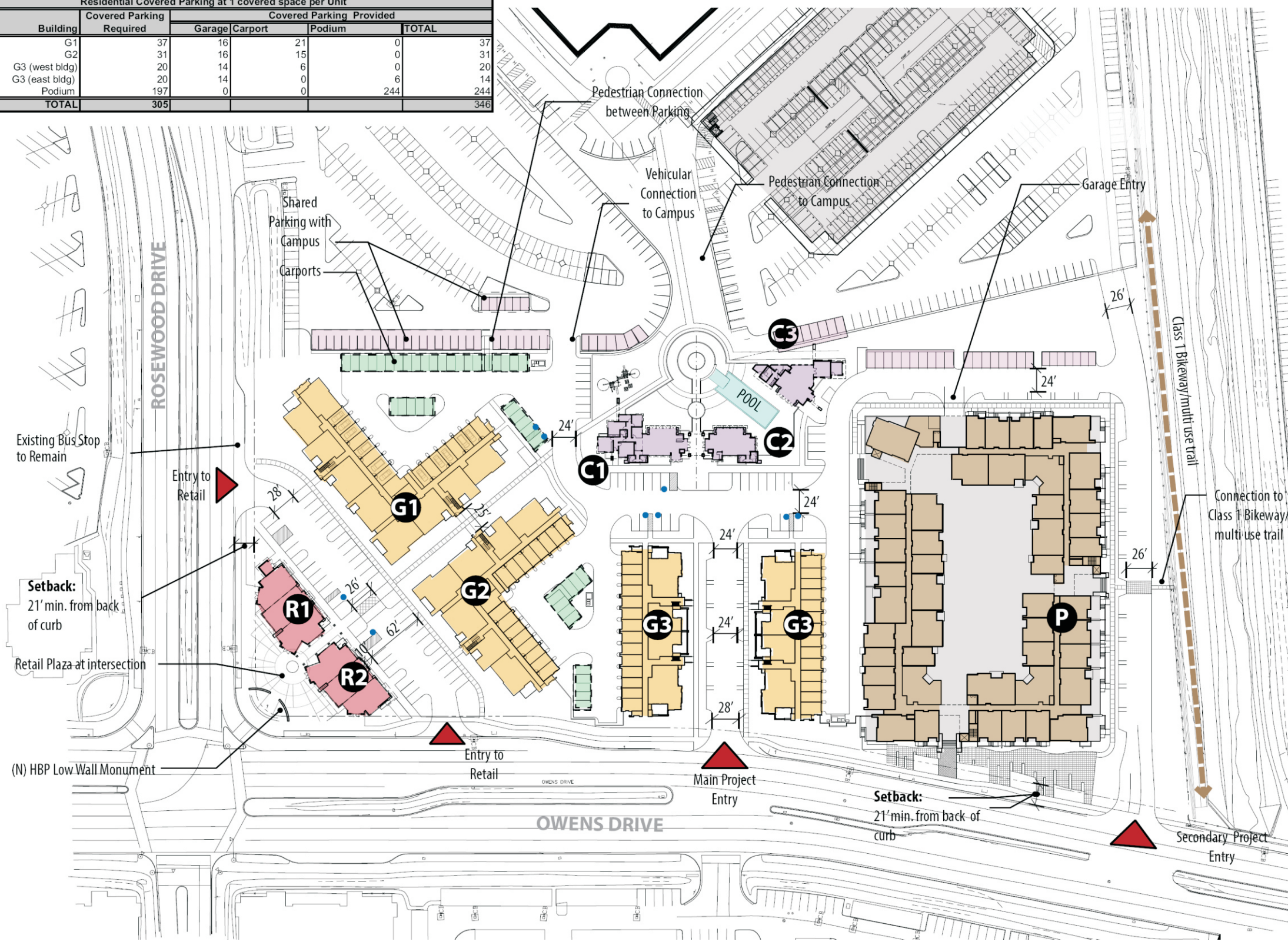






| Residential Covered Parking at 1 covered space per Unit |                          |                          |         |        |  |            |
|---|--------------------------|--------------------------|---------|--------|--|------------|
| Building  | Covered Parking Required | Covered Parking Provided |         |        |  | TOTAL      |
|   |                          | Garage                   | Carport | Podium |  |            |
| G1  | 37                       | 16                       | 21      | 0      |  | 37         |
| G2  | 31                       | 16                       | 15      | 0      |  | 31         |
| G3 (west bldg)  | 20                       | 14                       | 6       | 0      |  | 20         |
| G3 (east bldg)  | 20                       | 14                       | 0       | 6      |  | 14         |
| Podium  | 197                      | 0                        | 0       | 244    |  | 244        |
| <b>TOTAL</b>  | <b>305</b>               |                          |         |        |  | <b>346</b> |

| Development Summary                   |                    |
|---------------------------------------|--------------------|
| <b>Residential</b>                    | <b>Unit Counts</b> |
| Studios                               | 34                 |
| 1 bedroom                             | 139                |
| 2 bedroom                             | 110                |
| 3 bedroom                             | 22                 |
| <b>TOTAL UNITS</b>                    | <b>305</b>         |
| <b>Retail</b>                         | <b>7520 sf</b>     |
| <b>Parking Requirements</b>           |                    |
| <b>Residential</b>                    | <b>Spaces</b>      |
| For 305 units @ 1.5/unit              | 458                |
| Guest Parking @1 per 10 units         | 31                 |
| <b>TOTAL Required</b>                 | <b>489</b>         |
| <b>Parking Provided</b>               |                    |
| <b>Residential</b>                    | <b>Spaces</b>      |
| Podium                                | 247                |
| Private Garage                        | 60                 |
| Carports                              | 42                 |
| Surface Parking                       | 76                 |
| Shared Parking N of G1                | 50                 |
| Shared Parking N of Podium            | 25                 |
| <b>TOTAL UNITS</b>                    | <b>489</b>         |
| at 1.6 spaces per Unit                |                    |
| <b>Retail</b>                         | <b>41*</b>         |
| *@ 5 min spaces per 1000 sf of retail |                    |



- Legend:**
- Project Entry
  - ADA Parking Spaces
  - Carports
  - Shared Parking

Source: Dahlin Group, September 2012.



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Exhibit 3b  
Residential and Retail Site Plan





**1: Southwest Intersection at Owens & Rosewood Drive**



**Existing**

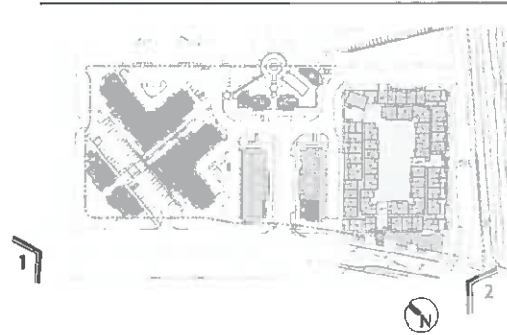


**Proposed**



**2: Southeast Corner at Owens Drive**

**KEY MAP (not to scale)**



Source: Dahlin Group and Gates and Associates, September 2012.



Michael Brandman Associates

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With construction of the proposed retail and residential uses, the following circulation changes are proposed to occur:

- Access to the office parking supplies from Owens Drive would be discouraged by design from the existing full access driveway and the existing right-in/right-out driveway would be modified to provide full access
- Two new right-in/right-out driveways serving the retail portion of the Project would be constructed, with one driveway on Owens Drive and the other on Rosewood Drive

In addition, the following transportation related modifications and operational procedures would be incorporated into the project:

- The operations of the easterly drive way would be monitored after project construction and when the California Center office reaches a more typical level of occupancy to determine if signalization of the easterly driveway intersection is warranted.
- Separate left- and right-turn egress lanes at the easterly Project driveway for approximately 50 feet into the site with a 37-foot wide cross-section to accommodate a 15-foot wide entry and two 11-foot exist lanes.
- Landscaping vegetation at the easterly driveway intersection would be limited to 30-inches in height and tree canopies would be maintained at approximately six feet or higher from the ground to ensure proper sight distances.
- Residents of the proposed project would be encouraged to conduct move-in/move-out large vehicle maneuvers during off-peak hours, such as mid-day or weekends.
- Delivery moving trucks/delivery vehicles would be allowed to park in parallel parking stall(s) to maintain two-way travel on internal roadways.
- For the retail portion of the Project, large vehicles deliveries would be encouraged to occur during off-peak hours as there are no designated loading areas within the retail portion of the project site.
- Residents of proposed project would be provided with ECO passes to encourage transit use.

The residential and retail buildings and common spaces (including plazas, site amenities, open spaces, and pedestrian/bicycle connections) have been designed on sustainable design principles, and the residential buildings will achieve a “Green Home” rating on Alameda County Waste Management Authority’s Multifamily Green Building Rating System. The residential buildings would include such “green” features as onsite recreational amenities, resident business center, energy-efficient design and construction, durable building materials, Energy Star appliances, native landscaping,

water-conserving measures, bicycle repair shop, electrical vehicle charging station, and naturalistic stormwater treatment.

Construction of the project may begin in 2013, with project occupancy in 2014. The project plans and specifications incorporate construction minimization plans designed to reduce construction equipment exhaust emissions and minimize emissions of toxic air contaminants. The architectural coatings phase of construction is estimated to take approximately 6 months to complete. Low VOC paint (250 grams VOC per liter or less) will be used. Off-road construction equipment with diesel-powered engines over 50 horsepower will be powered by Tier 3 certified engines, engines over 150 horsepower will have Level 3 diesel particulate filters with a minimum efficiency of 85 percent.

**9. Requested Permits/Approvals**

- A. Planned Unit Development
- B. Grading Permit
- C. Building Permit
- D. Growth Management Approval
- C. Development Agreement

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

- A. San Francisco Regional Water Quality Control Board

## SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

### Environmental Determination

The Supplemental EIR analyzed the development of the project site with between 252 to 420 units and up to 10,000 square feet of retail uses. The project as currently envisioned includes development of 305 residential units and 7,520 square feet of retail uses, which is within the range previously analyzed.

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

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

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

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

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

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## **Evaluation of Environmental Impacts**

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### **Discussion of Environmental Evaluation**

The following analysis includes a discussion of each item identified in the current CEQA environmental checklist (Appendix G). Required mitigation measures are identified (if applicable) where necessary to reduce a projected impact to a level that is determined to be less than significant. The 2009 Pleasanton General Plan Update EIR (State Clearinghouse Number 2005122139) and 2011 Housing Element and Climate Action Plan Subsequent Draft EIR (State Clearinghouse Number 2011052002) are herein incorporated by reference in accordance with Section 15150 of the CEQA Guidelines. Copies of these documents and all other documents referenced herein are available for review at the City Pleasanton Planning Division, 200 Old Bernal Avenue Pleasanton, California.



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

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### Environmental Setting

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The project site is located in an urban, densely developed area, and is currently developed with surface parking and mature landscaping.

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### Findings

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

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

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

Views of scenic resources surrounding Pleasanton include Mt. Diablo to the north; the Pleasanton Ridgelines, which are to the west of I-680; and the Pleasanton, Southeast, and Main Hills, which are



to the west, southeast, and east Pleasanton. The project site is located in a densely developed urban area. Views of surrounding resources are primarily obstructed by mature trees and residential and commercial buildings. As shown in Exhibit 5, views of the project site would be changed from that of a landscaped parking lot to residential and commercial structures consistent with surrounding land uses. While the proposed project would include buildings of three and four stories in height, they would consist of a blend of contemporary and traditional architectural forms and materials, to be readily identifiable as a residential community, but complementary in design and tone to the significant corporate campus existing onsite. The retail components would be developed with the residential structures and would not create any obstructions or conflicts with scenic resources. Landscaped plazas would be located at the public edges of the site as well as in the center of the site. The project would conform to all applicable City guidelines and policies regarding mixed use and residential development. As such, the proposed project would not introduce any new impacts to scenic vistas not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**State Scenic Highway:** The Supplemental EIR concluded that although multiple sites zoned for residential development or identified as potential sites for rezoning under the proposed Housing Element are visible along the I-580 and I-680 corridors, development of these sites would not result in substantial damage to scenic resources, which consist primarily of the hillsides and ridgelines that surround the City. The proposed project would not result in any development on these hillsides or ridgelines. Therefore, potential impacts on scenic resources from development on the potential sites for rezoning considered under the Supplemental EIR would be less than significant.

The project site is located approximately 0.3 mile south of I-580, which is designated as an Eligible State Scenic Highway; however, it is not officially designated as a State Scenic Highway by the California Department of Transportation (Caltrans). Views of the project site from I-580 are blocked by developed commercial land uses, including the California Center corporate campus, located between the project site and I-580. Because project site is not visible from I-580 and I-580 is not an officially designated State Scenic Highway, the proposed project would not introduce any new impacts to views from State Scenic Highways not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Visual Character:** The Supplemental EIR concluded that potential adverse effects of new development on the visual character of the site and surrounding area would be reduced through the Design Review process required by Chapter 18.20 of the Pleasanton Municipal Code. As such, infill development, such as that of the proposed project, would be consistent with the character of its surrounding area and, overall, would retain the existing visual character of Pleasanton. Therefore, visual character impacts due to new development would be less than significant.

The proposed project's 305 residential units and 7,520 square feet of retail space would be consistent with the development of 252 to 420 residential units and up to 10,000 square feet of retail space as

considered by the Supplemental EIR. The proposed project would also be consistent with the mixed-use zoning considered for the project site in the Supplemental EIR. As previously indicated, the project would undergo the Design Review process via the Planned Unit Development process as required by Chapter 18.68 of the Pleasanton Municipal Code, which would ensure that the proposed project would be consistent with the architectural style of the surrounding area and that the heights and massing of the buildings would respect the overall context. Furthermore, the City-approved Housing Site Development Standards and Design Guidelines also include guidelines to ensure compatibility with surrounding buildings. The proposed project would increase the development intensity and density; however, it would comply with the policies of the General Plan and zoning ordinance to ensure compatibility with the context of the site and the City in general.

According to the Arborist Report prepared by Hort Science (Appendix C), the project site contains 457 trees, of which 97 are considered heritage trees under Chapter 17.16 of the Pleasanton Municipal Code. Implementation of the proposed project would require removal of approximately 305 of the existing trees, 47 of which are heritage trees. The trees to be removed are ornamental species that were planted in 1987-1988 with the development of the existing California Center office complex. Consistent with Chapter 17.16 of the Pleasanton Municipal Code, approval of the development plan would serve as a heritage tree removal permit for the project. A heritage tree removal permit may be issued if a tree or trees have a significant impact on the property. In this context, a significant impact is defined as an unreasonable interference with the normal and intended use of the property. The existing heritage trees proposed for removal are located in such a manner that they prohibit the construction of proposed improvements for the economic enjoyment of the property. Furthermore, a significant number of trees would be maintained on the project site, the project vicinity contains significant numbers of mature trees, and the proposed project's landscaping plan includes extensive replanting of trees. As such, removal of onsite trees and heritage trees would be implemented in accordance with Chapter 17.16 of the Pleasanton Municipal Code and would not be considered a significant impact to the site's visual character.

In conclusion, the proposed project would not introduce any new impacts to visual character that were not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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

The proposed project would include residential and retail lighting, security lighting, parking lot lighting, and trail lighting. In addition, building materials would have the potential to create glare. However, the project has been designed in accordance with the City of Pleasanton's General Plan

policies regarding lighting and glare as well as the Pleasanton Municipal Code regulations, including Sections 18.48.100, 18.88.040, and 18.96.020 and the site lighting guidelines of the Housing Site Development Standards and Design Guidelines. As such, the proposed project's lighting would be appropriately designed to limit glare and spillover light as well as limit interior and exterior illumination. In addition, the proposed project would be consistent with Title 24 Outdoor Lighting Standards. As such, the proposed project would not introduce any new lighting or glare impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

### **Conclusion**

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

### **Mitigation Measures**

None required.

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

**Environmental Setting**

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

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## **Findings**

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

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

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

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

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

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

## **Conclusion**

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

## **Mitigation Measures**

None required.

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

### Environmental Setting

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

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

On March 5, 2012, the Court ruled that the adoption of new thresholds (including new thresholds for toxic air contaminants and PM<sub>2.5</sub>) is considered a “project” under CEQA, and, thus, the BAAQMD

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

Table 3 and Table 4 compare the 2010 Air Quality Guidelines thresholds (2010 Air Quality Thresholds) to the thresholds established in 1999 (1999 Air Quality Thresholds). (The Supplemental EIR evaluated the project’s compliance with the 2010 Air Quality Thresholds.)

**Table 3: BAAQMD Project-Level Construction-Related Thresholds**

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

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

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

The Supplemental EIR utilized the 2010 Air Quality Guidelines and the 2010 Air Quality Thresholds. In addition, as shown in Table 3 and Table 4, the 2010 Air Quality Thresholds are more stringent than the 1999 thresholds. Therefore, the 2010 Air Quality Guidelines and associated thresholds were utilized in this document for screening and analysis purposes. Pursuant to the Air Quality Guidelines if a project does not exceed the thresholds contained within the 2010 Air Quality Guidelines it will result in a less than significant impact.

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



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## **Findings**

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

As shown in Table 1, the project includes a total of 305 residential units, which is 115 fewer residential units than the maximum 420 units anticipated by the Supplemental EIR. In addition, the project includes 7,520 square feet of retail square footage, 2,480 square feet less than anticipated by the Supplemental EIR. Therefore, the proposed project would be a reduction in residential units and retail area, thereby requiring less construction, a shorter construction period, and resulting in fewer construction emissions. In addition, the traffic generated by the project would be somewhat less than what was previously analyzed.

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

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

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

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

- **Policy 3:** Facilitate the free flow of vehicular traffic on major arterials.
- **Policy 4:** In the Downtown, facilitate the flow of traffic and access to Downtown businesses and activities consistent with maintaining a pedestrian-friendly environment.
- **Policy 5:** At gateway intersections, facilitate the flow of traffic and access into and out of the City, consistent with maintaining visual character, landscaping, and pedestrian convenience.
- **Policy 8:** Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.

- **Policy 9:** Work with other local jurisdictions and regional agencies such as the Metropolitan Transportation Commission (MTC), Alameda County Congestion Management Agency (ACCMA), Alameda County Transportation Improvement Authority (ACTIA), and Tri-Valley Transportation Council to plan and coordinate regional transportation improvements.
- **Policy 13:** Phase transit improvements to meet the demand for existing and future development.
- **Policy 14:** Encourage coordination and integration of Tri-Valley transit to create a seamless transportation system.
- **Policy 15:** Reduce the total number of average daily traffic trips throughout the city.
- **Policy 16:** Reduce the percentage of average daily traffic trips taken during peak hours.
- **Policy 17:** Support the continued and expanded operation of the Livermore Amador Valley Transit Authority (LAVTA).

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

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

The proposed project includes 305 dwelling units and 7,520 square feet of retail space, whereas the Supplemental EIR considered the maximum of 420 dwelling units and 10,000 square feet of retail space for the project site. As discussed below, the proposed project would not introduce any new significant impacts not previously disclosed.

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

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

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

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

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

As noted in Section 2.16, Transportation/Traffic of this addendum, the project as currently modified would be consistent with applicable transportation policies establishing effectiveness. The proposed project would not cause any signalized study intersections to operate below acceptable level of service (LOS) standards (Fehr and Peers 2012). Further, because the proposed project is consistent with the Housing Element of the General Plan, it is also consistent with other applicable transportation related policies of the General Plan. As such, the proposed project would not introduce any new impacts related to Applicable Transportation Plans and Policies not previously disclosed.

As indicated in the Transportation Assessment (Fehr and Peers 2012), in the near-term and cumulative conditions both without and with the proposed project, signalized intersections are expected to continue operating at overall acceptable service levels. Operations of the side-street

movements from the Owens Drive driveways are expected to degrade, although the intersections would continue to operate at overall acceptable service levels.

Based on existing surface road volumes in the project vicinity, the project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, and would have no effect on any intersections where vertical and/or horizontal mixing is substantially limited. As shown in Transportation Assessment Appendix B, the project-affected intersection with the current highest volume is the full access Owens Drive intersection, which experiences a PM peak hour volume of 1,646 vehicles. Based on the BAAQMD screening methodology, this volume of traffic would have a less than significant impact on carbon monoxide concentrations. As such, the proposed project would not introduce any new impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

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

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

**Cumulatively Considerable Net Increase of a Nonattainment Pollutant:** The Supplemental EIR concluded that the project would have less than significant impacts related to cumulatively considerable net increases of criteria pollutants for which the project region is nonattainment after implementation of Mitigation Measure 4.B-4. The proposed project would reduce the number of dwelling units from a maximum of 420 dwelling units anticipated in the Supplemental EIR to 305 dwelling units, and would reduce the retail square footage from 10,000 to 7,520 square feet. As discussed below, the proposed project would not introduce any new significant impacts not previously disclosed. Further analysis of the project's potential impacts and emissions modeling output is provided below and in Appendix B.

*Construction Exhaust Pollutants:* Construction activities would include demolition, site excavation and grading as well as general construction. Heavy-duty construction equipment, construction-related

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

The CalEEMod model was used to quantify construction emissions. CalEEMod modeling was based on the known land uses and project information, as well as reasonable assumptions included for the purposes of modeling. Onsite demolition would consist of approximately 6.7 acres of pavement removal. With an assumed depth of 3 inches of pavement removed, and a weight of 145 pounds per cubic foot of pavement, 5,305 tons of debris would be removed. Project construction was assumed to begin in 2013. Default CalEEMod construction phase lengths, equipment, and equipment hours of operation were used for all phases except architectural coatings, which is estimated to take approximately 6 months. Resulting construction-related emissions for the proposed project are presented in Table 5.

**Table 5: Maximum Daily Construction Emissions in Pounds Per Day**

| Pollutant   | Maximum Construction Emissions | BAAQMD Threshold of Significance | Significant? |
|---|--------------------------------|----------------------------------|--------------|
| ROG   | 47.93                          | 54.0                             | No           |
| NO <sub>x</sub>   | 50.40                          | 54.0                             | No           |
| PM <sub>10</sub> (exhaust)  | 2.46                           | 82.0                             | No           |
| PM <sub>2.5</sub> (exhaust)   | 2.46                           | 54.0                             | No           |
| Notes:<br>ROG = reactive organic gases<br>NO <sub>x</sub> = nitrogen oxides<br>PM <sub>10</sub> = particulate matter, 10 microns<br>PM <sub>2.5</sub> = particulate matter, 2.5 microns<br>Source: Michael Brandman Associates, 2012. |                                |                                  |              |

As shown in Table 5, the construction emissions would be below the BAAQMD thresholds of significance. As such, the proposed project would not introduce any new impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

*Operational Pollutants:* The 2010 Air Quality Guidelines provide screening criteria developed for criteria pollutants and precursors. According to the 2010 Air Quality Guidelines, if the project meets the screening criteria then its air quality impacts relative to criteria pollutants may be considered less than significant. In developing the 2010 Air Quality Guidelines, BAAQMD also considered the emission levels for which a project’s individual emissions would be cumulatively considerable. As shown in Table 4, the project’s land uses are individually and cumulatively less than the BAAQMD’s screening size for criteria air pollutants and precursors. Therefore, the project would have a less than

significant impact with respect to criteria pollutants and ozone precursors, individually and cumulatively.

**Table 6: Criteria Air Pollutant and Precursors Screening for Operational Emissions**

| Land Use  | Screening Size | Project Size | Percent of Screening size |
|---|----------------|--------------|---------------------------|
| Apartment Low-Rise  | 451 DU         | 305 DU       | 68%                       |
| Strip Mall  | 142,000 sf     | 7,520 sf     | 5%                        |
| <b>Total Project Size Relative to Screening Size</b>                    |                |              | <b>73 %</b>               |
| Notes:<br>DU = dwelling units; sf = square feet<br>Source: BAAQMD 2011. |                |              |                           |

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

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

Implementation of Mitigation Measure 4.B-4 requires project-specific health risk assessments, as well as the incorporation of design features, trees, high-efficiency central heating and ventilation systems, and other measures to reduce receptor exposures. As discussed below, the proposed project would not introduce any new substantial impacts not previously disclosed. Further analysis of the project’s potential toxic air contaminant (TACs) impacts and emissions modeling output are provided below and in the Screening Level Cumulative Risk Analysis prepared by Environ (October 1, 2012) for the proposed project consistent with Mitigation Measure 4.B-4 .

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

*Construction Toxic Air Contaminants Generation:* The 2010 Air Quality Guidelines include new construction toxic air contaminant thresholds. As stated in the Environmental Setting section, the

new thresholds were rescinded by court order; however, for purposes of evaluating this project the 2010 Air Quality Guidelines have been used for screening purposes and to determine level of impact. Accordingly, the following analyzes the proposed project against the 2010 Air Quality Guidelines.

It is assumed that only a quarter of the project site would be actively demolished, graded, or have other off-road equipment activity on any one day. As stated in the project description, the project plans and specifications incorporate a construction emissions minimization plan designed to reduce the creation of construction-period TACs in accordance with 2010 Air Quality Guidelines. Specifically, equipment over 50 horsepower will be a minimum of Tier 3, and equipment over 150 horsepower will have Level 3 diesel particulate filters. Incorporation of these emission-reducing measures as well as implementation of Mitigation Measure 4.B-1a would ensure that construction emissions would remain below the 2010 Air Quality Guidelines. This would be a less than significant impact.

*Operational Toxic Air Contaminants Exposure:* The project would expose future residents to mobile and stationary sources of TACs that currently affect the site. To assess community risks and hazards, BAAQMD's 2010 Air Quality Guidelines recommend that any proposed project involving sensitive receptors should assess associated impacts within 1,000 feet, taking into account both individual and nearby cumulative sources. Cumulative sources represent the combined total risk values of each individual source within the 1,000-foot evaluation zone. Analysis of potential exposure of residents of the project site to mobile sources and stationary sources, pursuant to the 2010 guidance related to TACs, is provided below.

*Mobile Sources:* The 2010 Air Quality Guidelines methodology for mobile source risks considers highways and heavily travelled surface streets (carrying 10,000 or more daily vehicle trips) within 1,000 feet of the project site. Two roadways with daily traffic greater than 10,000 vehicles were identified within 1,000 feet of the project boundary: Owens Drive to the southwest and Hacienda Drive to the west. The BAAQMD's Highway Screening Analysis Tool was used to conservatively estimate risks associated with proximity to these roadways. Table 7 shows the cancer risk, chronic and acute hazard index, and annual PM<sub>2.5</sub> concentration from these two roadways at the closest receptor along the property boundary, which are below BAAQMD individual source significance thresholds. The detailed analysis is provided in Appendix B. Therefore, the project would not expose onsite residents to a significant health risk from adjacent roadways.

**Table 7: Surface Street Screening Analysis**

| Roadway                            | Lifetime Excess Cancer Risk (in a million) | Chronic Hazard Index | Acute Hazard Index | PM <sub>2.5</sub> Concentration (µg/m <sup>2</sup> ) |
|------------------------------------|--|----------------------|--------------------|--|
| Owens Drive                        | 4.69                                       | <0.03                | <0.03              | 0.19   |
| Hacienda Drive                     | 0.94                                       | <0.03                | <0.03              | 0.03   |
| <i>Individual Source Threshold</i> | 10.0                                       | 1.0                  | 1.0                | 0.3  |
| <i>Exceeds Threshold?</i>          | No   | No                   | No                 | No   |
| Source: Environ 2012, BAAQMD 2011  |  |                      |                    |  |

*Permitted Stationary Sources:* BAAQMD has developed a Stationary Source and Risk Analysis Tool (BAAQMD Risk Analysis Tool) for permitted sources within Alameda County to identify offsite stationary sources of TACs. The Screening Level Cumulative Risk Analysis prepared by Environ (Environ, October 1, 2012) for the proposed project contains a detailed analysis of the BAAQMD Risk Analysis Tool and potential impacts to the project site.

The neighborhood of the proposed project includes several existing stationary sources of air pollutants. The BAAQMD database of permitted stationary sources indicates that there are six permitted sources of air pollutants within the 1,000-foot zone of influence of the project with non-trivial TAC emissions. Risk information for permitted sources was provided by the BAAQMD. The results of the stationary source screening analysis are contained in Appendix B, and are summarized in Table 8. All risks for permitted stationary sources are below the BAAQMD single-source thresholds of significance. As such, impacts would be less than significant.

**Table 8: Offsite Stationary Source Analysis**

| Facility Name (BAAQMD ID)          | Lifetime Excess Cancer Risk (in a million) | Chronic Hazard Index | PM <sub>2.5</sub> Concentration (µg/m <sup>2</sup> ) |
|------------------------------------|--|----------------------|--|
| Pleasant Partners, LLC (19368)     | 0.79                                       | 0.0003               | 0.001  |
| Pleasant Partners, LLC (14838)     | 0.59                                       | 0.0002               | 0.001  |
| Pleasant Partners, LLC (17575)     | 3.80                                       | 0.004                | 0.009  |
| Pleasant Partners, LLC (18987)     | 2.26                                       | 0.001                | 0.0005   |
| B & S Hacienda Body (7142)         | 0.00                                       | 0.001                | 0  |
| Valleycare Medical Center (8890)   | 0.79                                       | 0.005                | 0.04   |
| <i>Individual Source Threshold</i> | 10.0                                       | 1.0                  | 0.3  |
| <i>Exceeds Threshold?</i>          | No   | No                   | No   |
| Source: Environ 2012, BAAQMD 2011. |  |                      |  |



*Cumulative Risks:* The complete results of the cumulative health risk analysis are provided in the Screening Level Cumulative Risk Analysis prepared by Environ (October 1, 2012) for the proposed project and provided in Appendix B.

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

**Odors:** The Supplemental EIR concluded that the project would not subject residents to objectionable odors after incorporation of mitigation.

The proposed project would not include uses that have been identified by BAAQMD as potential sources of objectionable odors. Sources of odors include manufacturing plants, and agricultural operations and industrial operations such as wastewater treatment plants and solid waste transfer stations or landfills.

As a new sensitive receptor for odors, the project is distant from the types of land uses that identified by the BAAQMD as having potential to create objectionable odors. As shown in the Supplemental EIR, the project site is beyond the 2-mile screening distance for odor sources. Therefore, the proposed project would have a less than significant odor impact because it would not frequently create substantial objectionable odors affecting a substantial number of people. Impacts would continue to be less than significant and no mitigation is necessary.

## **Conclusion**

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

## **Mitigation Measures**

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

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

**Mitigation Measure 4.B-1a:** Prior to the issuance of a grading or building permit, whichever is sooner, the project applicant for a potential site for rezoning shall submit an air quality construction plan detailing the proposed air quality construction measures related to the project such as construction phasing, construction equipment, and dust control measures, and such plan shall be approved by the Director of Community Development. Air quality construction measures shall include Basic Construction

Mitigation Measures (BAAQMD, May 2012) and, where construction-related emissions would exceed the applicable thresholds, Additional Construction Mitigation Measures (BAAQMD, May 2012) shall be instituted. The air quality construction plan shall be included on all grading, utility, building, landscaping, and improvement plans during all phases of construction.

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

### Environmental Setting

Ecologically, the project site consists of urban/developed land, including a parking lot with mature landscaping. Tassajara Creek forms the southeastern border of the project site, beyond which multi-family residential uses are located. The project site is surrounded by a variety of urban/developed land on the remaining sides of the project.

Wildlife within the project area is limited to those adapted to urban activities and human disturbance. As with most urbanized environments, landscape features within the project areas such as trees,

bushes, grasses, and ruderal vegetation may provide roosting habitat for bird or bat species and may provide foraging habitat. Riparian corridors such as Tassajara Creek may provide food, water, migration and dispersal corridors, breeding sites, and thermal cover for wildlife. Development adjacent to riparian habitat may degrade the habitat values of stream reaches throughout the project area through the introduction of human activity, feral animals, and contaminants that are typical of urban uses.

The project would remove onsite trees and landscaping and would provide new landscaping throughout the proposed common areas.

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## Findings

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The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would have a less than significant impact related to local policies or ordinances protecting biological resources, or habitat conservation plans. The Supplemental EIR concluded that the project would have a less than significant impact related to sensitive species, riparian habitat, wetlands, fish or wildlife movement with the implementation of mitigation.

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

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

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

- If grading or construction activities occur only during the non-breeding season, between August 31 and February 1, no surveys will be required.

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

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

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

**Riparian Habitat:** The Supplemental EIR concluded that construction of the project may result in degradation of water quality and aquatic habitat; degradation of wetland habitat; and accidental discharge of sediment or toxic materials into wetlands. The project would be required to comply with

the City’s General Plan Policies. Adherence to these policies would provide protection for identified riparian habitat along Tassajara Creek.

The proposed project contains mature trees that are part of the riparian corridor that could serve as habitat for special-status species or other species of concern. As indicated in the Supplemental EIR, this impact would require implementation of Mitigation Measure 4.C-2 as follows:

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

Mitigation Measure 4.C-2 adequately ensures that any impacts to special-status species within the Tassajara Creek riparian corridor are avoided or minimized. With the implementation of this mitigation, the project’s impacts would continue to be less than significant as concluded in the Supplemental EIR.

**Wetlands:** As previously mentioned, the Supplemental EIR concluded that construction of the project may result in degradation of water quality and aquatic habitat, degradation of wetland habitat, and accidental discharge of sediment or toxic materials into wetlands. The project would be required to comply with the City’s General Plan Policies. Adherence to these policies would provide adequate protection for wetland habitats.

**Fish or Wildlife Movement:** The Supplemental EIR concluded that while the project site is developed and lacks habitat value, Tassajara Creek and landscaped areas within the vicinity provide wildlife corridors for fish, waterfowl, other birds, bats, and mammals. As indicated in the Supplemental EIR, this impact would require implementation of Mitigation Measures 4.C-1a, 4.C-1b, and 4.C-2 as previously provided. Implementation of these mitigation measures would ensure that any impacts to special-status species within the Tassajara Creek riparian corridor are avoided or minimized. As such, the project’s impacts would continue to be less than significant as concluded in the Supplemental EIR.

**Tree Preservation:** The project site is covered with mature landscaped trees. The Supplemental EIR concluded that the project could occur in locations where heritage trees would be adversely affected, through damage to root zones, tree canopy, or outright removal. According to the Arborist Report prepared by Hort Science (Appendix C), the project site contains 457 trees, of which 97 are considered heritage trees under Chapter 17.16 of the Pleasanton Municipal Code. Implementation of the proposed project would require removal of 305 trees, 47 of which are heritage trees. The trees to be removed are ornamental species that were planted in 1987-1988 with the development of the existing California Center office complex. The General Plan Open Space and Conservation

Element's Program 2.1 strongly encourages preservation of heritage trees. Where heritage preservation is not feasible, the City requires tree replacement or a contribution to the Urban Forestry Fund. Program 2.1 also indicates that no net loss of trees should be allowed. Chapter 17.16 of the Municipal Code provides adequate protection for heritage trees in the City of Pleasanton and required compliance would enable the project to avoid significant impacts to trees. The project's impacts would continue to be less than significant with the implementation of the City of Pleasanton's tree ordinance.

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

### **Conclusion**

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

### **Mitigation Measures**

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

#### ***Sensitive Species***

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

- If grading or construction activities occur only during the nonbreeding season, between August 31 and February 1, no surveys will be required.
- Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31). During the breeding bird season (February 1 through August 31), a qualified biologist will survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys will include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.

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

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

### ***Riparian Habitat***

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

### ***Fish or Wildlife Movement***

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

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

**Mitigation Measure 4.C-2** Implement this mitigation measure, as listed above.



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

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### **Environmental Setting**

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

The project site is located in an urban, densely developed area, and is currently developed with surface parking and landscaping elements of a larger office complex. The project area was essentially agricultural from at least 1939 until sometime between 1982 and 1987 when aerial photographs indicate a development in essentially the same footprint as is present today.

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### **Findings**

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

The project as currently proposed would not disturb any new areas that were not previously impacted by the construction of the current facilities, which occurred between 1982 and 1987. Coupled with the fact that the area was impacted by various types of agricultural pursuits since at least 1939, there is a reduced likelihood of any potential for intact cultural resources beneath the existing development.

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

**Historical Resources:** The Supplemental EIR showed no information indicating the presence of historic structures in the vicinity of the project site. Examination of historic aerial photography of project site dating back to 1939 shows the area in agriculture until the early 1980s. The current California Center development and associated parking lots were constructed in the mid-1980s and thus does not meet the threshold of being a historic resource. The same would be said for the parking lots that would be removed and replaced with residential units under the proposed project.

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

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

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

The proposed project clearly lies within the flat valley areas of the City in an area that has been extensively disturbed by agricultural activities for at least 40 years and subsequent development in the 1980s. Therefore, the potential for archeological resources to remain is low.

The City requires a standard condition of approval for projects requiring Planning Department approval that would require that all construction stop in the event that cultural resources were uncovered during excavation. With implementation of this standard condition, the proposed project would be expected to have a less than significant effect on unknown cultural resources. As such, the

proposed project would not introduce any new impacts to archeological resources that were not previously disclosed. Impacts would be less than significant and no mitigation is necessary.

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

If a paleontological resource is uncovered and inadvertently damaged, the impact to the resource could be substantial. As previously indicated, the City has moderate paleontological sensitivity, and it is possible that paleontological resources could be disturbed during deeper construction activities such as the excavation of the underground garage. Therefore, implementation of the proposed project could result in significant impacts to paleontological resources. The City requires a standard condition of approval for projects requiring Planning Department approval that would require that all construction stop in the event that paleontological resources were uncovered during excavation. With implementation of this standard condition, future projects in the Planning Area would be expected to have a less than significant effect on unknown paleontological resources. In addition, the Supplemental EIR included Mitigation Measure 4.D-3 as follows:

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

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

**Human Remains:** The Supplemental EIR states that there is no indication in the archaeological record that the project site has been used for human burial purposes in the recent or distant past. However, in the unlikely event that human remains are discovered during project construction, including those interred outside of formal cemeteries, human remains could be inadvertently disturbed, which would be a significant impact. The City requires a standard condition of approval for projects requiring Planning Department approval that would require that all construction stop in

the event that cultural resources were uncovered during excavation. In addition, the Supplemental EIR included Mitigation Measure 4.D-4 as follows:

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

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

### **Conclusion**

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

### **Mitigation Measures**

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

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

**Mitigation Measure 4.D-4:** The site has no known human remains, including those interred outside of formal cemeteries. However, it is impossible to be sure about the presence or absence of human remains on a site until site excavation and grading occurs. As required by State law, in the event that such remains are encountered, there shall be no further excavation or

disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The County Coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

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

**Environmental Setting**

The project site is generally flat and is located in area with minimal topographical relief. Cornerstone Earth Group prepared a Geotechnical Feasibility Investigation, dated September 14, 2012, for the proposed project. According to the Geotechnical Feasibility Investigation, there are several active faults in the surrounding areas that could affect the project site. Active faults within 15 miles of the site include the Calaveras (2.5 miles), Greenville (9.1 miles), Hayward (9.2 miles), and Concord-Green Valley (14 miles). Because of the proximity of faults, the project site is located in an area that may experience moderate to severe shaking during an earthquake (Cornerstone Earth Group 2012).

The Calaveras and Verona Faults traverse portions of Pleasanton and are designated as Alquist-Priolo Earthquake Fault Zones; however, neither of these faults transverses the project site (City of Pleasanton 2009).

The surface of the project site primarily consists of asphalt concrete of 2 to 3 inches in thickness. Below the asphalt concrete, native alluvial soil consisting of medium stiff to very stiff sandy silt clay and clayey silt is present to depths of 30 to 33 feet. Subsurface soils exhibit low to non-plasticity behavior to depths of approximately 5 feet. Groundwater is located at an approximate depth of 14 feet below current grades.

According to the Geotechnical Feasibility Investigation, the project site is located in a State-designated Liquefaction Hazard Zone.

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## **Findings**

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The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would have less than significant impacts related to fault rupture, seismic ground shaking, seismic-related ground failure, landslides, erosion, or unstable soils.

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

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

**Seismic Ground Shaking:** The Supplemental EIR concluded that groundshaking in the City of Pleasanton could cause significant damage structures developed on potential sites for rezoning if not engineered appropriately. However, as indicated in the Supplemental EIR, the proposed project would be subject to Goals and Policies of the Public Safety Element of the Pleasanton General Plan that would minimize the risk from groundshaking, including a requirement for site-specific soil and geological studies that include recommendations for minimizing seismic hazards. In Goal 2 Policy 5 of the Public Safety Element of the Pleasanton General Plan, a Geotechnical Feasibility Investigation has been prepared for the proposed project. Furthermore, compliance with the California Building Code, as adopted by the City of Pleasanton would mitigate, to the extent feasible, structural failure resulting from seismic-related ground shaking. Compliance with the California Building Code is required under state law and as a condition of building occupancy permits. As such, the proposed

project would not introduce any new impacts related to seismic ground shaking not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Seismic-Related Ground Failure:** The Supplemental EIR concluded that seismic-related ground failure is a risk that exists throughout much of the City, particularly risks related to liquefaction. The Supplemental EIR specifically identified the project site as a site within a liquefaction hazard zone. The Supplemental EIR indicated that compliance with the soil and foundation support parameters in Chapter 16 and 18 of the California Building Code (CBC), as well as the grading requirements in Chapter 18 of the CBC, as required by city and state law, would ensure the maximum practicable protection available from ground failure for structures and their foundations.

The Supplemental EIR also indicated that areas located within Seismic Hazard Zones for liquefaction, such as the project site, are required to comply with the requirements of Special Publication 117 in accordance with the Seismic Hazards Mapping Act, which provides guidelines for mitigating seismic hazards including liquefaction. Finally, Goal 2, Policy 5 of the Public Safety Element of the Pleasanton General Plan requires the investigation of the potential for geologic hazards as part of the development review process.

In accordance with Goal 2 Policy 5, a Geotechnical Feasibility Investigation (Appendix D) has been prepared for the proposed project. According to the Geotechnical Feasibility Investigation, several thin soil layers could potentially experience liquefaction during seismic ground shaking. Liquefaction-induced settlement on the order of 0.50 inch or less could occur, resulting in differential settlement on the order of 0.25 inch across building foundations or between foundation elements. As such, the Geotechnical Feasibility Investigation recommended the completion of a design-level geotechnical investigation that would develop detailed recommendations for design and construction. Programs 5.1, 5.2, and 5.3 of Goal 2, Policy 5 of the Public Safety Element of the General Plan requires a site-specific geotechnical engineering study and mitigation measures to mitigate potential geologic safety hazards for a project site. Mitigation measures identified by the site engineering studies must be incorporated into the project design. Consistent with these policies, the proposed project will be required to implement a design-level geotechnical investigation and implement recommended mitigation measures. As such, the proposed project would not introduce any new seismic-related ground failure impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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



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

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

In accordance with Goal 2 Policy 5, a Geotechnical Feasibility Investigation has been prepared for the proposed project. The Geotechnical Feasibility Investigation recommended the completion of a design-level geotechnical investigation, which would develop detailed recommendations for design and construction. Programs 5.1, 5.2, and 5.3 of Goal 2, Policy 5 of the Public Safety Element of the General Plan requires a site-specific geotechnical engineering study and mitigation measures to mitigate potential geologic safety hazards for a project site. Mitigation measures identified by the site engineering studies must be incorporated into the project design. Consistent with these policies, the proposed project will be required to implement a design-level geotechnical investigation and implement recommended mitigation measures. As such, the proposed project would not introduce any new impacts related to unstable soils not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Expansive Soils:** The Supplemental EIR concluded that expansive soils are typically found within the upper 5 feet of ground surface, and are often found in low-lying alluvial valleys such as the valley in which Pleasanton is located. The Supplemental EIR indicated that adherence to the City's codes and policies, and the California Building Code, Chapter 16 and 18, would ensure maximum practicable protection from expansive soils would be implemented, thereby reducing impacts to a less than significant level.

In accordance with Goal 2, Policy 5, a Geotechnical Feasibility Investigation has been prepared for the proposed project. The Geotechnical Feasibility Investigation indicated that the project site is underlain by areas of moderately expansive silty clay. It was recommended that conventionally

reinforced slabs-on-grade constructed at grade should have sufficient reinforcement and be supported on a layer of non-expansive fill and footings should extend below the zone of seasonal moisture fluctuation. Programs 5.1, 5.2, and 5.3 of Goal 2 Policy 5 of the Public Safety Element of the General Plan requires a site-specific geotechnical engineering study and mitigation measures to mitigate potential geologic safety hazards for a project site. Mitigation measures identified by the site engineering studies must be incorporated into the project design. Consistent with these policies, the proposed project will be required to implement a design-level geotechnical investigation and implement recommended mitigation measures. As such, the proposed project would not introduce any new impacts related to expansive soils not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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

### **Conclusion**

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

### **Mitigation Measures**

None required.

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

### Environmental Setting

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

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

Table 9 compares the 2010 Air Quality Guidelines thresholds (2010 Air Quality Thresholds) to the thresholds established in 1999 (1999 Air Quality Thresholds). (The 2012 Supplemental EIR evaluated the project’s compliance with the 2010 Air Quality Thresholds.)

**Table 9: BAAQMD Operational Greenhouse Gas Thresholds**

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

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

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## Findings

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

As shown in Table 1, the project includes a total of 305 residential units, which are 115 fewer residential units than anticipated by the Supplemental EIR. In addition, the project includes 7,520 square feet of retail square footage, 2,480 square feet less than anticipated by the Supplemental EIR. Therefore, the modified project would be a reduction in residential units and retail area, thereby requiring less operational activity, and resulting in fewer greenhouse gas emissions. In addition, the traffic generated by the project would be somewhat less than what was previously analyzed.

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

**Greenhouse Gas Generation and Plan Consistency:** For the purposes of analyzing the proposed project, the BAAQMD’s 2011 Air Quality Guidelines were used. The Supplemental EIR determined

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

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

Project construction emissions were calculated as 2,471 MTCO<sub>2e</sub>, to be emitted over the construction period. Construction emissions are generally considered separately from operational emissions because construction emissions are a one-time event, while operational emissions would be continuous over the life of the project. The 2010 Air Quality Guidelines do not contain a threshold for construction-generated greenhouse gases, but recommends quantification and disclosure of these emissions. Because the Supplemental EIR included the annualized construction emissions in the significance analysis, the construction greenhouse gas generation is included in the significance analysis below.

Operational GHG emissions by source are shown in Table 10. Total operational emissions were estimated at 2,883 MTCO<sub>2e</sub>. The Supplemental EIR indicates an average of 2.79 persons per household. Therefore, the project is assumed to accommodate 851 residents. The number of employees is unknown. At a service population of 851, the project would generate approximately 3.4 MTCO<sub>2e</sub> per service person at year 2020. The addition of project employees would further reduce the MTCO<sub>2e</sub> per service person. Therefore the project would not exceed the BAAQMD’s 2011 thresholds and would not have a significant generation of greenhouse gases (The CalEEMod output is included in Appendix B).

**Table 10: Project Greenhouse Gas Emissions**

| <b>Source</b>                           | <b>Annual Emissions (MTCO<sub>2e</sub>)</b> |
|---|---|
| Area Sources                            | 17  |
| Energy                                  | 606   |
| Mobile (Vehicles)                       | 2,046                                       |
| Waste                                   | 67  |
| Water                                   | 64  |
| Construction (Annualized over 40 years) | 82  |

**Table 10 (cont.): Project Greenhouse Gas Emissions**

| Source  | Annual Emissions (MTCO <sub>2</sub> e) |
|---|--|
| <b>Total Emissions*</b>   | <b>2,883</b>                           |
| <b>Service Population (Residents)</b>   | <b>851</b>                             |
| <b>Project Emission Generation</b>  | <b>3.4 MTCO<sub>2</sub>e/SP</b>        |
| <b>BAAQMD 2010 Threshold</b>  | <b>4.6 MTCO<sub>2</sub>e/SP</b>        |
| <b>Does project exceed threshold?</b>   | <b>No</b>                              |
| Notes:<br>* Based on non-rounded emissions output<br>MTCO <sub>2</sub> e = metric tons of carbon dioxide equivalent<br>Source: MBA 2012, Appendix B |  |

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

This project would construct 305 dwelling units and 7,520 square feet of retail space on a mixed-use site, consistent with the parameters analyzed within the Supplemental EIR. Therefore, the project would not conflict with City’s Climate Action Plan, or any other applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses.

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

**Conclusion**

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

**Mitigation Measures**

None required.

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

## Environmental Setting

The project site currently consists of a surface parking lot with landscaped areas. According the Phase I Environmental Site Assessment (ESA) prepared by Golder Associates, dated September 28, 2012 (Appendix E), the project site is not listed on any state or tribal databases of hazardous sites or

conditions. Multiple sites were listed on various databases of hazardous sites within 1 mile of the project site. However, none of these sites were identified as posing an environmental concern to the project site.

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## **Findings**

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

**Routine Hazardous Material Use:** The Supplemental EIR concluded that residential and retail development consistent with the proposed Housing Element would involve demolition activities, and use of construction equipment that would require the use of hazardous materials such as fuel or solvents. These materials could accidentally spill and may cause a potentially significant impact to the public and/or environment. However, the Supplemental EIR indicated development such as the proposed project would be required to comply with all applicable regulations for management of hazardous materials during construction and demolition. These policies include Title 22 and 26 of the California Code of Regulations governing hazardous material transport, Title 8 Standards for handling asbestos and lead during demolition/construction, and Title 19 of the California Code of Regulations and Chapter 6.95 of the Health and Safety Code for site remediation. In addition, the Pleasanton General Plan's Public Safety Element's Goal 5 and Policies 16 through 19 include regulations regarding the use and transport of hazardous materials and waste. Compliance with these regulations would ensure potential hazards resulting from hazardous material use during construction activities would be less than significant. Furthermore, because the project site does not contain any buildings or structures, it is unlikely that demolition activities would encounter lead or asbestos.

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

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



that would alter this conclusion. As such, the proposed project impacts related to the routine use of hazardous materials would continue to be less than significant and no mitigation is necessary.

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

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

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

In accordance with Supplemental EIR Mitigation Measure 4.G-2, a Phase I ESA was prepared by Golder Associates, dated September 28, 2012. As indicated in the Phase I ESA, no evidence of recognized environmental constraints is present for the project site. In addition, no evidence of contaminated soil or groundwater is present.

The Supplemental EIR also indicated that excavation involved in construction and maintenance of development facilitated by the Housing Element could lead to the rupture of a PG&E or other pipeline. The project site was not identified as containing or being close to a PG&E pipeline. As noted in the Supplemental EIR, prior to commencement of site development the project proponents would be required to coordinate with the City of Pleasanton's Public Works Department and utility

owners through notification of the Underground Service Alert system to precisely locate any subsurface utilities, thereby ensuring avoidance of utility interference.

In summary, the proposed project would not introduce any new impacts related to hazardous material upset or accident not previously disclosed. Because Mitigation Measure 4.G-2 has already been implemented through the preparation of Phase I ESA for the project site and no onsite contamination issues were identified, impacts would be less than significant as concluded in the Supplemental EIR.

**Hazardous Materials in Proximity to Schools:** The Supplemental EIR concluded that development facilitated by the Housing Element would not result in the handling of significant quantities of hazardous materials, substances, or wastes; therefore, risk of hazardous material releases within the vicinity of schools would be less than significant. Furthermore, there are no schools within 0.25 mile of the proposed project. As such, the proposed project would not introduce any new impacts related to hazardous materials in proximity to schools not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Contaminated Site:** The Supplemental EIR concluded that development of sites known to be contaminated by hazardous materials or wastes could occur on potential sites for rezoning. However, the project site was not identified by the Supplemental EIR as containing hazardous materials. Furthermore, in compliance with Mitigation Measure 4.G-2, as discussed above, a Phase I ESA has been completed for the project site and no onsite contamination has been identified. As such, the proposed project would not introduce any new impacts related to hazardous material sites not previously disclosed. Because Mitigation Measure 4.G-2 has already been implemented through the preparation of Phase I ESA for the project site and no onsite contamination issues were identified, impacts would be less than significant as concluded in the Supplemental EIR.

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

- Mitigation Measure 4.G-5:**
- a. Prior to PUD approval for Sites 11 (Kiewit), 14 (Legacy Partners), 6 (Irby-Kaplan-Zia), 8 (Auf de Maur/Richenback), 10 (CarrAmerica), 16 (Vintage Hills Shopping Center), 17 (Axis Community Health), and 21 (4202 Stanley): 1) the project applicant shall submit information to the Director of Community Development demonstrating compliance with the ALUPP, as applicable, including its height guidance; and 2) the Director of

Community Development shall forward this information and the proposed PUD development plans to the ALUC for review.

- b. Prior to any use permit approval for Sites 11 (Kiewit), and 14 (Legacy Partners): the project applicant shall submit information to the Director of Community Development demonstrating compliance with the ALUPP, as applicable; and 2) the Director of Community Development shall forward this information and the proposed use permit to the ALUC for review.
- c. The following condition shall be included in any PUD development approval for all the potential sites for rezoning: Prior to the issuance of a grading permit or building permit, whichever is sooner, the project applicant shall submit verification from the FAA, or other verification to the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460 review) review for construction on the project site.

Since the completion of the Supplemental EIR, a revised Airport Land Use Compatibility Plan (ALUCP) for the Livermore Municipal Airport has been completed. The project site is located approximately 3 miles west of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or Federal Aviation Regulation (FAR) Part 77 height restriction space as indicated by the ALUCP. Furthermore, none of the proposed onsite buildings would exceed 200 feet in height. As such, Mitigation Measure 4.G-5 part a. no longer applies as the project site is not regulated by the newly adopted ALUCP. Furthermore, Mitigation Measure 4.G-5 part b. does not apply to the project. However, as required by part c. of Mitigation Measure 4.G-5, prior to the issuance of a grading or building permit for the proposed project, verification of compliance with the FAA Part 77 would be required. As such, the proposed project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant with the implementation of mitigation.

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

**Emergency Response or Evacuation Plan:** The Supplemental EIR concluded that the buildout of the proposed Housing Element would not interfere with current guidelines set forth in the Pleasanton

Comprehensive Emergency Management Plan and impacts would be less than significant. No changes have occurred that would alter this conclusion. As such, the proposed project would not impact implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would continue to be less than significant.

**Wildland Fires:** The Supplemental EIR concluded that all of the sites considered for rezoning, including the project site, are located outside of the designated wildland-urban interface threat areas within Pleasanton; therefore, impacts related to wildlife fires would be less than significant. Furthermore, the project would be required to comply with policies of the Public Safety Element of the City of Pleasanton General Plan and the Pleasanton Building Code that set standards for building sprinklers, fire response systems and built-in fire protection systems. No changes have occurred to the status of the project site's location outside of the wildland-urban interface area. As such, the proposed project would not introduce any new wildland fire hazards not previously disclosed and impacts would continue to be less than significant.

### **Conclusion**

The proposed project would not introduce any new substantial or more severe hazards or hazardous materials impacts than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation included in the Supplemental EIR and are provided below.

### **Mitigation Measures**

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

- Mitigation Measure 4.G-5:**
- c. The following condition shall be included in any PUD development approval for all the potential sites for rezoning: Prior to the issuance of a grading permit or building permit, whichever is sooner, the project applicant shall submit verification from the FAA, or other verification to the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460 review) review for construction on the project site.

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

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## Environmental Setting

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The 60.9-acre California Center corporate campus currently includes 1,658,602 square feet of impervious surfaces and includes an existing stormwater collection and discharge system.

As a result of the project, the total impervious surface would increase to 1,807,340 square feet, an increase of 148,738 square feet or 9 percent as indicated by the project's Impervious Surface Form (Appendix F).

The project would introduce up to 14,910 square feet of bioretention treatment areas in compliance with current C.3 guidelines of the San Francisco Regional Water Quality Control Board (SFRWQCB). An additional 9,690 square feet of bioretention areas would also be provided within the offsite parking improvement areas. In accordance with C.3 guidance, stormwater flows would be directed to bioretention areas prior to discharge into the storm drain system, thereby reducing stormwater runoff and improving the quality of the stormwater that is discharged to the city system.

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## Findings

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

**Water Quality, Flooding or Polluted Runoff:** The Supplemental EIR concluded that development on rezoned sites could affect drainage patterns and create new impervious surfaces that cause changes to stormwater flows and water quality. However, the Supplemental EIR indicated that compliance with the Alameda Countywide Clean Water Program (ACCWP) NPDES Permit, including the C.3 provision, and implementation of a Construction SWPPP would reduce impacts to a less than significant level. As part of issuance of building and/or grading permits, the proposed project would be required to demonstrate compliance with these regulations. Compliance would be further ensured by the City and/or SFRWQCB through their review and approval of applicable permits, and would insure that the proposed project would not substantially worsen existing water quality problems and no net increase in stormwater rates and runoff would occur. In compliance with C.3 requirements, the project includes up to 14,910 square feet of bioretention treatment areas located throughout the residential and retail portions of the project site and 9,690 square feet of bioretention areas located within the offsite parking improvements areas. The bioretention areas would slow stormwater rates and ensure no net increase. The proposed project's grading and drainage plans will be reviewed by the City's Engineering Division of the Community Development Department for compliance with city ordinance codes regarding flooding and drainage (including properly sized storm sewers and

building within FEMA flood hazard zones). As such, the proposed project would not introduce any new water quality, flooding, or polluted runoff related impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

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

Because the development of the project site was considered in the Supplemental EIR and is now included in the City of Pleasanton's General Plan, the project site's growth has been included in future water supply planning and would not deplete groundwater supplies. Furthermore, the project site currently contains mostly impervious surfaces in the form of parking lots and does not provide substantial groundwater recharge. Implementation of the project would increase impervious surface area at the site by 9 percent, which would not be expected to substantially interfere with groundwater recharge. Furthermore, the planned bioretention basins would allow for groundwater recharge to occur onsite. In summary, the proposed project would not introduce any new groundwater impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

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

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

As indicated by Federal Emergency Management Agency Flood Insurance Rate Map 06001C0309G, the project site is located within Zone X and is not located within a 100-year flood zone. Tassajara Creek, which borders the site to the southeast, is located within Zone AE; however, floodwaters are

contained in the creek's channel and would not be expected to affect the project site. As such, the proposed project would not introduce any new flood hazard impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

**Levee or Dam Failure:** The Supplemental EIR indicated that most of the City of Pleasanton is within the 5- to 40-minute inundation area in the event of the failure of Del Valle Dam. However, catastrophic dam failure is considered highly unlikely, as the dam is regularly maintained and inspected. Flood retention facilities, including levees, throughout the City are undergoing updates under the Stream Management Master Plan. Residential development is not allowed within levee failure zones without being designed to acceptable flood protection standards. Accordingly, the Supplemental EIR concluded that impacts related to levee or dam failure would be less than significant. As such, the proposed project would not introduce any new levee or dam failure hazard impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

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

### **Conclusion**

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

### **Mitigation Measures**

None required.



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

## Environmental Setting

The project site is located in an area of residential and commercial land uses within the Hacienda Business Park. The project site has a General Plan designation of Mixed Use/Business Park, and is zoned Planned Unit Development (PUD) - High Density Residential (HDR) and Planned Unit Development– Industrial/Commercial-Office (PUD-I/C-O).

## Findings

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

**Division of an Established Community:** The Supplemental EIR indicated that sites selected for rezoning met certain criteria established by the City as being suitable for multi-family housing development, including compatibility with surrounding residential development and location within existing neighborhoods. As such, the Supplemental EIR concluded construction of residential units and retail as allowed by the Housing Element would result in less than significant impacts related to the division of an established community. The proposed project would consist of 305 residences and 7,520 square feet of retail space in an area surrounded by commercial and multi-family residential

land uses. The project would be consistent with surrounding existing uses. As such, the proposed project would not introduce any new impacts related to the division of an established community not previously disclosed. Impacts would continue to be less than significant

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

**General Plan Consistency:** The project site is located within the Hacienda Business Park, which includes over 7.9 million square feet of office, research, development, and commercial uses, and as many as 1,530 residential units (City of Pleasanton 2009). As indicated by the General Plan, the Hacienda Business Park is envisioned to move towards more mixed-use development, and the project site's General Plan designation is Business Park/Mixed Use. The proposed project would include the development of 305 residential units and 7,520 square feet of retail space. This mixed-use development type would be consistent with the existing and future land uses of the Hacienda Business Park.

Mixed-Use development is identified by the General Plan as the combination of various land uses, such as office, commercial, hotel, institutional, and residential in a single building, on a single site, or on adjacent sites that are physically and functionally inter-related. The purpose of mixed-use development is to provide additional housing close to jobs, services, and transit as a way to create land-efficient development in-fill areas and to reduce the number of auto related trips, compared to conventional development (City of Pleasanton 2009). The proposed project's 305 residential units and 7,520 square feet of retail space on a single site would provide a mixed-use development that is close to existing jobs and services within the project vicinity and close to the East Dublin/Pleasanton BART station. As such, the proposed project would be consistent with the purpose of the mixed-use land designation.

**Zoning Consistency:** Since the certification of the Supplemental EIR, and as a result of City of Pleasanton Ordinance No. 2034 (January 4, 2012), the southern 8.43-acre portion of the project site has been rezoned from Planned Unit Development - Industrial/Commercial-Office (PUD-I/C-O) to Planned Unit Development - High Density Residential (PUD-HDR). As such, the proposed project would be required to be consistent with both the PUD-I/C-O the PUD-HDR zoning requirements as applicable. The PUD-HDR zoning for the southern 8.43 acres requires a housing unit per acre ratio between of 35:1 to no more than 40:1. In addition, up to 10,000 square feet of retail space is allowed. The proposed project would result in a residential density of 36.3 housing units per acre and 7,520

square feet of retail space. As such, the proposed residential and retail portion of the project would be consistent with the zoning designation of the southern portion of the site. The proposed additional surface parking and parking garage proposed adjacent to the existing office complex is located within the PUD-I/C-O zoned portion of the project site and would be consistent with the applicable zoning requirements for parking as provided in Municipal Code Chapter 18.88.

As part of the rezoning of the project site, the City of Pleasanton adopted Ordinance No. 2047, the Housing Site Development Standards and Design Guidelines, which guides development on sites rezoned as a result of the Housing Element Update and related Supplemental EIR. The Housing Site Development Standards and Design Guidelines provide direction regarding use, density, building mass and height, setbacks, architectural features, parking, access, and street character. The project has been designed to be consistent with the Housing Site Development Standards and Guidelines including the provision of pedestrian and bicycle connections, group usable open space, landscaping and lighting. Furthermore, the development application for the project site must be reviewed through the PUD process, which includes review and recommendation by the Planning Commission and approval or denial by the City Council. This process will ensure the project site is consistent with the Housing Site Development Standards and Design Guidelines. Finally, as indicated in the Housing Site Development Standards and Design Guidelines, the project site would also be subject to applicable regulations of the Hacienda Business Park Design Guidelines and PUD Development Plan.

In summary, the proposed project has been designed to be consistent with existing General Plan and Zoning Designations, as well as the Housing Site Development Standards and Design Guidelines. The project's application review process will further ensure consistency. As such, the proposed project would not introduce any new impacts related to land use plan, policy or regulation consistency not previously disclosed. Impacts would continue to be less than significant as concluded in the Supplemental EIR and no mitigation is necessary.

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

### **Conclusion**

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

### **Mitigation Measures**

None required.

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

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**Environmental Setting**

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The project site is located in the Mineral Resource Zone (MRZ) 1 with no significant mineral deposits (ESA 2011).

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**Findings**

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

**Conclusion**

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

**Mitigation Measures**

None required.

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

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## Environmental Setting

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The project site is located in a developed area with existing transportation and commercial noise sources. I-580 and BART are located approximately 1500 feet to the north of the project site. The project site is located within the future (2025) 65 dBA  $L_{dn}$  noise contour of I-580 as indicated by General Plan Figure 11-2.

The project site is adjacent to four-lane arterial roadways to the northwest (Rosewood Drive) and southwest (Owens Drive). The Supplemental EIR indicated that existing traffic noise on Owens Drive east of Willow Road is 60 dB  $L_{dn}$  at 147 feet from the centerline, 65 dB  $L_{dn}$  at 68 feet from the center line and 70 dB  $L_{dn}$  at 15 feet from the centerline. The General Plan indicates that future (2025) 65 dBA  $L_{dn}$  and 60 dBA  $L_{dn}$  noise contours would be 80 and 160 feet from the centerline of Owens Drive, respectively.

As indicated on General Plan Figure 11-4, high-density residential areas considered to be noise sensitive receptors are located directly southwest and southeast of the project site (City of Pleasanton 2009).

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

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

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

- Stationary/non-transportation noise limit of 60 dB  $L_{max}$  at any point outside of the property plane (City of Pleasanton Municipal Code).
- Construction noise limit from individual construction equipment/tools of 83 dB  $L_{eq}$  at a distance of 25 feet or a cumulative construction noise limit of 86 dB  $L_{eq}$  outside of the project boundary (City of Pleasanton Municipal Code Section 9.04.100).

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

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## **Findings**

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

**Construction Noise Levels:** The Supplemental EIR indicated that construction activities on rezoning sites would involve the use of heavy equipment in addition to small power tools, generators, and hand

tools that would be sources of noise. Noise would vary based on construction location relative to receptors and type and quantity of construction equipment. The Supplemental EIR concluded that because the development projects would be required to comply with Municipal Code 9.04.100, individual project construction equipment would not produce a noise level in excess of 83 dB  $L_{eq}$  at a distance of 25 feet, nor would total construction noise exposure exceed 86 dB  $L_{eq}$  outside of project boundaries. In addition, to ensure construction noise resulting from project development resulted in less than significant impacts, the Supplemental EIR included Mitigation Measure 4.J-1 as follows:

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

construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

The nearest sensitive receptors to the project site consist of multi-family residences located approximately 160 feet to the southwest and approximately 180 feet to the southeast. As indicated in Table 4.J-5 of the Supplemental EIR, the use of pneumatic tools would be one of the loudest pieces of construction equipment with a noise level of 85 dB  $L_{max}$  at 50 feet. At a distance of 160 feet pneumatic tool noise would be at a level of approximately 75 dB  $L_{max}$ , and will not exceed the acceptable maximum noise levels at the nearby receptors. As the Supplemental EIR indicated, the proposed project would be required to abide by construction noise limits outlined by Municipal Code 9.04.100 and would be required to implement Mitigation Measure 4.J-1. As such, the proposed project would not introduce any new impacts related to construction noise not previously disclosed. Impacts would continue to be less than significant after the implementation of mitigation.

**Construction Vibration Levels:** The Supplemental EIR concluded that vibration exposure at neighboring sensitive uses, which are expected to be greater than 100 feet removed from the rezoned construction sites, would not be expected to exceed the applicable criteria outlined by the Caltrans Transportation- and Construction-Induced Vibration Guidance Manual except in situations where pile driving occurs. Should pile driving occur, the Supplemental EIR concluded that implementation of Mitigation Measure 4.J-2 would reduce construction-related vibration to a less than significant level. The project site is more than 100 feet from nearby sensitive receptors; therefore, typical construction vibration levels would not exceed acceptable levels at nearby receptors. According to the Geotechnical Feasibility Investigation (Cornerstone Earth Group 2012), project site soils can accommodate conventional shallow footings or mat foundations; therefore, pile driving would not be required and implementation of Mitigation Measure 4.J-2 would not be required. As such, the proposed project would not introduce any new construction-related vibration impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Exposure to Train Noise:** The Supplemental EIR concluded that train-related noise exposure would require the implementation of Mitigation Measure 4.J-3 for sites that are close to the Union Pacific Railroad mainline tracks. However, as noted in the Supplemental EIR the project site is not located close to railroad tracks, and would not expose future residents to excessive train-related noise. As such, the proposed project would not introduce any new train-related noise impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Exposure to Train Vibration:** The Supplemental EIR concluded that train-related vibration exposure may be substantial for sites that are close to the Union Pacific Railroad mainline tracks. However, as noted in the Supplemental EIR the project site is not located close to railroad tracks, and



would not expose future residents to excessive train-related vibration. As such, the proposed project would not introduce any new train-related vibration impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Traffic Noise Increase:** The Supplemental EIR indicated that traffic noise level increases from traffic pattern changes due to the land use changes on the rezoning sites would be expected in the range of 1 to 3 dB along some roadway segments. The Supplemental EIR concluded that project-related traffic noise level increases of 1 dB along two segments (Hopyard Road between West Las Positas Boulevard and Valley Avenue, and Stoneridge Drive between West Las Positas Boulevard and Santa Rita Road) may increase traffic noise exposure to above 60 dB  $L_{dn}$  within single-family residential back yards and therefore would be potentially significant.

The Supplemental EIR also considered roadway noise impacts in the cumulative (year 2035) noise scenario. Potentially significant, cumulatively considerable traffic noise increases were identified along two additional roadway segments: Stoneridge Drive between Johnson Drive and Hopyard Road, and Hopyard Road between Stoneridge Drive and West Las Positas Boulevard. At these locations, increased traffic noise exposure may exceed the City's 60 dB  $L_{dn}$  limit within neighboring single-family residential backyards.

To determine the project's potential contribution to these traffic noise impacts, a Noise Assessment Study was prepared by Edward L. Pack Associates, Inc. dated December 17, 2012 (Appendix G). As indicated therein, project-generated traffic noise exposure would be below the 60 dB  $L_{dn}$  limit of the City of Pleasanton Noise Element standards at all receptor locations along roadways identified in the Traffic Impact Analysis prepared by Fehr and Peers.

The roadway segments identified in the Supplemental EIR as having potentially significant impacts under the project and cumulative scenarios are not located in the project vicinity. The Noise Assessment Study focused on roadway segments in the project vicinity, which would experience the greatest increase in traffic noise. The segment of West Las Positas from Stoneridge Drive to Santa Rita Road (nearest to the impacted segment of Stoneridge Drive identified in the Supplemental EIR) would experience a traffic generated noise exposure of 42 to 51dB  $L_{dn}$ , well below the acceptable 60 dB  $L_{dn}$  limit.

Because all impacted roadway segments identified in the Supplemental EIR are located farther away from the project site, the project's contribution would be even smaller and would not represent a considerable contribution to the existing plus project or cumulative impacts identified in the Supplemental EIR. As such, the proposed project would not introduce any new project-related traffic noise impacts not previously disclosed.

The Supplemental EIR also concluded that developments on rezoned sites may be exposed to exterior traffic noise in excess of 65 dB and interior traffic-related noise exposure in excess of the acceptable

45 dB  $L_{dn}$  threshold; therefore, impacts would be potentially significant. Residential development is required to comply with Title 24 of the California Code of Regulations, which requires an interior noise exposure of 45 dB  $L_{dn}$ /CNEL or less within any habitable room and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. To ensure compliance and reduce impacts to less than significant, the Supplemental EIR included Mitigation Measure 4.J-5b and 4.J-5c as follows:

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

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

As indicated by the Noise Assessment Study prepared for the proposed project by Edward L. Pack Associates, exterior and interior noise exposures at the proposed project site would be within the limits of the City of Pleasanton and Title 24 standards under current and future conditions. Provision of the Study to the City of Pleasanton fulfills the requirements of both Mitigation Measure 4.J-5b and 4.J-5c and ensures that impacts related to exterior and interior traffic noise would be less than significant as concluded in the Supplemental EIR. No additional mitigation is necessary.

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

**Mitigation Measure 4.J-6a:** For all of the potential sites for rezoning the City shall require site-specific acoustical assessments to determine noise exposure, impact, and mitigation regarding non-transportation sources. Noise exposure

shall be mitigated to satisfy the applicable City Code criterion using appropriate housing site design.

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

As previously discussed, a Noise Assessment Study has been prepared for the proposed project and has indicated that no additional measures are needed to ensure interior or exterior noise levels remain below acceptable standards. While the project site is located adjacent to a commercial area that includes a Walmart and Kohl's department store, loading areas for these establishments are located on the far side of the buildings, away from the project site, and the Noise Assessment Study indicated that traffic associated with the retail center does not significantly affect the noise environment. The Noise Assessment Study indicated that exterior and interior noise levels would be below acceptable levels at the project site and no additional measures would be needed to attenuate noise levels. As such, the Noise Assessment Study fulfills the requirements of Mitigation Measure 4.J-6a. The project would be required to implement Mitigation Measure 4.J-6c, requiring implementation of noise disclosures and noise complaint procedures. Furthermore, the proposed project would not introduce any new stationary noise source exposure impacts not previously disclosed. Impacts would continue to be less than significant with the implementation of Mitigation Measure 4.J-6c.

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

## **Conclusion**

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

## **Mitigation Measures**

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

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

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

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

### Environmental Setting

According to the California Department of Finance, as of January 2012, the City of Pleasanton had a population of 71,269 persons, an average of 2.79 persons per household, and a total of 26,132 housing units (California Department of Finance 2012). The proposed project would result in the construction of 305 residential units and 7,520 square feet of retail space.

### Findings

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

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

significant while still meeting Regional Housing Needs Allocation (RHNA) need and without stressing the City's current infrastructure.

The proposed project site is one of the nine sites that have been rezoned by the City for the development of residential uses to ensure housing allocations of the RHNA are met. Under the Supplemental EIR, the project site was contemplated as containing up to 420 residences and up to 10,000 square feet of retail space. The project site would develop 305 residences that, at a rate of 2.79 persons per household, would house approximately 851 people. The additional housing could result in direct population growth. Furthermore, the proposed 7,520 square feet of retail space would be expected to provide additional jobs, resulting in indirect population growth; however, this nominal amount of retail space would not be expected to create enough jobs to create substantial population growth. The project would not include the extension of road or infrastructure that could result in indirect population growth.

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

**Displace Housing:** The Supplemental EIR concluded that impacts related to the displacement of existing homes, necessitating the construction of replacement housing elsewhere would be less than significant. The Supplemental EIR identified four existing homes that may be displaced as a result of rezoning, however, the project site does not contain any housing. The proposed project would result in the addition of 305 residences that would assist the City in meeting RHNA needs. As such, impacts would continue to be less than significant and no mitigation is needed.

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

The project site does not contain any existing housing. The proposed project would result in the addition of 305 residences that would assist the City in meeting RHNA needs. The proposed project would not result in the displacement of people. As such, impacts would continue to be less than significant and no mitigation is needed.

## **Conclusion**

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

## **Mitigation Measures**

None required.



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

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## Environmental Setting

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

The nearest fire station to the project site is located at 3200 Santa Rita Road, approximately 0.4 mile from the project site.

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## Findings

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

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

The proposed project would construct 305 residential units and 7,520 square feet of residential space, a parking structure and additional surface parking on a site that is currently developed as a parking lot and landscaping areas. As such, an increase in demand for fire protection would occur. However, the

project is located approximately 0.4 mile from the nearest fire station, is within a 5-minute response radius, and is not located in an area designated as a Special Fire Protection Area. In accordance with General Plan's Public Safety Element, Program 8.2, the project developer is required to pay a Public Facilities Fee that provides for the fire safety improvement needs generated by proposed project related to both the housing and retail components. Payment of this fee would effectively mitigate any increase in demand for services. As such, the proposed project would not introduce any new impacts related to fire services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Police Protection:** The Supplemental EIR indicated that new development on sites proposed for rezoning would increase demand for police services. However, General Plan Public Safety Element's Program 26.2 requires that all new development pay for police safety improvements required of that development. As such, the Supplemental EIR concluded that impacts to police protection would be less than significant.

The proposed project would construct 305 residential units and 7,520 square feet of residential space, a parking structure and additional surface parking on a site that is currently developed as a parking lot and landscaping areas. As such, the proposed project would result in increased demands for police services that could result in increased response times. However, in accordance with Program 26.2, the project developer would be required to pay for police safety improvements required of the proposed project, which would provide for capital facilities and equipment costs. As such, the proposed project would not introduce any new impacts related to police protection not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

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

The proposed project would result in the construction of 305 residential units that would likely house families with school-aged children. As such, increased enrollment at nearby schools would occur. However, the project developer would be required to pay fees to the Pleasanton Unified School District that would cover facility costs created by the residential development. As such, the proposed project would not introduce any new impacts related to school services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Park Services:** The Supplemental EIR indicated that additional population resulting from sites rezoned for residential development, including the project site, could result in impacts to park services. The Supplemental EIR concluded that because the City plans to build approximately 131

acres of new community parks in Pleasanton by 2025, impacts to park services would be less than significant.

The proposed project would construct 305 new residential units that would result in an increase in population and park usage. However, the proposed project would provide onsite recreation opportunities to serve the existing residents. Furthermore, as noted in the Supplemental EIR, the City plans to build additional parks to serve the expected population growth of the City, including the population growth of the proposed project as considered in the Housing Element. As such, the proposed project would not introduce any new impacts to park services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Other Public Facility Services:** The Supplemental EIR did not specifically address public facility services other than fire, police, school, and recreation facilities as discussed above. However, the project is located in an urbanized area currently served by a variety of public facilities; therefore, the proposed in-fill project would not be expected to significantly change or impact public services or require the construction of new or remodeled public service facilities. As previously noted, the proposed project would be required to pay applicable development fees related to incremental increases in demand on public services. As such, impacts would be less than significant and no mitigation is required.

### **Conclusion**

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

### **Mitigation Measures**

None required.

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

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### Environmental Setting

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There are no existing recreational or park facilities on the project site. As indicated by Figure 3-13 of the Pleasanton General Plan, the Tassajara Canal Trail is planned along Tassajara Creek on the project’s southeastern border.

The parks nearest to the project site are Owens Plaza Park and Creekside Park.

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### Findings

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

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

The proposed project would construct 305 new residential units that would result in an increase in population and park usage. The 7,520 square feet of retail space would not be expected to create a significant demand for park services. The proposed project would provide onsite recreation amenities

to serve the existing residents that would decrease the project's overall demand for public recreational facilities. As noted in the Supplemental EIR, the City plans to build additional parks to serve the expected population growth of the City, including the population growth of the proposed project as considered in the Housing Element. Increased recreational facility use resulting from the proposed project has been planned for in the General Plan. As such, the proposed project would not introduce any new impacts related to the substantial physical deterioration of a recreational facility. Impacts would continue to be less than significant and no mitigation is necessary.

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

The proposed project would include recreational amenities, including a pool and spa, a fitness building, a community building with community kitchen, an outdoor barbeque area, a children's playground, a play lawn, two bicycle/pedestrian connections to the future Tassajara Canal Trail , pet zones, and garden areas. The environmental effects of constructing these components have been considered in this document, and the implementation of mitigation and compliance with applicable regulations as discussed throughout would ensure that any potential impacts are reduced to less than significant. Furthermore, increased offsite recreational facility use resulting from the proposed project has been planned for in the General Plan and analyzed by the General Plan EIR. As such, the proposed project would not introduce any new impacts related to the construction or expansion of recreational facilities not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

### **Conclusion**

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

### **Mitigation Measures**

None required.

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

## Environmental Setting

The project site is located at the southwest corner of Owens Drive and Rosewood Drive within the California Center corporate campus office complex’s southern parking lot area. California Center, and the project site, is currently accessed via six driveways including two on Owens Drive and four on Rosewood Drive. Of the two Owens Drive driveways, one provides full access and the other is restricted to right-in/right-out operation only. Of the Rosewood Driveways, two provide full access and the remaining two are restricted to right-in/right-out operation only. Local roadways that serve the project site include Hacienda Drive, Owens Drive, Rosewood Drive, and West Las Positas Boulevard. Regional Roadways that serve the project site include Interstate 580 (I-580). The project

site is located one mile east of the Dublin/Pleasanton BART station. Pedestrian facilities in the immediate project site vicinity include pedestrian crosswalks, push buttons and signals are provided at the signalized intersections of Owens Drive/Rosewood Drive and the Full Access Wal-Mart Driveway/Rosewood Drive. Class II bike lanes are provided on Owens Drive along the project site frontage as well as on Rosewood Drive, east of the project site. A future pedestrian/bike trail is identified in the City's Bicycle Plan along Tassajara Creek, which forms the eastern boundary of the California Center Campus.

Fehr and Peers conducted a Transportation Assessment for The Residences at California Center, dated January 24, 2013.

As indicated in the Transportation Assessment, the proposed project would include the following circulation changes:

- Access to the office parking supplies from Owens Drive would be discouraged by design from the existing full access driveway and the existing right-in/right-out driveway would be modified to provide full access.
- Two new right-in/right-out driveways serving the retail portion of the Project would be constructed, with one driveway on Owens Drive and the other on Rosewood Drive.

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

The following intersections were analyzed in the Transportation Assessment as they provide access to the Project site and are likely to be affected by the proposed project:

1. Interstate 580 Westbound Ramps at Hacienda Drive (signalized)
2. Interstate 580 Eastbound Ramps at Hacienda Drive (signalized)
3. Owens Drive at Hacienda Drive (signalized)
4. Rosewood Drive at California Center (signalized)
5. Owens Drive at Rosewood Drive (signalized)
6. Owens Drive at Proposed Right-in/Right-out Driveway (unsignalized)
7. Owens Drive at Primary Residential Access Driveway (unsignalized)
8. Owens Drive at Secondary Access Driveway (unsignalized)
9. Owens Drive at West Las Positas Boulevard (signalized)
10. Rosewood Drive at Proposed Right-in/Right-out Driveway (unsignalized)

Study intersection operations were evaluated during the weekday morning (AM) and weekday evening (PM) peak hours for the following scenarios:

- **Existing** - Existing conditions based on recent traffic counts.
- **Existing plus Occupancy of Existing Vacant Office Space** – the recent traffic counts from the existing conditions assessment reflect approximately 50 percent occupancy of the existing office uses on the site; typical occupancies are above 90 percent.
- **Existing plus Occupancy of Existing Uses Plus Project** – the above scenario plus the addition of Project traffic.
- **Existing Plus Approved Projects** – Near-term conditions, which consider existing traffic plus anticipated traffic from approved developments that would substantially affect the volumes at the study intersections.
- **Existing Plus Approved Projects Plus Project** – Near-term conditions plus Project related traffic.
- **Cumulative Without Project** – Future forecast conditions, which considers local and regional traffic growth.
- **Cumulative With Project** – Future forecast conditions plus Project-related traffic.

No roadway improvements were assumed at the study intersections, except for changes proposed as part of the Project.

To provide a conservative estimate of traffic increases resulting from the proposed project, the Transportation Assessment considered both the trip generation of the proposed 305 residential units and 7,520 square feet of retail space, as well as potential trips generated from the currently vacant 562,204 square feet of office space at the adjacent California Center corporate campus. As shown in Table 12, the Project is expected to generate approximately 163 morning and 217 evening peak hour trips.

**Table 11: Vehicle Trip Generation**

| Land Use                               | Size                | AM Peak Hour |            |            | PM Peak Hour |            |            |
|--|---------------------|--------------|------------|------------|--------------|------------|------------|
|  |                     | In           | Out        | Total      | In           | Out        | Total      |
| <b>Offsite Vehicle Trip Generation</b> |                     |              |            |            |              |            |            |
| Existing occupied office <sup>1</sup>  | 502,796 square feet | 631          | 48         | 679        | 74           | 575        | 649        |
| Existing vacant office <sup>2</sup>    | 562,204             | 772          | 105        | 877        | 142          | 696        | 838        |
| Total office vehicle trips             |                     | 1,403        | 153        | 1,556      | 216          | 1,271      | 1,487      |
| <b>Net new trips</b>                   |                     | <b>772</b>   | <b>105</b> | <b>877</b> | <b>142</b>   | <b>696</b> | <b>838</b> |



**Table 11 (cont.): Vehicle Trip Generation**

| Land Use  | Size | AM Peak Hour |     |       | PM Peak Hour |     |       |
|---|------|--------------|-----|-------|--------------|-----|-------|
|   |      | In           | Out | Total | In           | Out | Total |
| Notes:  |      |              |     |       |              |     |       |
| <sup>1</sup> From driveway counts collected in March 2012.<br><sup>2</sup> AM and PM trip generation based on rates for Office (Land Use 710) in ITE Trip Generation (9th Edition) as presented below (where: T = trip ends and X = 1,000 square feet):<br>AM Rate: (T) = 1.56 (X) (inbound = 88%, outbound = 12%)<br>PM Rate: (T) = 1.49 (X) (inbound = 17%, outbound = 83%)<br>Source: ITE’s Trip Generation, 9th Edition and Fehr & Peers, December 2012 |      |              |     |       |              |     |       |

**Table 12: Vehicle Trip Generation**

| Land Use  | Size              | AM Peak Hour |            |            | PM Peak Hour |           |            |
|---|-------------------|--------------|------------|------------|--------------|-----------|------------|
|   |                   | In           | Out        | Total      | In           | Out       | Total      |
| <b>Project Vehicle Trip Generation</b>  |                   |              |            |            |              |           |            |
| Apartments <sup>1</sup>   | 305 units         | 31           | 125        | 156        | 126          | 66        | 189        |
| Retail <sup>2</sup>   | 7,520 square feet | 4            | 3          | 7          | 13           | 15        | 28         |
| <b>Net New Project Trips</b>  |                   | <b>35</b>    | <b>128</b> | <b>163</b> | <b>139</b>   | <b>81</b> | <b>217</b> |
| Notes:  |                   |              |            |            |              |           |            |
| <sup>1</sup> AM and PM trip generation based on rates for Apartment (Land Use 220) in ITE Trip Generation (9th Edition) as presented below (where: T = trip ends and X = number of dwelling units):<br>AM Rate: (T) = 0.51 (X) (inbound = 20%, outbound = 80%)<br>PM Rate: (T) = 0.62 (X) (inbound = 65%, outbound = 35%)<br><sup>2</sup> AM and PM trip generation based on rates for Shopping Center (Land Use 820) in ITE Trip Generation (9 <sup>th</sup> Edition) as presented below (where: T = trip ends and X = 1,000 square feet):<br>AM Rate: (T) = 0.96 (X) (inbound = 62%, outbound = 38%)<br>PM Rate: (T) = 3.71 (X) (inbound = 48%, outbound = 52%)<br>Source: ITE’s Trip Generation, 9th Edition and Fehr & Peers, December 2012 |                   |              |            |            |              |           |            |

**Findings**

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

The Supplemental EIR concluded that impacts to the regional roadway network under cumulative plus project conditions would be significant and unavoidable. As discussed below, the proposed

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

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

As discussed under the following Level of Service Standards discussion, the proposed project would not cause any study intersections to operate below acceptable level of service (LOS) standards (Fehr and Peers 2012). Further, because the proposed project is consistent with the Housing Element of the General Plan, it is also consistent with other applicable transportation related policies of the General Plan. As such, the proposed project would not introduce any new impacts related to applicable transportation plans and policies not previously disclosed. Impacts would continue to be less than significant.

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

##### **Intersection Operations**

The Supplemental EIR concluded that development facilitated by rezonings would result in less than significant impacts to levels of service at the local study intersections under existing plus project conditions because all of the study intersections would continue to operate at LOS D or better during both peak periods evaluated. Note that the Supplemental EIR assumed that the proposed project site would be built out to include up to 420 residences and up to 10,000 square feet of retail space. However, the proposed project includes only 305 residences and 7,520 square feet of retail space, and therefore over estimated traffic increases at the project site.

As indicated in the Transportation Assessment, in the near-term and cumulative conditions both without and with the proposed project, the signalized intersections are expected to continue operating at overall acceptable service levels.

As shown in Table 13, the intersections affected by the proposed project would continue to operate at overall acceptable levels in all analysis scenarios. Delays and LOS shown in parentheses are for the worst approach.

**Table 13: Peak Hour Intersection Levels of Service**

| Intersection  | Control                     | Peak Hour | Existing |       | Existing Vacant Office |       | Existing With Project |       | Near-Term Without Project |       | Near-Term With Project |       | Cumulative Without Project |       | Cumulative with Project |       |
|---|-----------------------------|-----------|----------|-------|------------------------|-------|-----------------------|-------|---------------------------|-------|------------------------|-------|----------------------------|-------|-------------------------|-------|
|   |                             |           | Delay    | LOS   | Delay                  | LOS   | Delay                 | LOS   | Delay                     | LOS   | Delay                  | LOS   | Delay                      | LOS   | Delay                   | LOS   |
| 1. I- 580 Westbound Ramps at Hacienda Drive             | Signal                      | AM        | 7        | A     | 7                      | A     | 7                     | A     | 8                         | A     | 8                      | A     | 9                          | A     | 9                       | A     |
|   |                             | PM        | 7        | A     | 7                      | A     | 7                     | A     | 7                         | A     | 7                      | A     | 7                          | A     | 7                       | A     |
| 2. I-580 Eastbound Ramps at Hacienda Drive              | Signal                      | AM        | 14       | B     | 17                     | B     | 17                    | B     | 15                        | B     | 15                     | B     | 18                         | B     | 19                      | B     |
|   |                             | PM        | 11       | B     | 14                     | B     | 14                    | B     | 14                        | B     | 14                     | B     | 13                         | B     | 14                      | B     |
| 3. Owens Drive at Hacienda Drive                        | Signal                      | AM        | 15       | B     | 16                     | B     | 16                    | B     | 18                        | B     | 18                     | B     | 18                         | B     | 19                      | B     |
|   |                             | PM        | 26       | C     | 28                     | C     | 31                    | C     | 36                        | D     | 41                     | D     | 31                         | C     | 35                      | C     |
| 4. Rosewood Drive at California Center                  | Signal                      | AM        | 7        | A     | 7                      | A     | 7                     | A     | 7                         | A     | 7                      | A     | 7                          | A     | 7                       | A     |
|   |                             | PM        | 9        | A     | 11                     | B     | 11                    | B     | 10                        | A     | 10                     | A     | 11                         | B     | 11                      | B     |
| 5. Owens Drive at Rosewood Drive                        | Signal                      | AM        | 7        | A     | 9                      | A     | 10                    | A     | 9                         | A     | 11                     | B     | 11                         | B     | 13                      | B     |
|   |                             | PM        | 8        | A     | 9                      | A     | 11                    | B     | 9                         | A     | 10                     | A     | 9                          | A     | 9                       | A     |
| 6. Owens Drive at Proposed Right-in/ Right-out Driveway | Side-Street Stop-Controlled | AM        | N/A      | N/A   | N/A                    | N/A   | 0 (11)                | A (B) | N/A                       | N/A   | 0 (11)                 | A (B) | N/A                        | N/A   | 0 (11)                  | A (B) |
|   |                             | PM        | N/A      | N/A   | N/A                    | N/A   | 0 (11)                | A (B) | N/A                       | N/A   | 0 (10)                 | A (A) | N/A                        | N/A   | 0 (11)                  | A (B) |
| 7. Owens Drive at Primary Residential Access Driveway   | Side-Street Stop-Controlled | AM        | 5 (33)   | A (D) | 7 (70)                 | A (F) | 4 (43)                | A (E) | 5 (42)                    | A (E) | 5 (45)                 | A (E) | 8 (73)                     | A (F) | 5 (44)                  | A (E) |
|   |                             | PM        | 4 (46)   | A (E) | 7 (61)                 | A (F) | 3 (49)                | A (E) | 5 (130)                   | A (F) | 4 (93)                 | A (F) | 7 (207)                    | A (F) | 4 (116)                 | A (F) |
| 8. Owens Drive at Secondary Access Driveway             | Side-Street Stop-Controlled | AM        | 0 (11)   | A (B) | 0 (11)                 | A (B) | 7 (109)               | A (F) | 0 (11)                    | A (B) | 4 (47)                 | A (E) | 0 (11)                     | A (B) | 3 (30)                  | A (D) |
|   |                             | PM        | 1 (11)   | A (B) | 1 (11)                 | A (B) | 7 (29)                | A (D) | 1 (10)                    | A (A) | 3 (16)                 | A (C) | 1 (11)                     | A (B) | 3 (18)                  | A (C) |

**Table 13 (cont.): Peak Hour Intersection Levels of Service**

| Intersection   | Control                     | Peak Hour | Existing   |            | Existing Vacant Office |            | Existing With Project |                | Near-Term Without Project |            | Near-Term With Project |                | Cumulative Without Project |            | Cumulative with Project |                |
|--|-----------------------------|-----------|------------|------------|------------------------|------------|-----------------------|----------------|---------------------------|------------|------------------------|----------------|----------------------------|------------|-------------------------|----------------|
|  |                             |           | Delay      | LOS        | Delay                  | LOS        | Delay                 | LOS            | Delay                     | LOS        | Delay                  | LOS            | Delay                      | LOS        | Delay                   | LOS            |
| 9. Owens Drive at West Las Positas Boulevard               | Signal                      | AM<br>PM  | 12<br>13   | B<br>B     | 13<br>13               | B<br>B     | 14<br>14              | B<br>B         | 10<br>16                  | A<br>B     | 11<br>17               | B<br>B         | 12<br>19                   | B<br>B     | 13<br>20                | B<br>B         |
| 10. Rosewood Drive at Proposed Right-in/Right-out Driveway | Side-Street Stop-Controlled | AM<br>PM  | N/A<br>N/A | N/A<br>N/A | N/A<br>N/A             | N/A<br>N/A | 0 (0)<br>0 (0)        | A (A)<br>A (A) | N/A<br>N/A                | N/A<br>N/A | 0 (0)<br>0 (0)         | A (A)<br>A (A) | N/A<br>N/A                 | N/A<br>N/A | 0 (0)<br>0 (0)          | A (A)<br>A (A) |

Notes:

1. Signal = Signalized Intersection; at side-street stop-controlled intersections, traffic from the major roadway does not stop.
2. Delay presented in seconds per vehicle; for side-street stop-controlled intersections, delay presented as intersection average (worst approach)
3. LOS = Level of Service.

Source: Fehr & Peers, November 2012.

References

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With the addition of traffic from the occupation of the vacant office uses, the unsignalized full access driveway on Owens Drive (Intersection 7) is expected to degrade to LOS F for movements from the side street during both peak hours. This primarily represents additional delay for southbound vehicles from the site during the morning peak hour and for northbound left-turning vehicles from the Archstone Apartment complex during the evening peak hour, with approximately 18 vehicles in the morning and 16 vehicles in the evening experiencing degraded operations. The increase delay comes from a combination of increased through traffic on Owens Drive, as well as increased turning movements to/from the California Center site.

With construction of the Project and associated driveway changes and traffic shifts, operations of the primary access intersection would improve, although the side street movements would continue to experience LOS E or F conditions. Vehicles exiting Archstone have the option of exiting the complex at Rosewood Drive at Owens Drive signalized intersection.

As a restricted access driveway, the easternmost driveway (Intersection 8) operates with minimal delay for vehicles turning from the site to westbound Owens Drive. With the construction of the project and modifications to this driveway to provide full-access, delay for vehicles exiting the site would increase during both peak hours, with vehicles exiting the site experiencing LOS F conditions in during the morning peak hour in the Existing Plus Project (plus vacant office space occupied) scenario.

The City's LOS D or better standard, as established in General Plan Circulation Element Policy 2, applies only to major intersections, which are "those intersections of two or more arterials or one arterial and one collector street." Therefore, the project driveways do not need to meet the LOS D or better standard per the General Plan (although they have still been analyzed here within from a traffic circulation standpoint). As such, impacts to LOS at the project's driveways would not be considered significant. Signalized intersections are expected to continue operating at overall acceptable service levels in the Existing, Near-Term and Cumulative conditions both with and without the project.

Signal warrants based on peak hour volume and delay were evaluated for the unsignalized full access intersections on Owens Drive (Intersections 6, 7, and 8). Neither signal warrant was satisfied during the AM peak hour at either driveway intersection. During the PM peak hour, the volume warrant is satisfied at the existing full access driveway and would continue to be satisfied with the occupation of the vacant office space. With the Project and expected traffic shifts to the easterly driveway, the volume warrant would no longer be satisfied at the existing main access intersection, but would be satisfied at the easterly access intersection. However, the location of the proposed parking garage within the site could affect how vehicle trips load to the roadway network as there are many driveways that serve the site. Additionally, the trip generating characteristics of future office tenants could differ from what was assumed in this analysis and signalization may not be warranted based on actual future conditions. Monitoring of the easterly driveway, as previously described, would ensure that a signal would be implemented when warranted.

## Vehicle Queues

Vehicle queues were evaluated for turning movements where the project is expected to have an effect on traffic volumes, including the eastbound and southbound movements to/from the driveways on Owens Drive, the eastbound left-turn movement from Owens Drive to Rosewood Drive, and the westbound left-turn from Owens Drive into the Archstone apartments. Calculated vehicle queue lengths are provided in Appendix H. The expected 95th percentile vehicle queues for movements from Owens Drive are expected to be accommodated within the available storage, including the westbound left-turn on Owens Drive into the Archstone Apartment complex.

Although vehicle queues for movements on Owens Drive would be accommodated within the available storage, vehicles waiting to turn onto Owens Drive from the Project site or from Archstone could extend beyond the available storage. At the secondary driveway, vehicle queues could extend beyond the designated driveway throat and periodically block access to on-street parking with the project. As such, the project includes separate left- and right-turn lanes at the easterly Project driveway for approximately 50 feet into the site, with a 37-foot wide cross-section to accommodate a 15-foot wide entry lane and two 11-foot exit lanes. This would reduce the vehicle queues to less than 100 feet during the evening peak hour and reduce delay for vehicles exiting the site during the morning peak hour. Provision of separate turn lanes from the site would also facilitate the future signalization of the intersection if warranted by actual conditions.

Vehicles turning left to Owens Drive from the Archstone apartments could extend approximately 75 feet into that site, potentially impeding their onsite circulation. However, with the Project, traffic would shift to the easterly Project site driveway, reducing the vehicle queue and improving operations. Additionally, vehicles exiting Archstone could use the traffic signal at the driveway opposite Rosewood Drive and avoid delays and vehicle queues at the unsignalized driveway.

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

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

The proposed project would be required to pay any applicable fair-share funds as required by Mitigation Measure 4.N-7. As noted in the Transportation Assessment, the proposed project would not result in any in any unacceptable LOS levels in the cumulative scenario. Furthermore, the proposed project would result in a reduced contribution to the significant unavoidable impact because the project includes 115 fewer residential units and 2,480 fewer square feet of retail space (and therefore less traffic trips) than that anticipated by the Supplemental EIR.

In summary, the proposed project would not introduce any new impacts related to LOS not previously disclosed and would reduce the overall level of impact concluded by the Supplemental EIR.

**Air Traffic Patterns:** As discussed in Section 8, Hazards and Hazardous Materials, of this document, the Supplemental EIR concluded that a conflict between the Livermore Municipal Airport Land Use Compatibility Plan (ALUCP) and potential rezoning sites for housing development was not anticipated. However, at the time the Supplemental EIR was written, the ALUCP was being revised, therefore, the Supplemental EIR indicated that, without specific project site details and a newly adopted ALUCP, additional analysis regarding residential development consistency with the Livermore Municipal Airport would be speculative. As such, the Supplemental EIR included Mitigation Measure 4.G-5 requiring compliance with the ALUCP and verification of compliance with the FAA Part 77 air space.

Since the completion of the Supplemental EIR, a revised ALUCP for the Livermore Municipal Airport has been completed. The project site is located approximately 3 miles west of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or Federal Aviation Regulation (FAR) Part 77 height restriction space as indicated by the ALUCP. Nonetheless, as required by part c. of the Supplemental EIR's Mitigation Measure HAZ-4.G-5, prior to the issuance of a grading or building permit for the proposed project, verification of compliance with FAR Part 77 would be required. As such, the proposed project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant with the implementation of mitigation.

**Roadway Hazards:** The Supplemental EIR concluded that impacts related to roadway hazards and traffic safety would be less than significant because each individual residential development would be required to adhere to design standards and traffic safety protocols outlined in the City's General Plan, Caltrans's Highway Design Manual, the California Manual of Uniform Traffic Control Devices, and the City Standard Specifications and Details.

**Emergency Access:** The Supplemental EIR concluded that impacts related to emergency access would be less than significant because development facilitated by the proposed Housing Element, such as the proposed project, would not significantly alter or modify the circulation system in the Planning Area and therefore would not adversely affect travel times of emergency vehicles. Further,

compliance the City's Fire Code and Subdivision regulations would ensure adequate onsite emergency vehicle access.

The proposed project's roadways and circulation infrastructure have been designed in accordance with the applicable regulations and would not be expected to result in any roadway hazards or traffic safety issues. As indicated by the Transportation Assessment, emergency vehicle access would be provided both from the Project frontages on Owens Drive and Rosewood Drive, and from the existing California Center campus circulation system on the north site of the site. Based on the level of access to the site, and the extent of the internal roadway system, the Project is not expected to result in inadequate emergency access. The project's plans are subject to review by the City and the Fire Department as part of the standard building permit process to ensure consistency with the City's Fire Code to allow apparatus access and maneuverability.

*Sight Distance:* A sight distance assessment was conducted for vehicles turning to/from the easterly Project driveway, since that driveway would be modified with the Project. For this assessment, the stopping sight distance and corner sight distance were reviewed. Stopping sight distance is defined as the distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the road becomes visible and in advance of reaching the object. Corner sight distance is defined as the line of sight maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Based on the existing speed limit of 40 miles per hour on Owens Drive, and assumptions of the prevailing travel speed of 45 miles per hour, the minimum stopping sight distance is 360 feet and the corner sight distance is 495 feet. Vehicles traveling on Owens Road need approximately 360 feet to be able to stop in sufficient time if there is a vehicle turning to/from the Driveway within their travel path. For vehicles turning into or out of the site, they would be able to complete their turning movement within the time it takes an on-coming vehicle to travel approximately 495 feet, which indicates there is sufficient sight distance at the easterly driveway for the new turning movements. To insure site distance is maintained, landscaping shrubs at the easterly driveway intersection will be limited to 30 inches in height and tree canopies will be maintained at approximately six feet or higher from the ground.

*Accidents:* Incident data was reviewed for the Owens Drive project site frontage from January 1, 2009 to February 1, 2012. Four incidents were reported in proximity to the existing full access driveway into the site. Of the four reported incidents in the driveway influence area, three incidents resulted in rear-end collisions and one resulted in a sideswipe. Primary collision factors included unsafe speed and improper turning. Two of the incidents resulted in injuries. However, because the proposed project would reduce the number of turning conflicts at the main access intersection and shift traffic to the easternmost driveway, which is a 3-way intersection with sufficient sight distance, the project site access changes would not worsen the incident experience along the Owens Drive Project frontage.



*Delivery Vehicle Access:* Access to the site by moving trucks, furniture delivery, and trash collection vehicles are expected to occur on a regular basis. No designated loading areas are shown on the site plan. Trash collection areas are shown throughout the site, including the parking garage and at the end of an approximately 200 foot drive-aisle. Based on information provided by the project applicant, trash enclosures in hard to reach areas would be brought to a central location for pick-up, eliminating the need for garbage vehicles to enter the parking garage or other dead-end drive aisles.

To minimize internal vehicle conflict, residents of the proposed project would be encouraged to conduct move-in/move-out large vehicle maneuvers during off-peak hours, such as mid-day or weekends. In addition, delivery moving trucks/delivery vehicles would be allowed to park in parallel parking stall(s) to maintain two-way travel on internal roadways. For the retail portion of the Project, large vehicles deliveries would be encouraged to occur during off-peak hours as there are no designated loading areas within the retail portion of the project site.

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

**Alternative Transportation:** The Supplemental EIR concluded that residential development resulting from rezoned sites would not eliminate or modify existing or planned pedestrian or bicycle facilities and transit ridership generated would be accommodated by existing services that have available capacity to accommodate future demand. Further, future residential development would be required to adhere to General Plan policies regarding alternative transportation. As such, the Supplemental EIR concluded that impacts to alternative transportation including policies in support of alternative transportation would be less than significant.

*Pedestrians:* As part of the project, new pedestrian paths would be constructed within the project site and connect to the existing pedestrian system within the California Center campus. Curb extensions and high visibility crosswalks would also be provided at potentially high volume crossing locations. A pedestrian path would also connect the retail center to the residential common area, continuing to the office uses, minimizing the number of drive aisles pedestrians would have to cross to access the retail center from the office uses.

Pedestrian access to the Project site would occur from a number of locations on Owens Drive and Rosewood Drive. Sidewalks are provided along both sides of most internal roadways, with the exception of the easterly access driveway where there are no active uses on the east side of the street. Based on the level of pedestrian enhancements proposed as part of the project, the project is not expected to create a significant impact to pedestrian system in the vicinity of the site.

*Transit:* Transit currently serves the Project area, with stops on Rosewood Drive, north of Owens Drive and on Owens Drive, west of Rosewood Drive. No changes to the number of transit stops or

level of transit service are proposed as part of the project. A driveway serving the retail center from Rosewood Drive is proposed to be constructed south of the existing bus pull-out area. Existing employees and residents of the Archstone, Avila, Siena, and Verona communities within the Hacienda Business Park receive an ECO pass, which allows for free use of the Wheels transit system that provides connections to the BART station, and other locations within the Hacienda Business Park and the Tri-Valley Area. Similarly, residents of proposed project would be provided with ECO passes to encourage transit use.

*Bicycles:* Class II bicycle facilities (bike lanes) are currently provided on Owens Drive along the project site frontage. The proposed project may include two pedestrian/bicycle connections to the future Tassajara Canal trail, which is ultimately proposed to connect to other existing and planned trails in Pleasanton in the South and Dublin in the north. The project accomplishes the goals of the City Bicycle Plan by connection to the future Tassajara Canal trail and providing onsite bicycle storage. Long-term bicycle parking would be provided throughout the site, including private garages and shared bicycle storage rooms. Short-term bicycle parking is proposed adjacent to the retail building and at three locations within the residential community.

As indicated in the Supplemental EIR, sufficient transit capacity exists to accommodate future demand. The project does not conflict with any adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities. As such, the proposed project would not introduce any new impacts related to alternative transportation not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

## **Conclusion**

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

## **Mitigation Measures**

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

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

References

| Environmental Issues  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| <b>17. Utilities and Service Systems</b>  |                                |  |                                     |                          |
| <i>Would the project:</i>   |                                |  |                                     |                          |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Environmental Setting**

Utilities and services including water, sewer, stormwater, and solid waste collection are provided to the project site by the City of Pleasanton. The project site currently has existing water and stormwater infrastructure. Water, sewer, and stormwater facilities are located within the Rosewood Drive and Owens Drive rights-of-way.

**Findings**

The Supplemental EIR concluded that the rezoning of the project site for eventual residential and retail development would require mitigation to reduce impacts related to water supply, but that impacts to wastewater treatment, stormwater, landfills, and solid waste regulations would be less than significant. As discussed below, the proposed project would not result in any new substantial impacts

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

**Wastewater Treatment Requirements of the RWQCB:** The Supplemental EIR did not indicate that impacts would occur regarding the exceedance of wastewater treatment requirements of the RWQCB.

The proposed project would be served by the City of Pleasanton's sewer collection services, which directs wastewater to the Dublin-San Ramon Services District's Regional Wastewater Treatment Facility. The Treatment Facility treats and disposes of wastewater in accordance with applicable requirements of the RWQCB. As such, impacts related to the exceedance of wastewater treatment requirements would be less than significant and no mitigation is necessary.

**Construction or Expansion of Water or Wastewater Treatment Facilities:** The Supplemental EIR indicated that development on rezoned sites would increase demand for water. The Supplemental EIR concluded that because the City of Pleasanton has planned for such residential growth by supporting Zone 7's capital improvement projects impacts related to the construction or expansion of water treatment facilities would be less than significant. The Supplemental EIR also concluded that because sufficient wastewater treatment capacity is available now and in the future at the Dublin-San Ramon Services District Regional Wastewater Treatment Facility, impacts related to the construction or expansion of wastewater treatment facilities would be less than significant.

The proposed project's 305 residential units and 7,520 square feet of retail space would be expected to require only a small portion of the water and wastewater service increases contemplated in the Supplemental EIR, because it analyzed rezoning 21 sites for residential development where the City ultimately chose only nine sites to implement the rezoning. As such, the proposed project would not result in impacts related to the construction or expansion of water or wastewater treatment facilities not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Stormwater Drainage Facilities:** The Supplemental EIR discussed stormwater drainage in Section 4.H, Hydrology and Water Quality. As indicated therein, development on rezoned sites would be required to abide by C.3 provisions of the ACCWP NPDES Permit requiring that there be no net increase in stormwater rates and runoff after project construction through preparation of a hydromodification and stormwater management plan. The City and/or the RWQCB would ensure compliance with the NPDES Permit through review and approval of applicable permits and grading and drainage plans. As such, the Supplemental EIR concluded that impacts related to stormwater drainage facilities would be less than significant.

The proposed project is required to abide by C.3 provisions of the ACCWP NPDES Permit and the City's regulations regarding grading and drainage. The project includes up to 14,910 square feet of bioretention treatment areas located throughout the residential and retail portions of the project site and 9,690 square feet of bioretention areas located within the surface parking areas. The bioretention areas would slow stormwater rates and ensure no net increase. Review of the project's stormwater management plan by both the RWQCB and the City would ensure no net increase would occur. As such, the proposed project would not require or result in the construction of new offsite water or wastewater treatment facilities or expansion of existing facilities. Impacts would continue to be less than significant and no mitigation is necessary.

**Water Supply:** The Supplemental EIR indicated that new development as facilitated on the potential sites for rezoning would increase demand for water and could require new water supply sources. However, because the City has already planned for this growth by supporting Zone 7's capital improvement projects to secure more water and the residential development contemplated in the Supplemental EIR would not exceed Zone 7's allocated of contractual water supply, sufficient water supply exists and impacts would be less than significant. To further ensure supply is adequate, the City's 2011 Water Supply Assessment (WSA) includes a condition of approval for residential development on the potential sites for rezoning, including the project site. The WSA's condition of approval was included in the Supplemental EIR as Mitigation Measure 4.L-2 as follows:

**Mitigation Measure 4.L-2:** Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand. This approval does not guarantee the availability of sufficient water capacity to serve the project.

With the implementation of Mitigation Measure 4.L-2 and applicable water conserving programs included in the General Plan's Water Element, the Supplemental EIR concluded that impacts on water supply would be less than significant.

The proposed project would result in 305 residential units and 7,520 square feet of retail space. Both would require water service in excess of what is currently used at the project site. The project would include water saving features such as low-flow fixtures, high-efficiency irrigation systems, drought-tolerate native landscaping, and minimized turf areas.

The Supplemental EIR considered the construction of up to 420 residential units and 10,000 square feet of retail space on the project site, which exceeds the water usage that would be expected of the proposed project's reduced residential and retail uses. Accordingly, the proposed project's expected

water uses were considered at a greater amount in the Supplemental EIR. The proposed project would not introduce any new water supply impacts not previously disclosed. Impacts would continue to be less than significant with the implementation of Mitigation Measure 4.L-2.

**Landfill Capacity:** The Supplemental EIR indicated that development on rezoned sites would contribute to an increase in solid waste generation within the City of Pleasanton. The Supplemental EIR concluded that because waste would be diverted from landfills pursuant to AB 939, sufficient space remains at the Vasco Landfill for waste that cannot be diverted, and residential projects are required to implement a Waste Diversion Plan consistent with General Plan Program 26.18, impacts related to landfill capacity would be less than significant.

The proposed project's 305 residential units and 7,520 square feet of retail space would be expected to produce solid waste to be disposed of at the Vasco Road Landfill via the Pleasanton Garbage Service. The project would implement a Waste Diversion Plan consistent with General Plan Program 26.18, which would include onsite disposal, composting and recycling facilities, as well as construction debris and disposal recycling. This plan will be reviewed and approved by the City as part of the land entitlement process. The Supplemental EIR considered the construction of up to 420 residential units and 10,000 square feet of retail space at the project site; therefore, the construction of 305 residential units and 7,520 square feet of retail space would produce less solid waste than previously considered and could be readily accommodated at the Vasco Landfill. As such, the proposed project would not introduce any new impacts related to landfill capacity not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

**Solid Waste Regulations:** The Supplemental EIR concluded that impacts related to solid waste regulations would be less than significant because of the City's compliance with AB 939 and the General Plan's Program 26.18 requiring Waste Diversion Plans to be implemented by residential development.

As indicated, the project would implement a Waste Diversion Plan consistent with General Plan Program 26.18, which would include onsite disposal, composting and recycling facilities, as well as construction debris and disposal recycling. This plan will be reviewed and approved by the City as part of the land entitlement process. As such, the proposed project would not introduce any new solid waste regulation impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

## **Conclusion**

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

## **Mitigation Measures**

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

**Mitigation Measure 4.L-2:** Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand. This approval does not guarantee the availability of sufficient water capacity to serve the project.

| Environmental Issues  | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                |
|---|-------------------------------------|--|------------------------------|--------------------------|
| <b>18. Mandatory Findings of Significance</b>   |                                     |  |                              |                          |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/> |

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### Environmental Setting

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The project site is located in an urban, densely developed area, and is currently developed as a parking lot with mature landscaping.

The project proposes the demolition of the existing parking lot, associated landscaping and 101,605 square feet of turf area and the construction of 305 residences in eight buildings, 7,520 square feet of retail space in two buildings; a 941-space, 5-story structured parking garage; and two surface parking lots.

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### Findings

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The Supplemental EIR concluded that rezoning of the project site for eventual residential and retail development would require mitigation associated with adverse effects on human beings that would be reduced to less than significant with the implementation of mitigation and that cumulatively considerable and unavoidable impacts would result related to regional transportation. As discussed below, the proposed project would not result in any new substantial impacts and would not exceed the level of impacts previously identified, due to project modifications, physical changes on the property,



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

**Impacts to the Environment, Animals, Plants, or Historic/Prehistoric Resources:** The Supplemental EIR concluded that the project would result in less than significant impacts regarding the potential to significantly degrade the quality of the environment, including effects on animals or plants, or eliminate historic or prehistoric resources.

As discussed in the preceding sections, mitigation from the Supplemental EIR is required to reduce the modified project's impacts to a less than significant level. With the implementation of mitigation measures from the Supplemental EIR, the proposed project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric resources.

**Cumulatively Considerable Impacts:** The Supplemental EIR concluded that implementation of the proposed project in combination with potential development in the surrounding areas would result in significant and unavoidable impacts under cumulative conditions related to transportation. As indicated in the Supplemental EIR, transportation impacts are considered significant and unavoidable on regional roadways under the buildout of the General Plan, as the City would not be fully responsible for addressing feasible infrastructure improvements on regional roadways. The proposed project's contribution to traffic on regional roadways would contribute to this significant and unavoidable impact that is cumulatively considerable. As concluded in the Supplemental EIR, this impact would be significant and unavoidable.

**Adverse Effects on Human Beings:** The Supplemental EIR concluded that the project would have less than significant impacts related to direct or indirect adverse effects on human beings, after the implementation of mitigation.

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

## **Conclusion**

The proposed project would not introduce any new substantial or more severe impacts than those considered in the Supplemental EIR. Implementation of the applicable mitigation measures contained in the Supplemental EIR and as outlined herein, the conditions of approval as defined by the City, consistency with applicable General Plan policies, and project plans would ensure that impacts related to mandatory findings of significant would be less than significant with the exception of cumulatively considerable impacts related to regional transportation impacts.

## **Mitigation Measures**

Refer to mitigation measures throughout this document.

### **SECTION 3: REFERENCES**

- Bay Area Air Quality Management District (BAAQMD). 1999. California Environmental Quality Act Air Quality Guidelines.
- Bay Area Air Quality Management District (BAAQMD). 2011. California Environmental Quality Act Air Quality Guidelines. Updated May
- Bay Area Air Quality Management District. 2011. California Environmental Quality Act Air Quality Guidelines. Updated May
- Bay Area Air Quality Management District. 2012. California Environmental Quality Act Air Quality Guidelines. Updated May
- California Department of Finance. 2012. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011 and 2012, with 2010 Benchmark. May.
- Caltrans. 2004. Transportation- and Construction-Induced Vibration Guidance Manual.
- City of Pleasanton. 2009 as amended February 13, 2012 and June 5, 2012. Pleasanton General Plan 2005-2025. July 21.
- City of Pleasanton. 2012. Housing Element Background. February.
- Cornerstone Earth Group. 2012. Geotechnical Feasibility Investigation for The Residences at California Center Mixed-Used Development. September 14.
- Edward L. Pack Associates, Inc. 2012. Noise Assessment Study for the Planned “The Residences at California Center,” Multi-Family Development, Owens Drive, Pleasanton. December 17.
- Environ. 2012. Screening Level Cumulative Risk Analysis for the Proposed California Center Development, Pleasanton, California. October 1.
- ESA. 2011. Draft Supplemental Environmental Impact Report for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings. September.
- ESA. 2012. Final Supplemental Environmental Impact Report for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings. January.
- Fehr and Peers. 2013. Transportation Assessment for Residences at California Center. January 24.
- Golder Associates. 2012. Phase I Environmental Site Assessment for The Residences at California Center, Pleasanton 4400-4460 Rosewood Drive. September.

**References**

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Hort Science. 2012. Arborist Report for the California Center Pleasanton, CA. October.

Pleasanton Partners, LLC. 2012. The Residences at California Center PUD Application Submittal.  
August.

**SECTION 4: LIST OF PREPARERS**

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**ORDINANCE NO. 2034**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 8.4 ACRES OF THE CARRAMERICA PROPERTY (4452 ROSEWOOD DRIVE), AS FILED UNDER CASE P11-0920**

**WHEREAS**, the City of Pleasanton has initiated the rezoning of a portion of the CarrAmerica property (Site 10) located at 4452 Rosewood Avenue (APN 941-2780-019-01) from the Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) District to the Planned Unit Development – High Density Residential (PUD-HDR) District; and

**WHEREAS**, a Supplemental Environmental Impact Report was prepared for this project, and a resolution certifying the Environmental Impact Report as complete and adequate in compliance with the California Environmental Quality Act was adopted on January 4, 2012; and

**WHEREAS**, at its meeting of January 4, 2012, the City Council received the Planning Commission's positive recommendation for approval of the rezoning of the CarrAmerica property; and

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

**WHEREAS**, after consideration of the staff report, the materials presented, and comment at the public hearing, the City Council determined that the proposed rezoning of the CarrAmerica property is appropriate; and

**WHEREAS**, the rezoning of 8.4 acres of the CarrAmerica property is consistent with the General Plan, adopted on July 21, 2009.

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

**Section 1.** The City Council finds that the rezoning of 8.4 acres of the CarrAmerica property is consistent with the General Plan, adopted on July 21, 2009.

**Section 2.** The rezoning of an 8.4 acre portion of the CarrAmerica property (Site 10) located at 4452 Rosewood Avenue (APN 941-2780-019-01), as specified in Exhibit A, from the Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) District to the Planned Unit Development – High Density Residential (PUD-HDR) District, allowing multifamily residential with a minimum density of 35 units per acre and up to 10,000 square feet of retail commercial uses, with retail commercial uses as specified in the Hacienda TOD Standards and Design Guidelines, adopted by Ordinance 2018, is hereby approved.

**Section 3.** Except as modified by Section 2 above, all conditions of the approved Hacienda PUD development plans, Hacienda Design Guidelines, and City-approved minor and major modifications thereto, shall remain in full force and effect.

**Section 4.** The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 486, attached hereto as Exhibit A, dated January 4, 2012, and incorporated herein by this reference.

**Section 5.** The full text of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation within the City of Pleasanton.

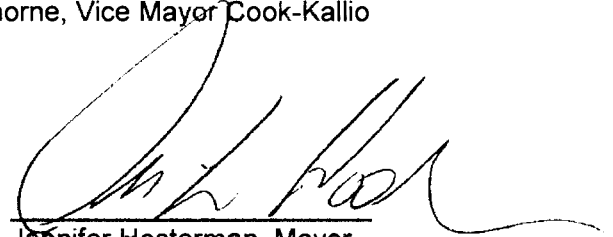
**Section 6.** This ordinance shall be effective thirty (30) days after its passage and adoption.

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

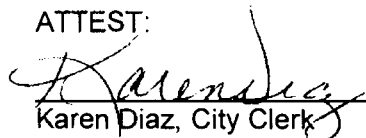
Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman  
Noes: None  
Absent: None  
Abstain: None

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

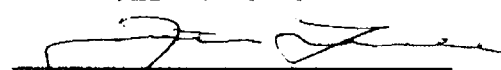
Ayes: Councilmembers McGovern, Sullivan, Thorne, Vice Mayor Cook-Kallio  
Noes: None  
Absent: Mayor Hosterman  
Abstain: None

  
Jennifer Hosterman, Mayor

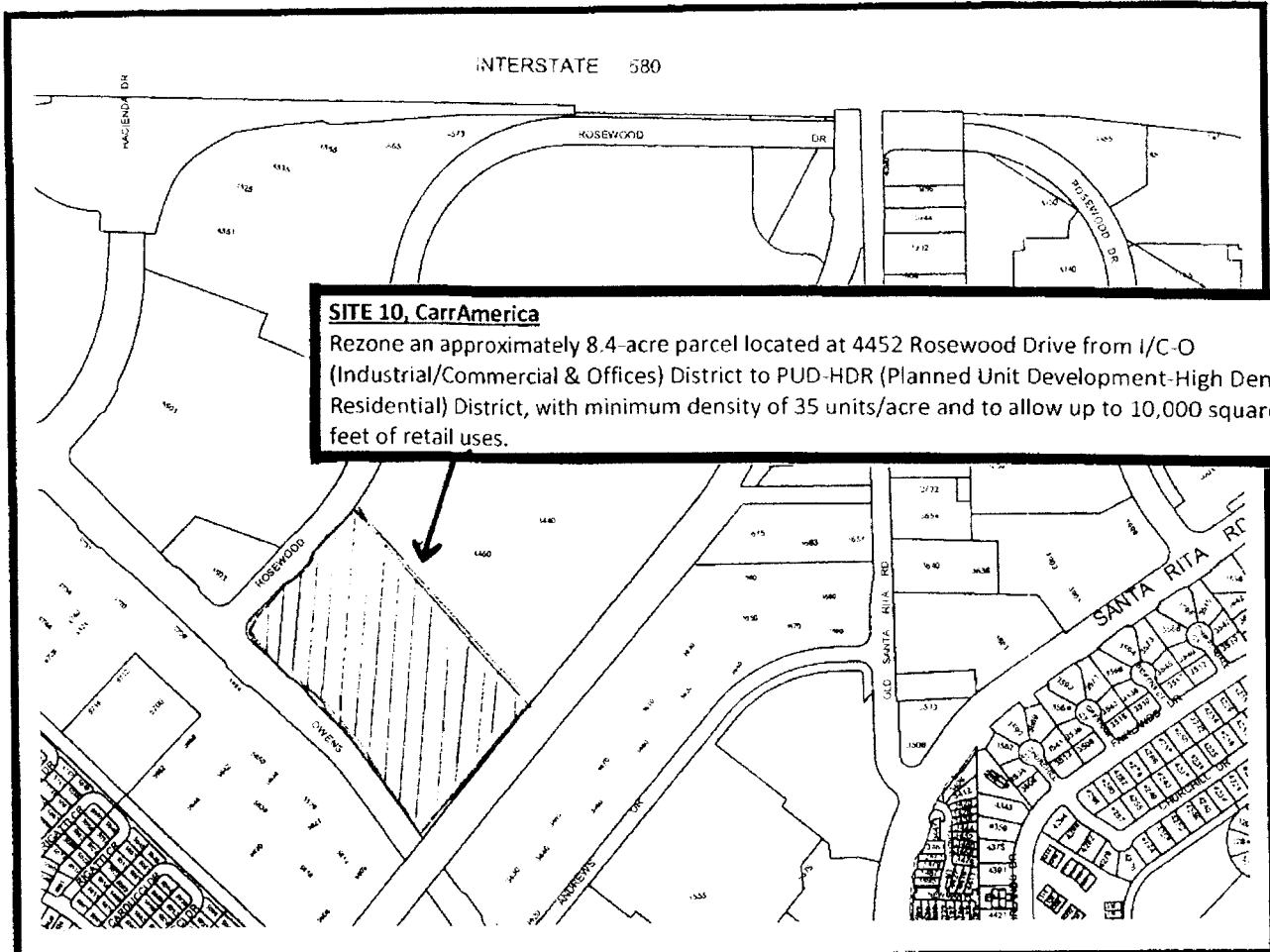
ATTEST:

  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

  
Jonathan P. Lowell, City Attorney

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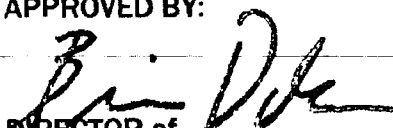


**SITE 10, CarrAmerica**  
 Rezone an approximately 8.4-acre parcel located at 4452 Rosewood Drive from I/C-O (Industrial/Commercial & Offices) District to PUD-HDR (Planned Unit Development-High Density Residential) District, with minimum density of 35 units/acre and to allow up to 10,000 square feet of retail uses.

**CITY OF PLEASANTON  
 PLANNING DIVISION**

**Ordinance No. 2034  
 Zoning Unit Map No. 486**

**DRAWN BY:**  
 T. Snyder

**APPROVED BY:**  
  
**DIRECTOR of  
 COMMUNITY DEVELOPMENT**

**DATE:**  
 January 4, 2012

**SCALE:**  
 1" = 300'

**SEC. NO.:**  
 P11-0920 (Rezone)





March 19, 2013

Ms. Janice Stern  
Planning Manager  
City of Pleasanton  
200 Bernal Avenue  
Pleasanton, CA 94566

Re: Site Modifications  
California Center  
Site 59 (Project Area A)

Dear Janice:

This letter is being provided in accordance with the Declaration of Covenants, Conditions and Restrictions for Hacienda, Article III, Section 3.2, Paragraph 3.2.3, Plan Changes and Plans for Changes to Improvements. The Design Review Committee for the Hacienda Owners Association has reviewed the application for several site modifications. This application was submitted by Dahlin Group, on behalf of Pleasant Partners, LLC, Site 59, dated September 28, 2012 and March 1, 2013. These modifications are in substantial compliance with the guidelines set forth in the Design Guidelines and Covenants, Conditions and Restrictions.

The Hacienda Owners Association has reviewed and approved the following changes to the site:

1. Modifications to the site plan to incorporate new residential development that will be reviewed separately as its own project area in accordance with standards of development approved for the site by the City of Pleasanton.
2. Development of three new parking areas, including the development of a new parking structure, to replace parking that will be devoted to the new project area. The resulting parking ratio and proposed counts resulting from these modifications are as follows:

Building Gross SF: 1,017,960

|                     | Current Stall Count |              | Proposed Stall Count |              |
|---------------------|---------------------|--------------|----------------------|--------------|
|                     | Ratio               | Number       | Ratio                | Number       |
| Standard stalls     | > 0.600             | 2,101        | 0.600                | 2,472        |
| Compact stalls      | < 0.400             | 1,946        | 0.400                | 1,661        |
| Handicap stalls     | 0.020               | 51           | 0.020                | 48           |
| Preferential stalls | 0.050               | 231          | 0.050                | 189          |
| Bike stalls         | 0.035               | 143          | 0.035                | 143          |
| <b>Total</b>        | <b>0.004</b>        | <b>4,047</b> | <b>0.004</b>         | <b>4,133</b> |

3. Modifications to site landscaping to accommodate the aforementioned changes to the site plan including conversion of existing landscaped areas to parking, new landscaped areas surrounding the perimeter of the proposed parking structure and modifications to landscaping abutting the new residential area.
4. An increase to the project Floor Area Ratio subject to the special condition outlined below.

Prior to the time of Final Design Review the Hacienda Owners Association will want to see the following issues addressed:

#### Architecture

1. Increase handicap parking by three stalls, and identify handicap parking locations, to meet the minimum handicap parking requirement.
2. Increase preferential parking by fifteen stalls, and identify preferential parking locations, to meet the minimum preferential parking requirement.
3. Verify bicycle parking at a total of 143 stalls and confirm locations.
4. Provide an additional assessment and evaluation of parking for this project area that incorporates improvements originally contemplated in the Association's approval letter dated August 3, 2009, including an outline of any phased implementation of new structures and associated changes to existing parking, with the locations, dimensions and quantities of all standard, compact, preferential, handicap and bike stalls along with signing and striping details as required.
5. Provide an additional assessment and evaluation of Floor Area Ratio for this project area that incorporates improvements originally contemplated in the Association's approval letter dated August 3, 2009.
6. Provide details on any modifications to the Master Sign Program arising as a result of the proposed improvements.
7. Provide an update to the site lighting plan to demonstrate conformance of the proposed modifications with the lighting criteria established for parking lots, service, pedestrian and other areas as outlined in the Design Guidelines.
8. Provide information on modifications to access corridors, circulation routes and stops for transit on the site.

#### Landscape Architecture

1. Show the species, location and quantity of all landscape materials and note that some revisions to the plant palette may be required to achieve compliance with modifications to Hacienda Design Guideline landscape standards that are currently being developed by the City of Pleasanton.
2. Provide details on all modifications and additions to the existing landscape plan including setback alterations, new landscape installations, special treatments to address landscape screening around the new garage and renovations of existing landscaped areas adjacent to the new project area.
3. Provide details on all modifications and additions to the existing irrigation system, including those to backflows and meters, and note screening and compatibility with the future availability of reclaimed water.

#### Civil Engineering

1. Verify that the dimensions for all drive aisles and drive aisle entries within this project area meet Design Guideline requirements.
2. Provide information on any lot line adjustments, subdivisions, covenants, land use agreements or easements created if the zoning line is foregone in favor of an independent site.


All proposed modifications have been made to be consistent with the existing site plan and architecture. The design and description for this modification are included on the attached plan sheets.

In addition to the foregoing, the Hacienda Business Park Owners Association, through action of its members, has required the imposition of a special condition relating to the review and ultimate approval of this project. This condition limits

full approval of the project until, ”on the determination by the Board of Directors of the Hacienda Business Park Owners Association that an ordinance, duly adopted by the City of Pleasanton, has preserved no less than the full development entitlement rights currently available to all owners under the existing Planned Unit Development ordinances for Hacienda after accounting for the needs of any new project approved for Site 59, CarrAmerica Corporate Center”. Demonstration of the satisfaction of this requirement will, therefore, constitute a critical component of the project’s Final Design Review and the Final Design Review approval issued by the Association will not be granted until the Association’s Board of Directors has acted in its official capacity to make the required determination.

This application is hereby approved by the Hacienda Owners Association and may be processed for necessary approvals by the City of Pleasanton. Please feel free to contact me at the Association’s office if I can be of any assistance in this matter.

Sincerely,



James Paxson  
General Manager, HBPOA

cc: Mark English  
Brett Leon  
CC Reed

fc: 59A\_mod001\_approval.let  
dc: DEVPLN/OPER/DESREV/APPLTR/MOD



March 19, 2013

Ms. Janice Stern  
Planning Manager  
City of Pleasanton  
200 Bernal Avenue  
Pleasanton, CA 94566

Re: **Preliminary Design Review Approval  
The Residences at California Center  
Site 59 (Project Area B)**

Dear Janice:

This letter is being provided in accordance with the Declaration of Covenants, Conditions and Restrictions for Hacienda, Article III, Section 3.2, Paragraph 3.2.3, Preliminary Plans. The Design Review Committee for the Hacienda Owners Association has reviewed the Preliminary Plans dated September 28, 2012 and March 1, 2013, prepared by Dahlin Group, on behalf of Pleasant Partners, LLC, Site 59. Landscaping, Building Elevations, Site Grading and Utility Plans have been designed in substantial compliance with the guidelines set forth in the Design Guidelines and Covenants, Conditions and Restrictions.

Prior to the time of Final Design Review the Hacienda Owners Association will want to see the following issues addressed:

#### Architecture

1. Provide a comprehensive sign program for all site signage.
2. Provide a complete site lighting plan with details on fixtures and conformance of the proposed lighting plan with the lighting criteria established for parking lots, service, pedestrian and other areas as outlined in the Design Guidelines.

#### Landscape Architecture

1. Show the species, location and quantity of all landscape materials and note that some revisions to the plant palette may be required to achieve compliance with modifications to Hacienda Design Guideline landscape standards that are currently being developed by the City of Pleasanton.
2. Adjust Pinus canariensis and Fraxinus uhdei plantings along the Owens Drive Public Service Easement to conform to the street tree program as outlined in the Design Guidelines.
3. ~~Adjust Sapium sebiferum and Acacia melanoxylon plantings along the Rosewood Drive Public Service Easement to conform to the street tree program as outlined in the Design Guidelines.~~
4. Revise the fencing plan along Owens Drive with more formal materials drawn from the proposed building palette.
5. Provide details on ADA compliant ramps on sheet L1.01.
6. Provide details on landscape and irrigation modifications to the Owens Drive median.
7. Provide irrigation backflow and meter locations and indicate screening.

Civil Engineering

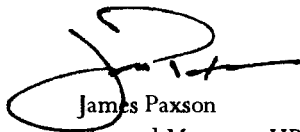
1. Show hydraulic gradelines at onsite storm drain structures.
2. Provide information on any lot line adjustments, subdivisions, covenants, land use agreements or easements created if the zoning line is foregone in favor of an independent site.

Four exceptions to the criteria outlined in the Design Guidelines and Housing Site Development and Design Standards have been approved for this application. The first exception is being granted to allow an encroachment into the existing Public Service Easements and Common Area Easement on Owens Drive and Rosewood Drive. This is being permitted as the 21 foot setback provided is consistent with the city adopted Housing Site Development and Design Standards dated August 21, 2012 and as the essential function of the easement has been retained. A second exception is being granted to allow a reduction in the surface drive aisle widths to 24 feet and the podium garage drive aisles to 24.5 feet. This is being permitted to allow project design standards to be employed that are consistent with interpretations of the Housing Site Development and Design Standards dated August 21, 2012 provided by city staff in their correspondence dated August 3, 2012 and December 4, 2012. A third exception is being granted to allow a reduction in the drive aisle throat to widths to 28 feet. This is being permitted to allow project design standards to be employed that are consistent with interpretations of the Housing Site Development and Design Standards dated August 21, 2012 provided by city staff in their correspondence dated August 29, 2012. A fourth exception is being granted to allow perpendicular parking on two sides of an internal street within the project. This is being permitted as the project is in substantial conformance with the Housing Site Development and Design Standards dated August 21, 2012 and as this limited application of such parking is done in support of an exceptional design overall.

In addition to the foregoing, the Hacienda Business Park Owners Association, through action of its members, has required the imposition of a special condition relating to the review and ultimate approval of this project. This condition limits full approval of the project until, "on the determination by the Board of Directors of the Hacienda Business Park Owners Association that an ordinance, duly adopted by the City of Pleasanton, has preserved no less than the full development entitlement rights currently available to all owners under the existing Planned Unit Development ordinances for Hacienda after accounting for the needs of any new project approved for Site 59, CarrAmerica Corporate Center". Demonstration of the satisfaction of this requirement will, therefore, constitute a critical component of the project's Final Design Review and the Final Design Review approval issued by the Association will not be granted until the Association's Board of Directors has acted in its official capacity to make the required determination.

This application is hereby approved by the Hacienda Owners Association and may be processed for necessary approvals by the City of Pleasanton. Please feel free to contact me at the Association's office if I can be of any assistance in this matter.

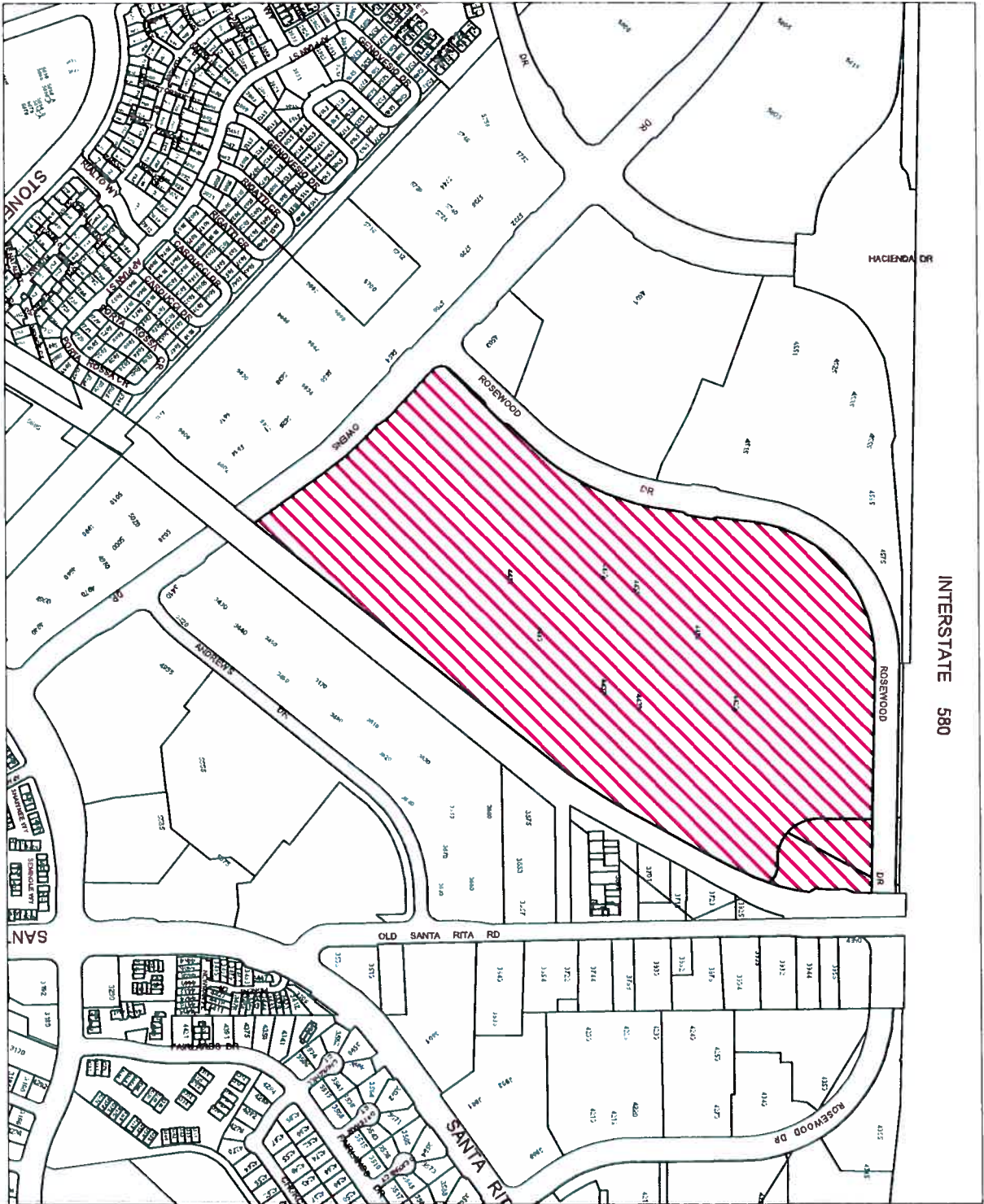
Sincerely,



James Paxson  
General Manager, HBPOA

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cc: Mark English  
Brett Leon  
CC Reed



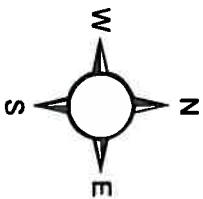
INTERSTATE 580

**LOCATION MAP**

**City of Pleasanton**

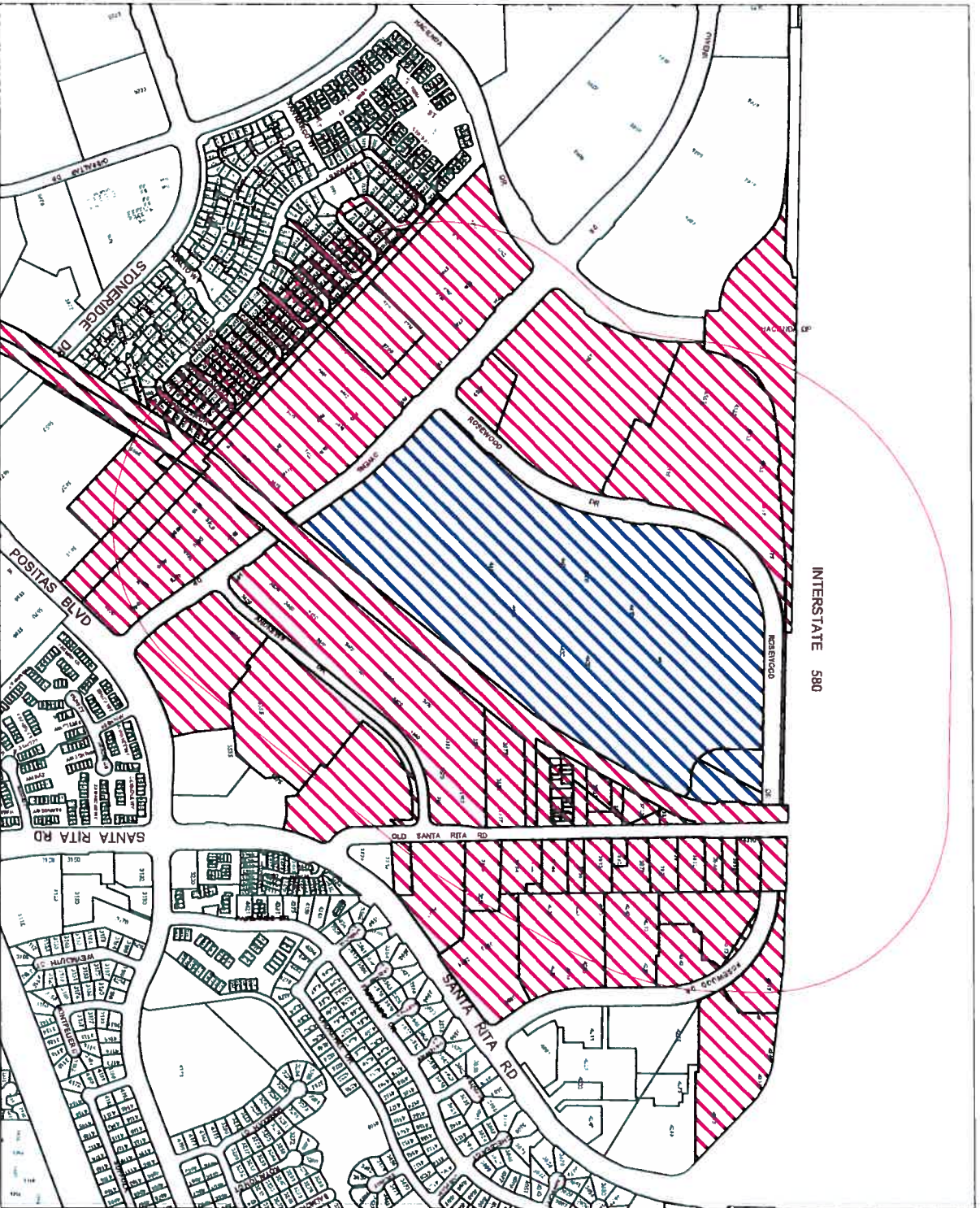
**GIS**

**Department**



Printed 10/1/2012



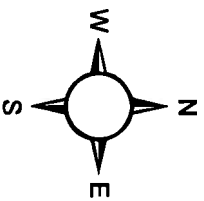


**NOTICING MAP**

**City of Pleasanton**

**GIS**

**Department**



Printed 10/12/2012