

EXHIBIT A

DRAFT CONDITIONS OF APPROVAL PUD-65-01M 5980 and 5998 Sunol Boulevard

PROJECT SPECIFIC CONDITIONS

Planning

1. Prior to the issuance of a building permit, the approved Lot Line Adjustment (Case No. PLLA-98) shall be recorded.
2. The site development standards for the subject properties shall follow the Office District of the Pleasanton Municipal Code, except as modified by the North Sycamore Specific Plan and the conditions of approval for Case PUD-65-01M.
3. Condition No. 8 of PUD-65 shall be revised to include the proposed memory care/assisted living facility. The permitted uses for the subject properties shall be subject the following list of uses with the added use underlined:
 - ▣ Administrative and Business Offices
 - ▣ Design-Related Offices
 - ▣ Insurance Offices
 - ▣ Investment Services
 - ▣ Legal Services
 - ▣ Medical and dental Offices
 - ▣ Real Estate Offices
 - ▣ Research Services
 - ▣ Memory care/assisted living facilities
4. No on-site improvement and/or grading shall be allowed within the creek setback area in the northern portion of the project site.
5. Prior to issuance of a building permit, the applicant shall reimburse the North Sycamore Specific Plan funding developer(s) for the 5980 Sunol Boulevard property's pro rata share of the North Sycamore Specific Plan capital improvements as stipulated by the North Sycamore Specific Plan Finance Plan.
6. Prior to occupancy, the applicant shall join the North Sycamore Specific Plan Maintenance Association as determined by the City Engineer. The maintenance association fees for this project shall be based on the 5980 Sunol Boulevard property's pro rata share in a manner consistent with the North Sycamore Specific Plan Finance Plan.

7. An acoustic study shall be conducted by a State of California licensed acoustic engineer for the proposed development. This study shall include mitigation measures to ensure the proposed development conforms to the multiple-family residential noise criteria as specified in the Noise Element of the Pleasanton General Plan 2005-2025. This study shall be included in the construction plan sets submitted for plan check and is subject to the review and approval by the Director of Community Development. Additionally, specific mitigation measures, if any, shall be incorporated in the construction plan sets prior to the issuance of building permit for the project.
8. The operator of the facility shall advise night shift employees not to park in the southern parking area (i.e. the parking area adjoining the property at 336 Sycamore Road) until such time the use of the adjoining site is changed to non-residential and/or when the adjoining site is redeveloped.
9. No vehicles belonging to the residents of the facility shall be parked/stored at the site.
10. RVs, boats, trailers, campers, and inoperable (i.e., non-operating or non-registered) vehicles shall not be stored or parked at the site.
11. Any generators proposed on the subject site require a separate review and approval by the City prior to installation. Generators shall conform to Bay Area Air Quality Management District's (BAAQMD) requirements and permitting process.
12. 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 painting/installation.
13. The design of the sound walls shall be submitted to and approved by the Director of Community Development as part of the building permit plan set prior to issuance of a building permit.
14. The applicant shall submit an exterior lighting/photometric plan for the building and site, including drawings and/or manufacturer's specification sheets showing the design of the light pole and the size and type of light fixtures proposed. The light/photometric plan shall be subject to the review and approval by the Director of Community Development and the Chief Building Official prior to the issuance of building permit for the project. The lighting/photometric plan shall comply with the City's Security Ordinance (Chapter 20.36 of the Pleasanton Municipal Code) and the following requirements:
 - a. Lighting shall be directed away from adjacent properties and shall incorporate cut-off shield type fixtures to prevent glare onto adjacent properties or roadways.
 - b. The height of the light poles shall not exceed 12 feet.

- c. Light levels shall be no greater than 0.2 foot-candle at the easterly and southerly property lines.

15. The project's Sunol Boulevard driveways shall be limited to right-turn only ingress and egress. The applicant shall install adequate signing/stripping to indicate the right-turn only ingress/egress restriction for the driveways. The applicant shall also modify the Sunol Boulevard lane striping, as determined by the City Traffic Engineer, to accommodate the project's new Sunol Boulevard driveways. Signing/stripping plan shall be submitted in conjunction with the building permit plan check plans. Said plan shall be subject to the review and approval by the City Traffic Engineer prior to issuance of a building permit for the project.
16. The project developer shall comply with the recommendations of the tree report prepared by Traverso Tree Services dated March 5, 2007. The project developer shall arrange for the arborist to conduct a field inspection prior to issuance of grading permits to ensure that all pre-construction recommendations have been properly implemented. The arborist shall certify in writing to the city that such recommendations have been followed.
17. Prior to issuance of a building permit, the applicant shall submit a report from a certified arborist acceptable to the City evaluating the potential impacts from the new sound wall on the existing Valley oak tree (tree no. 38 in the tree report) near the southeast corner of the site. The arborist shall make recommendations on the location and construction of the southerly portion of the wall to ensure the survivability of the Valley oak tree. The final location and construction of the southerly portion of the wall shall be subject to the review and approval by the Director of Community Development.
18. The memory care/assisted living facility shall be constructed to allow for future installation of a Photovoltaic (PV) system and solar water heating systems. The project applicant shall comply with the following requirements for making the facility 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 solar-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 building permit.

19. A minimum of one appliance or system that meets Energy Star standards shall be installed as part of the project.
20. A minimum of one water conservation device such as low-flow faucets, toilets, shower fixtures, etc. shall be installed as part of the project. The water conservation devices(s) shall be stated on the plans submitted for the issuance of a building permit.
21. The project developer shall prepare a voluntary program of alternative transportation measures including, but not limited to, rideshare matching and subsidies/rewards, preferential parking, and carpooling/vanpooling, the means by which these measures will be marketed to the employees, and the provisions of reports to the City of Pleasanton of the performance of the trip reduction program.
22. Energy efficient lighting shall be installed as part of the project. The energy efficient light shall be shown on the plans submitted for the issuance of a building permit.
23. 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.
24. All trash and refuse shall be contained completely within the approved trash enclosure. The materials and color of the enclosure shall match the building and the gates shall be corrugated metal or solid wood. The design of the enclosure shall be shown on the plans submitted for issuance of building permits and shall be subject to the approval of the Director of Community Department and Fire Chief. Trash containers shall be stored within the enclosure at all times, except when being unloaded.
25. The location of any 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 or contained within an enclosure matching the building and with corrugated metal or wood gates. All Transformers shall be shown on the plans submitted for issuance of building permits. The project developer shall attempt to locate transformers at the rear of the site.
26. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton

Municipal Code for grand openings or by Section 18.116.040 of the Pleasanton Municipal Code 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.

27. There shall be no truck deliveries, parking lot sweeping, or leaf blowing between the hours of 10:00 p.m. and 6:00 a.m.
28. Dust and mud shall be contained within the boundaries of the property during times of construction. The project developer shall submit a dust control plan or procedure as part of the building permit plans.
29. The project developer shall submit a separate sign design review application for the proposed monument sign.
30. Final inspection by Planning Division is required prior to occupancy.
31. A final landscape plan and irrigation plan shall be submitted to and approved by the Director of Community Development as part of the building plan set prior to the issuance of a building permit. Said landscape plan shall be detailed in terms of species, location, size. Plant species shall be of a drought tolerant nature with an irrigation system that maximizes water conservation throughout the development (e.g., drip system).
32. Except as otherwise conditioned, all trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of 5 gallons.
33. The applicant shall install an automatic irrigation system for all landscaping, including the landscaping installed in the City right-of-way. The site irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to maximize water conservation to the greatest extent possible. The irrigation systems shall include a soil moisture, rain sensor, or other irrigation efficiency device. The proposed type of irrigation efficiency device shall be shown on the plans submitted for the issuance of building permits.
34. The width of the planting strip adjacent to the easterly property line opposite to the proposed compact parking spaces shall be increased by approximately two feet. This increased area shall be landscaped. This revision shall be included in the final landscape plan and is subject to the approval by the Director of Community Development.
35. Prior to occupancy, Westmont of Pleasanton shall obtain any applicable State licensing.

Engineering

36. Approval of the storm drainage system, including the detail of the storm water retention basin, shall be subject to the review and approved by the City Engineer prior to the issuance of a building permit for the project.
37. The existing driveways to be removed along Sunol Boulevard shall be replaced with curb, gutter, sidewalk, and landscaping matching the existing improvements along the project frontage. Said improvements shall be shown on the plans submitted for issuance of building permits and shall be to the review and approval by the City Engineer and Director of Community Development prior to the issuance of building permits for the project.
38. The design of the water supply and sanitary sewer systems shall be subject to the review and approval by the City Engineer.
39. The paving section for the on-site parking and drive areas shall be designed on the basis of R-value test and a traffic index to carry the anticipated traffic loads. This design shall be subject to the approval by the City Engineer. The minimum paving section shall be two inches (2") of asphalt concrete (A.C.) on a six-inches (6") asphalt base (A.B.). The minimum A.C. pavement slope shall be one percent (1%). For pavement slopes less than one percent, the surface runoff shall be carried in a concrete gutter to an acceptable point of discharge. The minimum slope for concrete gutter shall be 0.5 percent.

Building

40. The project 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 elevation and building location (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.
41. All parking spaces shall be striped. Wheel stops shall be provided unless the spaces are fronted by raised concrete curb, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
42. A sanitary sewer sampling manhole shall be provided on any new sanitary sewer lateral from the building, unless otherwise waived by the Chief Building Official.
43. Prior to issuance of a building permit, the project developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the project developer shall pay any applicable DSRSD sewer permit fee.

Green Building

44. The subject building shall achieve at least a LEED™ “Certified” level on the LEED Green Building Checklist at the time of building permit submittal. A final list of the green building measures shall be submitted in conjunction with the plans submitted for issuance of building permits and shall be subject to the review and approved by the Director of Community Development prior to issuance of building permits for the project.
45. The proposed LEED™ Green Building Checklist shall be shown on one of the first two pages of the plans submitted for the issuance of a building permit. The sheet number(s) where each checklist item is addressed in the plan set shall be noted on the checklist . All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Director of Community Development and the Chief Building Official.
46. The Building and Safety Division may require special plan check or inspections for the green building measures proposed. If required, the applicant shall provide verification to the Planning Division clearly stating that the Building and Safety Division approved all applicable requirements relating to green building measures. Said verification shall be provided prior to occupancy.

STANDARD CONDITIONS OF APPROVAL

Community Development Department

47. 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.
48. 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 is significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.
49. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

50. 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.
51. 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.

Planning

52. The proposed development shall be in substantial conformance to Exhibit B, dated "Received, September 20, 2011," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
53. The PUD Development Plan shall lapse two years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued toward completion.
54. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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, 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.
55. Prior to issuance of a building permit, the developer shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District.
56. All HVAC condensing units shall be located on the plans.

57. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed.
58. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
59. Prior to 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.
60. Before project final, all landscaping shall be installed, review, and approved by the Planning Division.
61. The project developer must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
62. 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. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.
63. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
64. 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.
65. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
66. 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.

Engineering

67. 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.
68. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit.
69. 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 or in a joint utility trench unless otherwise specifically approved by the City Engineer.
70. 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.
71. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
72. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
73. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
74. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a subdivision grading permit.
75. The project developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. 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 City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place.

76. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners
77. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
78. A detailed 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, etc., shall be submitted as part of the improvement plans.
79. The minimum grade for the gutter flowline shall be set at one percent where practical, but not less than .75% unless otherwise approved by the City Engineer.
80. A sanitary sewer lateral with two-way cleanout (located at the back of the sidewalk or curb, whichever is applicable) shall be provided within the development unless otherwise approved by the City Engineer.

Building

81. 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.
82. 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.
83. Prior to issuance of building or demolition permits, the applicant 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 and demolition 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 demolition and 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.

Fire

84. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
85. 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.
86. 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.
87. All commercial, industrial, 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 U.L. certificate. 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.
88. 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.
89. 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. 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. Site access shall be provided prior to any construction above the foundation or slab. Based on the Site Plan Approval the access shall be installed.
 - c. Emergency vehicle access shall be a minimum of 20 feet in width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) shall be provided. 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. Where on-site fire hydrant(s) are required, they shall be installed, flushed and all valves open prior to any construction above the foundation or slab. This includes concrete tilt-up and masonry buildings.

- e. On-site fire hydrant(s) shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.
- j. Prior to request for final inspection, all access roads, on-site access and fire hydrants shall be provided. All fire hydrants shall be acceptance inspected and tested to applicable City Public Works Standards.

LANDSCAPING

90. 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.
91. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
92. 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.
93. The following statements shall be printed on to 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 Community Development Director.
 - b. No equipment may be stored within or beneath the driplines of the existing trees.
 - 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.
94. 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) outside of the existing tree drip lines, as shown on the plans. 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.”

URBAN STORMWATER CONDITIONS OF APPROVAL

95. The project shall comply with the “Alameda Countywide NPDES Permit #CAS0029831 and amendments to this permit” issued the by California Regional Water Quality Control Board, San Francisco Bay Region, a copy of which is available at the Community Development Department, Public Works/Engineering section at City offices, Alameda County Clean Water Program and at State Water Board

([http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2003/february/02-19-03-12finalto.doc.](http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2003/february/02-19-03-12finalto.doc;);

and

http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2007/march/alameda%20final%20order%20r2-2007-0025.pdf)

The project shall also comply with the “Construction General Permit” by the California Regional Water Quality Control Board, San Francisco Bay Region.

(http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

A. Design Requirements

1. The Permit design requirements include, but are not limited to, the following:
 - a) Source control, sight design measures, and design and implementation of stormwater treatment measures are required when commercial, industrial or residential development creates and replaces 10,000 square feet or more of impervious surface, including roof area, streets and sidewalk.
 - b) Hydro-modification standards are required when a new development or redevelopment project creates and replaces total impervious area of one acre or more.
 - c) The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
 - d) The Permit requires complying with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.
2. The following requirements shall be incorporated into the project:
 - a. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the stormwater running off the paved surface that enters the bio-

swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.

- b. In addition to natural controls the project developer may be required to install a structural control, such as an oil/water separator, sand filter, or approved equal (in the parking lot) (on the site) to intercept and pre-treat stormwater prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to issuance of building permits. 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 sizing design criteria to treat stormwater runoff and for hydromodification, if required, at the time of PUD plan submittal and an updated detailed copy of calculations with subsequent submittals.
- d. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required. (See planting guide line by Alameda County Clean Water Program.)
 - Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- e. Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing 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 (DSRSD) upon

installation of the sanitary connection; a copy of this notification shall be provided to the Planning Department.

- f. Roof drains shall discharge and drain away from the building foundation. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

B. Construction Requirements

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

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) are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement stormwater pollution prevention plans and to obtain a construction general permit (NOI) from the State Water Resources Control Board to discharge stormwater.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconst_permit.pdf

1. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City Engineer/Chief Building Official prior to issuance of building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.
2. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
3. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
 - a. The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are 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 an on-site permit, 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.

- b. 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 grasses 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.
- c. Gather all sorted construction debris on a regular basis and place it 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.
- d. 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.
- e. 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.
- f. 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 through being windblown or in the event of a material spill.
- g. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

C. Operation Requirements

The Permit's operation and maintenance requirements include but are not limited to the following: The operation and maintenance of treatment measures including but not limited to bio-swales, lawns, landscaped areas with deep-rooted plants, oil/water separator, filterra units, etc., requires completing, signing and recording

an agreement with Alameda County recorder's office in a format approved by the State and Alameda County.

1. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
 - a. A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
 - b. On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
 - c. Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
 - d. Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
 - e. Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
 - f. Clean 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.
 - g. Regularly but not less than once a month, sweep 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.
 - h. Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

CODE REQUIREMENTS

(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

96. 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, and include drawings and/or manufacturer's specification sheets showing the size and types of light fixtures proposed for the exterior of the buildings.
97. 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.

Building

98. 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.
99. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
100. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

Fire

101. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
102. 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.

103. Fire alarm system 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.
104. 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 is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant 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.
105. 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, 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.
106. 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.
107. 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.

108. 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.
109. The building 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. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

[end]

Exhibit C

Draft Amendment to the North Sycamore Specific Plan

With the approval of the proposed project, the North Sycamore Specific Plan will be amended to reflect the following changes:

IV. LAND USE ELEMENT

PUD-OFFICE

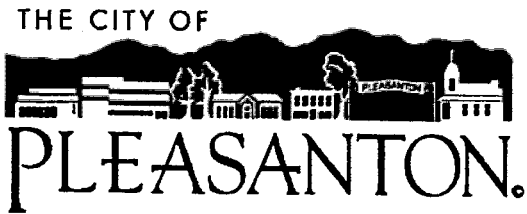
1. Intent

The last paragraph on Page 34 currently states:

In general, types of uses envisioned for the study area are those uses identified as permitted uses for the Office District and include administrative and business offices and the following kinds of offices: design, insurance, investment service, legal service, medical and dental, real estate and research services.

It is now amended to read as follows (note: new language is underlined):

In general, types of uses envisioned for the study area are those uses identified as permitted uses for the Office District and include administrative and business offices and the following kinds of offices: design, insurance, investment service, legal service, medical and dental, real estate, and research services. In addition, memory care/assisted living facilities are a permitted use.



**Planning Commission
Staff Report**

June 27, 2007

Item 5.b.

- SUBJECT:** PUD-65
- APPLICANT:** Nick Kavayiotidis, Petra Realty Investors, Inc.
- PROPERTY OWNERS:** Nick Kavayiotidis and Weldon Offill
- PURPOSE:** Application for Planned Unit Development (PUD) rezoning and development plan to construct an approximately 21,795 square foot, two-story office building at 5980 and 5998 Sunol Boulevard. The 5998 Sunol Boulevard property would be rezoned from the Office District to the PUD-Office District.
- LOCATION:** 5980 and 5998 Sunol Boulevard
- GENERAL PLAN:** The General Plan Land Use Designation for the properties is Retail, Highway, and Service Commercial; Business and Professional Offices.
- SPECIFIC PLAN:** The North Sycamore Specific Plan Land Use Designation for the 5980 Sunol Boulevard property is PUD Office. The 5998 Sunol Boulevard property is not located in a specific plan area.
- ZONING:** Zoning for the 5980 Sunol Boulevard property is Planned Unit Development - Office (PUD-O) District. Zoning for the 5998 Sunol Boulevard property is currently Office District.
- ATTACHMENTS:**
1. Exhibit A, Proposed Plans, Project Summary, Photographs of the Project Site, Tree Report, and LEED Green Building Checklist
 2. Exhibit B, Recommended Conditions of Approval
 3. Location Map
 4. Aerial Photograph of the Project Area
 5. Arborist's Appraisal of Trees to be Removed
 6. Draft Negative Declaration
-

I. BACKGROUND

The subject application consists of two parcels. The southernmost subject property, 5980 Sunol Boulevard, contains a vacant, dilapidated single-family home and is located within the North Sycamore Specific Plan (NSSP) area. The City Council adopted the North Sycamore Specific Plan in June, 1992. In September of 1992, the NSSP area was pre-zoned with several PUD designations reflecting the NSSP land use plan but without a PUD development plan for any portion of the Specific Plan. The Specific Plan area was annexed to the City in June of 1993.

Zoning for the 5980 Sunol Boulevard property as specified in the North Sycamore Specific Plan is the Planned Unit Development - Office (PUD-O) District. The NSSP designated three parcels for office development. The subject development plan application is the second submitted for one of these office designated parcels. The 6088 Sunol Boulevard office building, located at the southeast corner of Sunol Boulevard and Sycamore Road, was the first office development in the NSSP area.

The northernmost subject property, 5998 Sunol Boulevard, is zoned Office District and previously contained a small office building that was demolished in 1997 and the property has been vacant since that time.

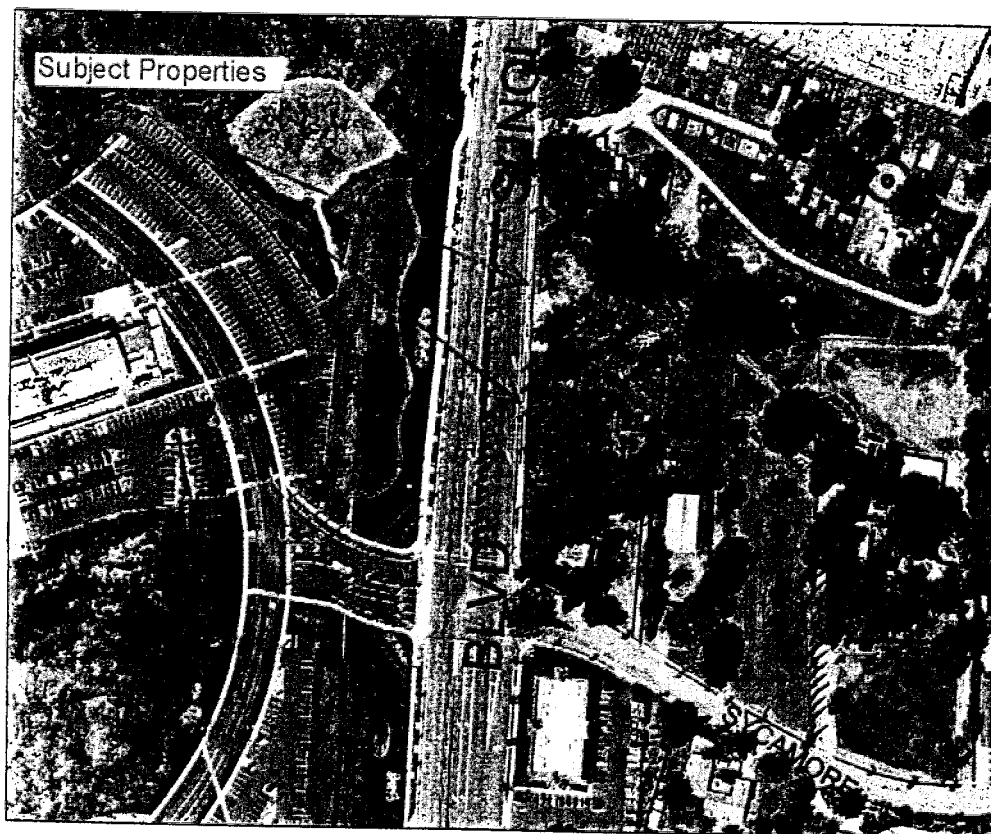
The applicant, Nick Kavayiotidis, purchased the 5980 Sunol Boulevard property and has an option to purchase the 5998 Sunol Boulevard property. He wishes to demolish the vacant dwelling and construct a new office building and related site improvements on both parcels. Although the zoning designations for both parcels would permit office uses, the 5998 Sunol Boulevard property would be rezoned to Planned Unit Development - Office (PUD-O) District to create a consistent zoning designation for both properties. PUD development plan approval is required to construct the new building and related site improvements. The applicant would later process a lot line adjustment to merge the two properties into one parcel.

PUD rezoning and development plan applications are subject to review and approval by the City Council, following recommendation on the plan by the Planning Commission. The Planning Commission's recommendation on the proposed PUD rezoning and development plan will be forwarded to the City Council for review and final decision. Lot line adjustment applications are subject to review and approval by the Zoning Administrator.

II. SITE DESCRIPTION

The southernmost, 5980 Sunol Boulevard property currently contains a dilapidated single-family home and accessory structure. The buildings are currently vacant. Vehicular access to this flag-shaped property is provided by two driveways off Sunol Boulevard. The northernmost, triangular-shaped, 5998 Sunol Boulevard property previously contained a small office building and parking lot that were demolished in 1997. This site is currently vacant. An existing

driveway off Sunol Boulevard provides vehicular access to this site. Sycamore Creek traverses the northern portion of the site. There are no paved drive aisles on the subject properties with the exception of two short driveway sections off two of the Sunol Boulevard curb cuts. There are no paved drive aisles or parking spaces on the properties. The properties have flat to gently sloping terrain. Several trees are located on the properties. Solid wood, chain link, and hogwire fencing are located along the boundaries of the properties.



2005 Aerial of Project Site and Surrounding Properties



Project Site Looking Southeast

Existing Dwelling

Properties adjacent to the project site include: Applied Biosystems' campus to the west, across Sunol Boulevard; the City owned Pleasanton Pioneer Cemetery (formerly Pleasanton Memorial Gardens) to the north; and single-family residences on rural parcels to the south and east. A two-story office building (6088 Sunol Boulevard) is located further to the south, across Sycamore Road. The two adjacent parcels to the south (336 Sycamore Road) and east (362 Sycamore Road) with existing single-family residences are zoned to allow office development, or low-density residential or office development, respectively.

III. PROJECT DESCRIPTION

The applicant has requested PUD rezoning and development plan approval to construct a two-story office building at 5980 and 5998 Sunol Boulevard with the following features:

1. Rezoning the 5998 Sunol Boulevard property from the Office District to the PUD-Office District.
2. Approximately 21,795 square feet of office building area constructed on a combined site area of 1.67 acres. The parcels would later be merged into one parcel through a Lot Line Adjustment process with the City.
3. Related site modifications/improvements, including grading, tree removal, and installation of new paving and landscaped areas. The existing intermittent creek at the northern portion of the site would be retained and enhanced with riparian landscaping along its southerly bank.

Rezoning

The 5980 Sunol Boulevard site is zoned PUD-Office District. Uses for the PUD-Office district were limited by the NSSP to the following:

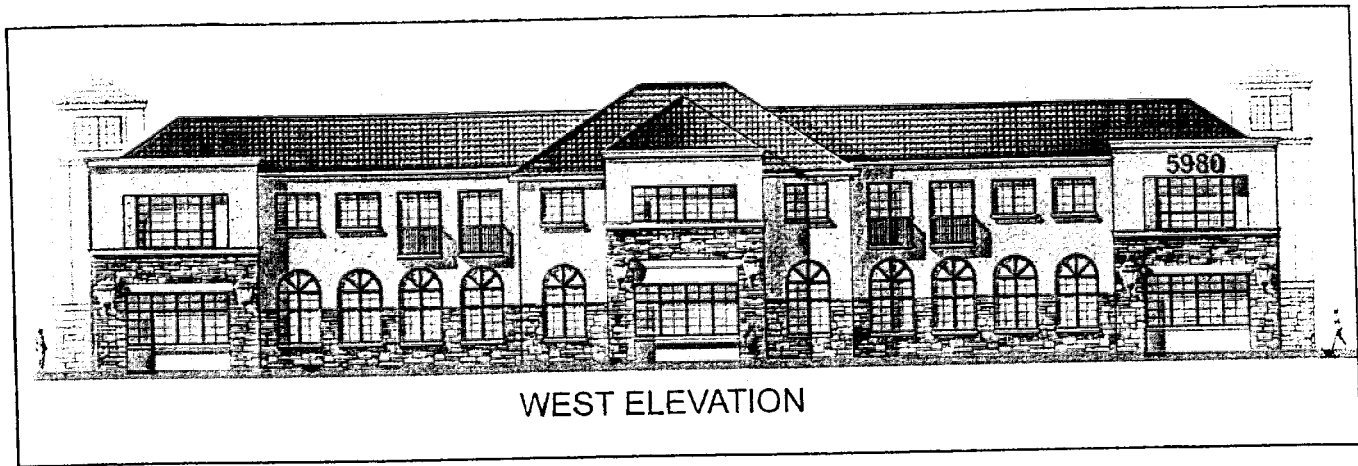
- Administrative and Business Offices
- Design-Related Offices
- Insurance Offices
- Investment Services
- Legal Services
- Medical and Dental Offices
- Real Estate Offices
- Research Services

The 5998 Sunol Boulevard property would be rezoned to Planned Unit Development - Office (PUD-O) District and be subject to same uses as the 5980 Sunol Boulevard property to create a consistent zoning designation and uses for both properties.

Office Building

The applicant would demolish the dilapidated single-family home and accessory building and construct an approximately 21,795-square-foot, two-story office building. The office tenants for the building have not been determined at this time. The proposed floor area ratio would be 29.9% (calculated using both parcels). The rectangular-shaped building would generally be sited towards Sunol Boulevard with parking located on the sides and rear of the building. The building would be set back a minimum of 20 feet from the front property line, a minimum of 83½ feet from the eastern, rear property line, a minimum of 104 feet from the northern property line, and a minimum of 77 feet from the southern property line. A roofed trash enclosure would be located near the northeastern corner of the site.

The building elevations would feature cultured stone first floor walls, fine sand float stucco finish on the second floor walls, divided light windows set in aluminum frames, and cultured stone window sills. The roofline would feature a low, mansard-style roof. A hipped roof entry feature would be located at the main building entrance at the center of the east elevation. Hipped roof elements would be located at the center of the western elevation. Hipped roof towers would be featured at the north and south ends of the building. Building colors include: light and dark tan-colored body with off-white and brown accents; tan, grey, and brown-colored stone; and a dark green-colored concrete tile roof. The building would measure 28 feet 9 inches high at the top of the second floor mansard roof, 31 feet 7 inches high at the top of the hipped roof elements at the center of the west and east elevations, and approximately 34 feet high at the top of the tower elements at the north and south elevations (the tallest portions of the building).



The trash enclosure would measure 12½-feet tall and would match the building colors and materials.

Site Modifications/Improvements

The three existing driveways off Sunol Boulevard would be removed and two new driveways on Sunol Boulevard would be installed to provide access to the proposed development. At the present time, the long, narrow corridor of land connecting to Sycamore Road would remain undeveloped and there would be no access to this development from Sycamore Road. Future access to Sycamore Road might occur for the subject development when the adjacent 336 Sycamore Road property is developed with an office building as allowed by the NSSP. A total of 101 off-street parking spaces are proposed for the site, comprised of 66 standard-sized spaces (including four handicap accessible spaces) and 35 compact-sized spaces. Bicycle racks would be provided near the northwest and southwest corners of the building.

Pursuant to the City's Tree Preservation Ordinance, a tree survey and analysis for this project site has been prepared by John Traverso, a Certified Arborist with Traverso Tree Service. The report describes the species, size, location, health, and value of the existing trees over six inches in diameter on or near the properties and also recommends special precautions necessary for trees worth preserving. There are 48 existing trees over six inches in diameter on or near the properties, including 32 of which are defined as "Heritage Tree" by the Municipal Code (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference). The report concluded 13 of the 48 existing trees near the proposed development warranted saving. Those to be saved include eight large eucalyptus, one black walnut, and three valley oak trees near the northern property line and one valley oak tree at the southeast corner of the property. Since the writing of the tree report, the applicant revised the northern parking area, allowing two additional trees to be saved (Tree No. 5, a black locust tree and Tree No. 6, a deodar cedar tree). Of the 33 trees to be removed, only one is an oak tree (an 8-inch diameter valley oak). Other trees to be removed include black locust, plum, tree of heaven, black wood acacia, black walnut, elderberry, and magnolia, most of these being in fair to poor condition.

A variety of new trees, shrubs, vines, and groundcovers would be installed with the development of the office building. Landscape planters with evergreen *Podocarpus gracilior* (African fern pine) trees and toyon shrubs would be provided along the eastern and southern property lines to help screen the building and parking lot from the adjacent neighbors. A lawn area, flowering plum trees, and assorted shrubs and groundcover would be located on the west side of the building and the west side of the northwestern parking area. Foundation planters would be located at the north and south ends of the building. Tree wells with flowering plum trees and accent shrubs would be installed along the north, east, and south sides of the building. Chinese pistache, interior live oak, and coast live oak trees and a variety of shrubs and groundcover would be planted in the perimeter parking lot planters and within the parking lot "finger" planters. The existing intermittent creek at the northern portion of the site would be retained and enhanced with riparian landscaping along its southerly bank.

A smoking bench would be located near the northeast corner of the building, allowing those employees and clients who smoke to be located a reasonable distance from the building entries to ensure that smoke doesn't enter the building. The applicant has been conditioned to add an ashtray next to the bench.

Regarding fencing, the applicant would remove the existing 7-foot tall fence (six-foot solid with a one-foot tall lattice panel on top) located near the front property line of the 5980 Sunol Boulevard property. The applicant would also remove a portion of the existing chain link and hogwire fencing along the eastern property line and install a new 6 foot tall, split-face masonry wall. The applicant has proposed to retain the other perimeter fencing on the properties.

A six-foot tall by eight-foot wide monument sign is proposed in the landscaped area on the west side of the building. The sign would consist of a stucco-finished sign panel supported by a cultured stone base, matching the colors and materials of the office building. The project address would be located above two tenant sign panels. No details have been provided regarding the address/text materials or illumination. Flowering accent shrubs would be planted around the monument sign.

IV. ANALYSIS

General Plan and North Sycamore Specific Plan Land Use Conformity

The subject parcels are designated by the Land Use Element of the Pleasanton General Plan for "Retail/Highway/Service Commercial; Business and Professional Offices" land uses, which allows commercial and office uses. The proposed office building is consistent with this land use. Additionally, the project would provide 21,795 additional square feet of office space to serve Pleasanton and its market area, implementing Policy 4 of the General Plan's Land Use Element which calls for "the City to ensure that neighborhood, community, and commercial

centers provide goods and services needed by residents and businesses of Pleasanton and its market area.”

The General Plan allows a range of intensity from 0-60 percent floor area ratio (FAR) for the “Retail, Highway, and Service Commercial/Business and Professional Offices” land use designation, with a midpoint density of 35 percent. Projects proposing development intensities greater than the midpoint may be allowed up to the maximum of the range, provided that sufficient amenities and mitigations are incorporated into the project to justify the increased density (e.g., exceptional design to mitigate the mass of the building, higher landscape ratio, low traffic generation and employee density, etc.). The proposed 21,795 square feet of building area would result in a 29.9 percent FAR for the 72,856-square-foot site, which meets the FAR limit for commercial properties stipulated by the Pleasanton General Plan.

The 5980 Sunol Boulevard property is located within the North Sycamore Specific Plan (NSSP) area. The NSSP land use designation for the subject property is “PUD-Office” and is generally subject to the purposes and uses of the City's Office District. The proposed office project is consistent with this land use designation. Although the General Plan permits FARs between 0-60 percent with a 35 percent midpoint density, the NSSP indicates that a maximum FAR of 30 percent is anticipated for the PUD-Office parcels. The proposed 29.9 percent FAR would meet the anticipated FAR of the NSSP. Concerning other relevant General Plan and NSSP land use policies, the specific sections contained within the remainder of this staff report will identify any other relevant issues.

Zoning and Uses

The 5980 Sunol Boulevard site is zoned PUD-Office District. As noted earlier in this report, uses for the PUD-Office district were limited to a variety of office uses. The 5998 Sunol Boulevard property would be rezoned to Planned Unit Development - Office (PUD-O) District and be subject to same uses as the 5980 Sunol Boulevard property to create a consistent zoning designation and uses for both properties.

Development Plan Conformity with NSSP Regulations

New construction in the NSSP must conform to the specialized Development Standards and Design Guidelines contained in the NSSP. Although only the 5980 Sunol Boulevard property is located in the NSSP area, staff has reviewed the entire project against the NSSP regulations. The proposed project conforms to the applicable NSSP Development Standards and Design Guidelines as follows:

Height

The NSSP indicates that a maximum height of two stories (30 feet) is anticipated. As defined

by the Municipal Code, the proposed building would have a maximum height of 28 feet 9 inches tall, as measured to the top of the mansard roof. Although the hipped roof elements at the center of the west and east elevations measure 31 feet 7 inches to the ridgeline, their height as defined by the Municipal Code is approximately 26 feet 3 inches tall (height measured from the grade to the mean height between the hipped roof ridge and the corresponding eave). Staff notes that in the Office District, building towers, spires, cupolas, etc. are allowed to extend up to 55 feet in height. The 34-foot tall towers would meet this height limit. Therefore, staff finds that this NSSP development standard has been met.

Coordinated Site Planning and Design Continuity

The NSSP indicates that the office parcels should be jointly planned to coordinate future site layouts, vehicular access, parking buffering, architecture, and landscaping prior to approval of the first parcel development plan. However, the NSSP also indicates that coordinated development may not be possible due to separate ownership and, if this is the case, then the first design approval should set the standard for subsequent development.

The 6088 Sunol Boulevard office building, located at the southeast corner of Sunol Boulevard and Sycamore Road, was the first office building constructed in the NSSP area. It was allowed to develop independently of the other office parcels since the office parcels were under separate ownership and the other property owners were not interested in developing their properties at that time.

The office parcels are still under separate ownership. In addition, the applicant spent several months trying to purchase the other NSSP office parcel at 336 Sycamore Road, located immediately south of the proposed project, but the property owner ultimately decided not to sell the property. Therefore, given that the office parcels are under separate ownership and the adjacent property owner was not interested in selling his property to allow joint development, staff supports the independent development of this parcel. In addition, staff believes that the proposed site and building design, discussed in greater detail below, follows the high standards of development established by the 6088 Sunol Boulevard property.

Site Access

The NSSP indicates that office site entrances should be located off of the new collector street (Sycamore Road) with Sunol Boulevard access limited to right-turn only ingress/egress, subject to approval by the City Traffic Engineer.

The 5980 Sunol Boulevard property's long, narrow, 10 foot corridor of land connecting to Sycamore Road is too narrow to accommodate a drive aisle. Therefore, there would be no access to this development from Sycamore Road in the short term. However, future access to Sycamore Road might occur for the subject development when the adjacent 336 Sycamore Road

property is developed with an office building as allowed by the NSSP. Therefore, staff requested that the applicant not preclude future vehicular connection to the 336 Sycamore Road property by placing permanent structures near the southeast corner of the property, which the applicant agreed to do, and the proposed site plan will allow for future access to Sycamore Road with a slight modification to the parking lot.

The project would include two new right turn ingress/egress only driveways on Sunol Boulevard. The City's Traffic Engineer believes that the proposed right turn ingress/egress driveways on Sunol Boulevard would be acceptable with a minor change to the driveway type.

Building Design

The NSSP requires variation in massing, setbacks, and height. In addition, it requires well articulated facades with building volume broken into smaller components to decrease its apparent mass and volume (e.g., create insets or projections, step back second floor, vary roofline height, etc.). Also, building forms should reflect the outlying residential character (e.g., sloping roofs).

The building includes many features to break up the mass and volume of the building: building projections and stone treatments are included on all four elevations; the windows are recessed several inches into the walls; and the roofline of the building varies in height and includes towers and hipped roof elements to add interest and break up the roofline. Staff also believes that the building is well articulated and is compatible with the surrounding residential character. Therefore, staff believes that the building complies with these NSSP requirements.

Landscaping

The NSSP indicates that an adequate rear yard landscaped setback should be provided along the perimeter of properties abutting residential districts to provide visual protection to adjacent uses, with the actual width of this landscape setback to be determined on a case-by-case basis through the PUD review process. Dense landscaping is required in this setback with plant material sized and spaced so that a lush and mature appearance will be attained within two years of planting. The guidelines further state that a six-foot tall masonry wall should be installed at the residential property line (i.e., the eastern property line of the subject site).

Staff believes that the proposed landscaping meets the NSSP guidelines. The proposed plans show the six-foot tall masonry wall required by the guidelines.

Parking

The NSSP states that parking areas should be broken into smaller components and located behind the buildings. It further states that parking between the building and the main street

frontage should avoided whenever possible.

The proposed parking areas are broken into smaller components by means of planter islands and would be located on the rear(east) and sides(north and south) of the building and, therefore, meet the NSSP regulations.

Lighting

The NSSP lighting guidelines state that site lighting needs to be designed to minimize impacts on neighbors, should be kept as low to the ground as possible while ensuring safe and functional levels of illumination, and should be directed downward with no splay of light directed off-site. A 14-foot maximum height is recommended for parking lot lights with cut-off light shields recommended if the light source is over 10 feet in height. In addition, the City's Security Ordinance requires that parking areas be illuminated with a minimum of one foot-candle of light at the parking surface while open for business during the hours of darkness.

The applicant has included a site lighting/photometric plan showing 14-foot tall parking lot lights with shoe-box style light fixtures with recessed bulbs. Staff feels that the proposed location, type, and 14-foot height of the parking lot light standards would comply with the NSSP guidelines. The lighting/photometric plan also shows that site lighting would meet the City's Security Ordinance and staff believes that the lighting has generally been designed to minimize impacts on neighbors. Since the lighting levels at the property lines are not specified on the lighting/photometric plan, a condition of approval requires that the lighting levels be no greater than 0.2 foot-candle at the easterly and southerly property lines to minimize lighting impacts on the adjacent residents.

Service Areas

The NSSP indicates that trash receptacles should be screened from public view and located for convenient access by service vehicles.

A roofed trash enclosure would be located near the northeastern, rear corner of the site and screened from public view by landscaping and the proposed building. Staff believes that the proposed location and screening of the trash enclosure meets this NSSP guideline.

Consistency Finding

The North Sycamore Specific Plan mandates that a consistency finding be made prior to approving any new development in the Specific Plan area. As conditioned, staff believes that the design, size, and location of the proposed office building and related site improvements are appropriate and conform to the intent and design standards contained within the Specific Plan.

Site Plan

As noted in the table below, the proposed development would meet the site development standards of the NSSP and Office District with respect to building setbacks, FAR, and height limits.

SITE DEVELOPMENT STANDARD:	REQUIREMENTS:	PLAN PROPOSES:
Floor Area Ratio	30% max.	29.9%
Building Height:	30 ft. max. @ roof	28 ft. 9 in. @ top of mansard roof
	55 ft. max. @ tower	34 ft. @ top of tower
Setbacks:		
Front (Sunol Blvd.) -	20 ft. min.	20 ft. min.
North Side -	10 ft. min.	104 ft. min.
South Side -	10 ft. min.	77 ft. min.
Rear (east) -	10 ft. min.	83½ ft. min.

Staff believes that the proposed positioning of the building towards Sunol Boulevard with parking located on the sides and rear of the building produces an attractive streetscape appearance from Sunol Boulevard. Furthermore, the building location provides substantial setbacks from the adjacent residences. In addition, as noted above, staff feels that the proposed location of the parking areas complies with the NSSP requirements. The proposed 29.9 percent FAR would meet the anticipated FAR of the NSSP.

As conditioned, staff believes that the proposed site plan, positioning of the building, height, and FAR are appropriate for the subject property.

Traffic and Circulation

The project site has frontage on Sunol Boulevard, which is a public thoroughfare, and Sycamore Road, which is a public collector street. The three existing driveways off Sunol Boulevard would be removed and two new driveways on Sunol Boulevard would be installed to provide access to the proposed development. Existing sidewalks/frontage improvements along Sunol Boulevard will be retained or reconstructed in conjunction with the project.

The proposed 21,795-square-foot office building would generate 34 AM Peak Hour trips and 32 PM Peak Hour trips based on the trip generation rates for such a use in the City's 2003 Baseline Traffic Report. However, office traffic for the 5980 Sunol Boulevard parcel was included in the traffic analysis and mitigations for the North Sycamore Specific Plan (NSSP) and Environmental Impact Report (EIR). The NSSP EIR assumed 13,378 square feet (30% FAR) of office use traffic from the 5980 Sunol Boulevard parcel. The 13,378 square feet of office use would have generated 21 AM Peak Hour trips and 20 PM Peak Hour trips. Reducing these already planned and mitigated trips from the trips of the proposed project results in a net increase of 13 AM Peak Hour trips and 12 PM Peak Hour trips. Given the small increase of peak hour traffic generated by this project, the City's Traffic Engineer determined that the project would have negligible traffic impacts and that a traffic report was not necessary.

The project would include two new, 25-foot wide, right turn ingress/egress only driveways on Sunol Boulevard. Staff has included a condition requiring that standard ramping driveways be provided for both driveways rather than street openings as shown on the plans. The applicant has also been conditioned to modify the existing and/or install new signing/stripping on Sunol Boulevard, as determined by the City Traffic Engineer, to ensure the two new driveways do not create a traffic safety hazard.

Regarding on-site vehicular circulation, staff has worked with the applicant to improve access and safety of the parking lot. Staff believes that the current plan provides adequate on-site circulation and is acceptable.

Parking

Based on the Pleasanton Municipal Code (PMC) requirements, a 21,795-square-foot office building with non-medical office uses requires 73 parking spaces (one space per 300 square feet of gross floor area). The applicant is proposing a total of 101 parking spaces (one space per 216 square feet), which would comply with this requirement. However, medical and dental offices are permitted uses under the North Sycamore Specific Plan for this property. The Code requires one space per 150 square feet or 6 spaces per doctor, whichever is greater. A 21,795-square-foot office building with medical office uses would require 145 parking spaces, exceeding the proposed number of parking spaces. The applicant has provided 28 additional parking spaces if used solely for general office use. However, if medical uses occupied the entire structure, it would be lacking 44 spaces per the PMC.

The PMC parking requirements related to general office and medical office use do not correspond well. The Code allows medical uses to be in locations that are defined as general office. City staff has struggled with determining if an increased parking demand truly exists per the PMC distinction or if medical office management practices have changed such that a higher parking ratio needs to be provided.

Staff has found that medical office practices have in fact changed over the years such that medical uses do not generate the parking demand required by the PMC. For instance, a recent parking study for the medical office building at 5000 Pleasanton Avenue found that the existing medical uses in the building generated a parking demand of approximately one space per 239 square feet (4.19 vehicles per 1,000 square feet). Since the subject building would be parked at one space per 216 square feet (4.6 vehicles per 1,000 square feet), staff believes there would be adequate parking, even if the building were to be occupied entirely by medical or dental office uses. This example along with other minor modifications to existing office Planned Unit Developments that have been processed throughout the City to reduce the required medical parking to accommodate the use in general office buildings are substantiated with similar parking analyses that clearly show there is no real parking impact.

To further reduce the parking demand for this building, a condition of approval requires that a simple transportation systems management program be created to provide incentives for employees to use public transit, carpool, bike, or walk to work. Such a program could include incentives such as: free or reduced cost Wheels/BART passes, cash incentives program, etc.

Staff notes that the nearest bus stop is located on Sunol Boulevard in front of the Senior Center, approximately 2,200 feet from the subject site. If employees did not wish to walk to the stop, they could bicycle to and from the bus stop since Wheels buses provide bike racks. Staff notes that the applicant is providing two bicycle racks for the project; one more than is typically provided with most projects. Also, the subject site is located directly across Sunol Boulevard from the Applied Biosystems' campus. Should the Applied Biosystems' campus expand in the future as allowed by its PUD Master Plan, Wheels has indicated that it would extend or add a bus line down Sunol Boulevard to the Applied Biosystems' campus (Applied Biosystems has already installed the bus stop in front of its site). The stop in front of Applied Biosystems would be conveniently located for use by the subject office building.

Thirty-five (34.7 percent) of the 101 parking spaces would be designated as compact parking spaces, which complies with the City's 40-percent maximum. Staff finds the number of compact spaces to be acceptable.

As discussed earlier in this report, staff finds the proposed parking lot design and layout to comply with the NSSP requirements.

Grading and Drainage

The subject properties have already been graded in conjunction with the prior developments. The existing developed portions of the properties generally have flat terrain. The northern perimeter of the site near the creek has gently sloping terrain. Grading for the proposed project would be limited to that required for preparation of the building pad and foundation, parking lot, and drive aisles. Staff finds the proposed grading to be minor and acceptable.

The parking lot and drive aisles would drain into shallow, landscaped biofilter swales along the perimeter of the parking lot that would filter contaminants from the stormwater before entering the arroyos and, ultimately, the bay. This is the type of stormwater runoff measure strongly supported by the Regional Water Quality Control Board and local agencies like Pleasanton implementing the urban clean water runoff program.

Building Design

The subject site is a sensitive one due to its proximity to the adjacent residences and its frontage on a major City thoroughfare. Therefore, staff worked with the applicant to design a building with high quality architecture and materials. Staff believes that the building is attractive and contains design elements, described earlier, which break up its mass and volume. Staff also believes that the building is well articulated and would be compatible with the surrounding buildings. The colors and materials of the building will complement the building architecture and would be compatible with other buildings in the area. Staff also finds the building height to be acceptable and compatible with the surrounding structures.

Green Building

The City's Green Building Ordinance requires projects containing 20,000 square feet or more of conditioned floor area to meet a LEED™ "Certified" level, which is equal to a score of 26 or more credit points on the LEED Green Building Checklist. Since the proposed building is 21,295 square feet, it is required to meet a "Certified" rating. The applicant has proposed to incorporate green building measures into the project to allow the project to qualify for 30 credit points and meet a LEED "Certified" rating as required by the City's Green Building Ordinance. Some of the proposed green building measures include: using a highly reflective roof surface to reduce a heat island effect; installing high efficiency toilets and urinals to reduce water consumption; exceeding the minimum Building Code energy efficiency standards by 21 percent; using recycled content building materials; and utilizing low volatile organic compound (VOC) emitting materials.

Signage

A six-foot tall by eight-foot wide monument sign is proposed in the landscaped area on the west side of the building. The sign would consist of a stucco-finished sign panel supported by a cultured stone base, matching the colors and materials of the office building. Staff believes that the size, location, and design of the monument sign are acceptable. Since details of the sign text and illumination have not been provided, staff has included a condition of approval requiring applied metal letters with external spot illumination, either by decorative lights mounted on the sign or by ground-mounted lights.

Building signs have not been proposed at this juncture. A condition has been included that requires the applicant to submit a comprehensive sign program for the building prior to installation of any building-mounted signs. Staff has also included a condition that requires any building-mounted signs to be either non-illuminated, spot-illuminated by decorative lights, or be halo-illuminated channel letters. In addition, to minimize impacts on the adjacent residents, staff has included a condition prohibiting illuminated building-mounted signs on the eastern and southern building elevations.

Landscape Plan

The landscape plan will provide a variety of trees, shrubs, and groundcover on the project site. Staff feels that the proposed landscape plan is attractive and contains sufficient landscape area around the perimeter of the building, parking areas, and along the street frontage. Staff also feels that the density and species of trees and shrubs indicated on the plan are generally appropriate.

However, staff does have a few recommended changes to the landscape plan:

- Substitute the rosemary groundcover located in the bioswales with a groundcover species that is more appropriate for a bioswale (i.e., one that doesn't "drown" easily when the soil becomes saturated, one that sends out many fibrous roots to reduce erosion, and one that does a good job of filtering the water before it reaches the drain inlet).
- Plant some evergreen vines or ivy along the western base of the masonry wall to make it more attractive.

A condition of approval addresses these items. The final landscape plan would be subject to final review and approval by the Planning Director.

North Sycamore Specific Plan Cost Responsibilities

Area-wide roadway improvements, storm drainage, water, wastewater, and other public services for the NSSP were installed by Greenbriar Homes, one of the "Funding Developers," in conjunction with its NSSP project. The Specific Plan requires individual property owners who subdivide their properties to reimburse the Funding Developers based on their pro-rata lot shares. Since the office properties would not subdivide, lot shares for the PUD-Office properties were based on two shares per acre. Therefore, the applicant's 5980 Sunol Boulevard property was assigned two lot shares for reimbursement. The applicant will also be required to join the NSSP Maintenance Association which maintains the improvements in the common areas of the NSSP. Conditions of approval address these items.

V. PUBLIC NOTICE

Notice of the proposed project was mailed to the surrounding property owners and tenants within 1,000 feet of the subject property. At the writing of this report, staff had not received any written or verbal comments pertaining to the proposal.

VI. PUD CONSIDERATIONS

The Zoning Ordinance of the Municipal Code sets forth purposes of the Planned Unit Development District and “considerations” to be addressed in reviewing a PUD development plan.

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

The project would include the installation of private utility systems to serve the office building. Adequate storm drain, sanitary sewer, and water service utilities are present in the area surrounding the development and are sufficient to serve the new building. All on-site infrastructure would be installed by the project developer with connections to municipal systems in order to serve the site. As conditioned, drive aisles and driveways will be designed and constructed to City standards. Adequate access would be provided to the structure for police, fire, and other emergency response vehicles. The building would be designed to meet the requirements of the Uniform Building Code and other applicable City codes. Stormwater run-off from the site will be treated before leaving the site. Construction hour limits and dust suppression requirements will minimize construction impacts on the surrounding residents and tenants.

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

2. **Whether the plan is consistent with the City's General Plan:**

The proposed office building conforms to the “Retail, Highway, and Service Commercial/Business and Professional Offices” Land Use Element designation for the project site. The office building would help the City maintain a strong economic base and would be consistent with Goal Number 1 of the General Plan Land Use Element. In addition, the proposed project would provide additional space for businesses to serve residents and businesses of Pleasanton and its market area and would be consistent with Policy 4 of the General Plan's Land Use Element.

A portion of the project site is located within the North Sycamore Specific Plan. The Specific Plan programs, policies, and land use designation are regarded as a more refined,

detailed version of the General Plan. The Specific Plan's "PUD-Office" land use designation for the 5980 Sunol Boulevard site is generally subject to the purposes and uses of the City's O (Office) district. The proposed office project is consistent with this land use designation. The subject project is also consistent with the Specific Plan's Development Standards and Guidelines.

Therefore, staff feels proposed development plan is consistent with the City's General Plan and North Sycamore Specific Plan, and staff believes that this finding can be made.

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

The subject property is surrounded by industrial, office, public cemetery, and residential uses on large parcels. The office uses for the site would be compatible with the surrounding uses. The proposed two-story building would be generally sited towards Sunol Boulevard with ample setbacks from the adjacent residences to minimize view and privacy impacts. The office building has been attractively designed and would be compatible with the design of the surrounding structures. New landscaping would be installed in the perimeter planter areas to help screen the development from off-site views. In addition, a proposed six-foot tall masonry wall along a portion of the eastern property line would further help screen views of the development from the parcels to the east. Therefore, impacts on the adjacent developed properties would be limited. The proposed development would require limited grading for the construction of the building and other site improvements. Grading conducted on the site will be subject to engineering and building standards prior to any development.

Therefore, staff feels that the plan is compatible with the previously developed properties and the natural, topographic features of the site, and staff believes that this finding can be made.

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

The site topography is generally flat to slightly sloping and there are no known landslides on the property. Grading for the proposed project would be limited to that required for preparation of the building pad and foundation, parking lot, and drive aisles. Other minor grading will create proper drainage for the parking lot, bioswales, and planting areas. Grading conducted on the site will be subject to engineering and building standards. Vegetated bioswales would be utilized to filter parking lot contaminants before entering the arroyos and, ultimately, the bay. Erosion control and dust suppression measures will be documented in the building permit plans and will be administered by the City's

Building and Public Works Departments. The site is not located within an Alquist-Priolo Earthquake Fault Zone. The flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate that the subject property is not located within a 100-year flood zone. Therefore, staff believes that this finding can be made.

5. Whether streets, buildings, and other manmade structures have been designed and located in such manner to complement the natural terrain and landscape:

The project site is in a developed area of the City and would not involve the extension of any new public streets. The building and parking areas would be located in an area of the site where the grades are not steep. The proposed building will be compatible in size and scale with surrounding structures. Of the 33 trees to be removed, only one is an oak tree (an 8-inch diameter valley oak). Other trees to be removed include black locust, plum, tree of heaven, black wood acacia, black walnut, elderberry, and magnolia, most of these being in fair to poor condition. New landscaping would be installed to mitigate the loss of the existing trees. Therefore, staff believes that this finding can be made.

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

The public improvements associated with this project would be consistent with City design standards. As conditioned, the driveway entrances would be located and configured to provide adequate line-of-sight viewing distance and to facilitate efficient ingress/egress to and from the project site. Adequate access would be provided to the building for police, fire, and other emergency vehicles. The building would also be equipped with automatic fire suppression systems (sprinklers) and an on-site fire hydrant would be installed.

Although the site is not located within an Alquist-Priolo Earthquake Fault Zone, it would be subject to seismic shaking during an earthquake. The State of California provides minimum standards for building design through the California Building Standards Code. The California Uniform Building Code is based on the UBC and has been modified for California conditions with numerous more detailed and/or stringent regulations. Specific seismic safety requirements are set forth in Chapter 23 of the UBC. The State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. The City implements the requirements of the California Code through its building permit process. The proposed project will be required to comply with the applicable codes and standards to provide earthquake resistant design to meet or exceed the current seismic requirements. Site specific soils analyses would be conducted in conjunction with the building permit review.

Therefore, staff believes that the plan has been designed to incorporate adequate public safety measures.

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

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to insure that the desires of the developer and the community are understood and approved prior to commencement of construction. Staff believes that the proposed project implements the purposes of the PUD ordinance in this case by providing a building that is well-designed and sited on the subject property, that fulfills the desires of the applicant, and that meets the City's General Plan and North Sycamore Specific Plan goals and policies. The PUD process allows for ample input from the public and for an ultimate decision by the City Council regarding appropriateness of the proposed uses and development plan.

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

VII. ENVIRONMENTAL ASSESSMENT

An Environmental Impact Report (EIR) was prepared and certified for the North Sycamore Specific Plan. The California Environmental Quality Act (CEQA) specifies that individual development projects that are prepared pursuant to the requirements of an adopted specific plan, for which an EIR has been prepared and certified, are exempt from additional environmental review. Since the subject development is also proposed on the 5998 Sunol Boulevard property, which wasn't part of the NSSP or its EIR, a draft Negative Declaration accompanies this report to address the potential environmental impacts from the additional development on the 5998 Sunol Boulevard property. Based on an initial study, staff believes that approval of Case PUD-65 would not have any significant adverse effects on the environment. If the Commission concurs with this environmental assessment, you must make the finding that the Negative Declaration is appropriate prior to taking action on the project.

VIII. CONCLUSION

Staff believes that the proposed building meets all applicable requirements of the Pleasanton Municipal Code, North Sycamore Specific Plan, and General Plan as conditioned. In the opinion of staff, the project's building and site design, as proposed and conditioned, is appropriate for the surrounding area, conforms to the purposes of the PUD Ordinance, and merit a favorable recommendation by the Commission.

IX. STAFF RECOMMENDATION

Staff recommends that the Commission take the following actions:

1. Find that the project would not have a significant effect on the environment and adopt a resolution recommending approval the attached draft Negative Declaration;
2. Find that the proposed PUD rezoning and development plan are consistent with the General Plan, North Sycamore Specific Plan, and purposes of the PUD ordinance;
3. Make the PUD findings for the proposed development plan as listed in this staff report; and
4. Adopt a resolution recommending approval of Case PUD-65, rezoning the 5998 Sunol Boulevard property to PUD-Office and development plan approval for 5980 and 5998 Sunol Boulevard, subject to the conditions of approval listed in Exhibit B, and forward the PUD rezoning and development plan to the City Council for public hearing and review.

For questions or comments about this proposal, please contact: Steve Otto, Associate Planner at 925-931-5608 or sotto@ci.pleasanton.ca.us.

PUD-65, Nick Kavayiotidis, Petra Realty Investors, Inc.

Application for Planned Unit Development rezoning and development plan to construct a 21,795-square-foot two-story office building at 5980 and 5998 Sunol Boulevard. Zoning for the property at 5980 Sunol Boulevard is PUD-O (Planned Unit Development – Office) District, and the 5998 Sunol Boulevard property would be rezoned from the O (Office) District to the PUD-O (Planned Unit Development – Office) District.

Also consider the Negative Declaration prepared for the project.

Mr. Otto summarized the staff report and presented the background, scope and layout of this proposed project. Staff noted that the applicant requested a change to the roof color to a blend of brownish concrete tile roof with a smooth finish on the surface, which was acceptable to staff. Staff had not received any public comment regarding this project and believed that the building's architecture and site layout were well done.

Commissioner Blank noted that the LEED points were not called out in the conditions of approval. Mr. Otto advised that the Green Building Ordinance required that the building be certified. Commissioner Blank had seen many projects come forward with at least 50 LEED points.

Ms. Decker noted that commercial developments were required to meet the 26-point level. When projects with more points come forward, it is always a bonus, and staff recognized that at the time of construction, there may be green building items that cannot be procured, or substitutions may be made. Staff was reticent for the Commission to condition this project to condition this project for 30 points where it may not be feasible. Staff was interested in projects meeting the 26 points and had found that developers were very interested in doing as much as possible. Staff believed that flexibility was an important aspect in green building projects.

Commissioner O'Connor stated that he understood that the City wanted to synch up the zonings and requested clarification on the difference between the Office District and the PUD Office District. Mr. Otto replied that the two districts had varying requirements regarding setbacks and parking. He added that the PUD Office District had more stringent requirements than the straight Office District. While the PUD created more flexibility, it also allowed the Commission and City Council to add more stringent requirements than would normally be allowed in the straight Office District.

In response to an inquiry by Chairperson Fox regarding the nighttime glare, Mr. Otto replied that the project was located on Sunol Boulevard, which is a main thoroughfare, and that conditions of approval were incorporated stating that the light standards would be 14 feet as required in the North Sycamore Specific Plan. A condition was also included that the parking lot lights be turned off at 9:00 p.m. or 15 minutes after the close of the last business, whichever is later; the City had a security ordinance that required parking lot lights to be on during operation of a business. A condition was also included limiting the lighting levels at the property lines to be no greater than two-tenths of a foot-candle. Shields to reduce glare were also included so there would be no adverse impacts on adjacent properties.

Chairperson Fox noted that the development approval plan would lapse in two years unless a building permit was issued; she inquired whether the two-year requirement was customary. Mr. Otto confirmed that two years was a normal requirement for a PUD; design review and variances have a one-year clause.

THE PUBLIC HEARING WAS OPENED.

Nick Kavayiotidis, applicant, noted that under the North Sycamore Specific Plan, Sycamore Creek was diverted, and the culvert was put under Sycamore Road, which would eventually extend to the west side of Sunol Boulevard. He did not believe there would be any issues with the creek.

Kevin Close, 871 Sycamore Road, noted that there was right-turn ingress and egress and that he understood that some time in the future, the existing median would be extended all the way to Case Avenue and Junipero Street. In the meantime, if someone left the project and wanted to travel south, they would need to make a quick U-turn at MBM (Proficient Food Company) driveway. He was concerned that as a result of this project, more traffic would try to make a turn there. He suggested putting in a U-turn lane or restricting U-turns at that location so that traffic would continue to the stoplight.

In response to an inquiry by Chairperson Fox with respect to Mr. Close's comments, Mr. Otto replied that the City's traffic engineer reviewed the project and did not see any issues with traffic leaving this site. Staff tried to configure the on-site site plan such that if clients or employees could not find parking spaces in the parking lot, they would be able to turn around on-site and search for more parking to reduce the number of off-site trips.

THE PUBLIC HEARING WAS CLOSED.

Chairperson Fox invited comments on the green roof versus the brown roof. It was the consensus of the Planning Commission that the brown roof would be preferable.

Commissioner Blank moved to find that the project would not have a significant effect on the environment and that the proposed PUD rezoning and development plan are consistent with the General Plan, North Sycamore Specific Plan, and the purposes of the PUD ordinance; to make the PUD findings for the proposed development plan as listed in this staff report; to recommend approval of the Negative Declaration and Case PUD-65, subject to the conditions of approval listed in Exhibit B of the staff report as recommended by staff.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

Resolution No. PC-2007-32, recommending approval of the Negative Declaration, and Resolution No. PC-2007-33, recommending approval of PUD-65, were entered and adopted as motioned.

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2007-33

RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION OF NICK
KAVAYIOTIDIS, PETRA REALTY INVESTORS, INC. FOR PLANNED UNIT
DEVELOPMENT REZONING AND DEVELOPMENT PLAN APPROVAL,
AS FILED UNDER CASE PUD-65

WHEREAS, Nick Kavayiotidis, Petra Realty Investors, Inc., has applied for Planned Unit Development rezoning and development plan approval to construct a 21,795-square-foot two-story office building at 5980 and 5998 Sunol Boulevard and to rezone the property at 5998 Sunol Boulevard from the O (Office) District to the PUD-O (Planned Unit Development – Office) District; and

WHEREAS, at its duly noticed public hearing of June 27, 2007, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, the Planning Commission recommended approval for the Negative Declaration prepared for this project; and

WHEREAS, the Planning Commission determined that the proposed rezoning and development plan are appropriate for the site; and

WHEREAS, the Planning Commission made the following findings:

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

The project would include the installation of private utility systems to serve the office building. Adequate storm drain, sanitary sewer, and water service utilities are present in the area surrounding the development and are sufficient to serve the new building. All on-site infrastructure would be installed by the project developer with connections to municipal systems in order to serve the site. As conditioned, drive aisles and driveways will be designed and constructed to City standards. Adequate access would be provided to the structure for police, fire, and other emergency response vehicles. The building would be designed to meet the requirements of the Uniform Building Code and other applicable City codes. Stormwater run-off from the site will be treated before leaving the site. Construction hour limits and dust suppression requirements will minimize construction impacts on the surrounding residents and tenants. The proposed plan is in the best interests of the public health, safety, and general welfare; therefore, this finding can be made.

2. The plan is consistent with the City's General Plan.

The proposed office building conforms to the "Retail, Highway, and Service Commercial/Business and Professional Offices" General Plan Land Use Element designation for the project site. The office building would help the City maintain a strong economic base and would be consistent with Goal Number 1 of the General Plan Land Use Element. In addition, the proposed project would provide additional space for businesses to serve residents and businesses of Pleasanton and its market area and would be consistent with Policy 4 of the General Plan's Land Use Element.

A portion of the project site is located within the North Sycamore Specific Plan. The Specific Plan programs, policies, and land use designation are regarded as a more refined, detailed version of the General Plan. The Specific Plan's "PUD-Office" land use designation for the 5980 Sunol Boulevard site is generally subject to the purposes and uses of the City's O (Office) district. The proposed office project is consistent with this land use designation. The subject project is also consistent with the Specific Plan's Development Standards and Guidelines.

Therefore, the proposed development plan is consistent with the City's General Plan and North Sycamore Specific Plan, and this finding can be made.

3. The proposed development plan is compatible with previously developed properties located in the vicinity and the natural, topographic features of the site.

The subject property is surrounded by industrial, office, public cemetery, and residential uses on large parcels. The office uses for the site would be compatible with the surrounding uses. The proposed two-story building would be generally sited towards Sunol Boulevard with ample setbacks from the adjacent residences to minimize view and privacy impacts. The office building has been attractively designed and would be compatible with the design of the surrounding structures. New landscaping would be installed in the perimeter planter areas to help screen the development from off-site views. In addition, a proposed six-foot tall masonry wall along a portion of the eastern property line would further help screen views of the development from the parcels to the east. Therefore, impacts on the adjacent developed properties would be limited. The proposed development would require limited grading for the construction of the building and other site improvements. Grading conducted on the site will be subject to engineering and building standards prior to any

development. Therefore, the plan is compatible with the previously developed properties and the natural, topographic features of the site, and this finding can be made.

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

The site topography is generally flat to slightly sloping, and there are no known landslides on the property. Grading for the proposed project would be limited to that required for preparation of the building pad and foundation, parking lot, and drive aisles. Other minor grading will create proper drainage for the parking lot, bioswales, and planting areas. Grading conducted on the site will be subject to engineering and building standards. Vegetated bioswales would be utilized to filter parking lot contaminants before entering the arroyos and, ultimately, the bay. Erosion control and dust suppression measures will be documented in the building permit plans and will be administered by the City's Building and Public Works Departments. The site is not located within an Alquist-Priolo Earthquake Fault Zone. The flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate that the subject property is not located within a 100-year flood zone. Therefore, this finding can be made.

5. Streets and buildings have been designed and located to complement the natural terrain and landscape:

The project site is in a developed area of the City and would not involve the extension of any new public streets. The building and parking areas would be located in an area of the site where the grades are not steep. The proposed building will be compatible in size and scale with surrounding structures. Of the 33 trees to be removed, only one is an oak tree (an eight-inch diameter valley oak). Other trees to be removed include black locust, plum, tree of heaven, black wood acacia, black walnut, elderberry, and magnolia, most of these being in fair to poor condition. New landscaping would be installed to mitigate the loss of the existing trees. Therefore, this finding can be made.

6. Adequate public safety measures have been incorporated into the design of the plan.

The public improvements associated with this project would be consistent with City design standards. As conditioned, the driveway entrances would be located and configured to provide adequate line-of-sight viewing distance and to facilitate efficient ingress/egress to and from the project site. Adequate access would be provided to the building for police, fire, and other emergency vehicles. The building would also be equipped with automatic fire suppression systems (sprinklers) and an on-site fire hydrant would be installed.

Although the site is not located within an Alquist-Priolo Earthquake Fault Zone, it would be subject to seismic shaking during an earthquake. The State of California provides minimum standards for building design through the California Building Standards Code. The California Uniform Building Code is based on the UBC and has been modified for California conditions with numerous more detailed and/or stringent regulations. Specific seismic safety requirements are set forth in Chapter 23 of the UBC. The State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. The City implements the requirements of the California Code through its building permit process. The proposed project will be required to comply with the applicable codes and standards to provide earthquake resistant design to meet or exceed the current seismic requirements. Site-specific soils analyses would be conducted in conjunction with the building permit review. Therefore, the plan has been designed to incorporate adequate public safety measures.

7. The plan conforms to the purposes of the PUD District.

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to insure that the desires of the developer and the community are understood and approved prior to commencement of construction. The proposed project implements the purposes of the PUD ordinance in this case by providing a building that is well-designed and sited on the subject property, that fulfills the desires of the applicant, and that meets the City's General Plan and North Sycamore Specific Plan goals and policies. The PUD process allows for ample input from the public and for an ultimate decision by the City Council regarding appropriateness of the proposed uses and development plan.

Through the PUD process, the proposed project has provided residents, the developer, and the City with a development plan which optimizes the use of this infill site in a sensitive manner. Therefore, this finding can be made.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:


Section 1. Recommends approval of Case PUD-65, the application of Nick Kavayiotidis, Petra Realty Investors, Inc. for Planned Unit Development rezoning and development plan approval to construct a 21,795-square-foot two-story office building at 5980 and 5998 Sunol Boulevard and to rezone the property at 5998 Sunol Boulevard from the O (Office) District to the PUD-O (Planned Unit Development – Office) District.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 27TH DAY OF JUNE 2007 BY THE FOLLOWING VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

ATTEST:


Donna Decker
Secretary, Planning Commission


Anne Fox
Chairperson

APPROVED AS TO FORM:


Julie Harryman
Assistant City Attorney

**EXHIBIT B
CONDITIONS OF APPROVAL**

**PCUP-65, Nick Kavayiotidis, Petra Realty Investors, Inc.
5980 and 5998 Sunol Boulevard
June 27, 2007**

GENERAL

1. Development shall be constructed substantially as shown on the plans, color/material board, U.S. Green Building Council LEED Checklist, and related materials, Exhibit A, dated "Received" March 16, and May 22, 2007, on file with the Planning Department, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits.
2. The applicant shall obtain all building and other applicable City permits for the project prior to the commencement of construction.
3. The developer shall pay any and all fees to which the property may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
4. The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued toward completion.
5. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site.
6. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading and drainage, building design, building colors or materials, landscape material, etc.

PLANNING

7. The site development standards for the subject properties shall follow the Office District of the Pleasanton Municipal Code, except as modified by the North Sycamore Specific Plan and the conditions of approval for Case PUD-65.

8. The permitted uses for the subject properties shall be subject to the following list of uses:
 - *Administrative and Business Offices*
 - *Design-Related Offices*
 - *Insurance Offices*
 - *Investment Services*
 - *Legal Services*
 - *Medical and Dental Offices*
 - *Real Estate Offices*
 - *Research Services*
9. Prior to issuance of a building permit, a lot line adjustment shall be approved by the City of Pleasanton and recorded which merges the 5980 and 5998 Sunol Boulevard properties into one property.
10. Prior to issuance of a building permit, the applicant shall reimburse the North Sycamore Specific Plan funding developer(s) for the 5980 Sunol Boulevard property's pro rata share of the North Sycamore Specific Plan capital improvements as stipulated by the North Sycamore Specific Plan Finance Plan.
11. Prior to occupancy, the applicant shall join the North Sycamore Specific Plan Maintenance Association as determined by the City Engineer. The maintenance association fees for this project shall be based on the 5980 Sunol Boulevard property's pro rata share in a manner consistent with the North Sycamore Specific Plan Finance Plan.
12. The windows shall be recessed from the outside face of wall as shown on the "Typical Window Section" on the approved building elevations. 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 Planning Director prior to issuance of building permits for the project.
13. Except as otherwise approved by the Planning Director, the exterior stucco finish on the building shall have a fine sand float finish. The stucco finish shall be noted on the building permit plans.
14. 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 Planning Director prior to painting/installation.
15. The colors of the split-faced masonry wall shall be submitted to and approved by Planning Director as part of the building permit plan set prior to issuance of a building permit.

16. 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 Planning Director. All required screening shall be provided prior to occupancy.
17. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
18. The applicant shall submit an exterior lighting/photometric plan for the building and site, including drawings and/or manufacturer's specification sheets showing the design of the light pole and the size and type of light fixtures proposed. The lighting/photometric plan shall be subject to the review and approval by the Planning Director and Chief Building Official prior to issuance of building permits for the project. The lighting/photometric plan shall comply with the City's Security Ordinance (Chapter 20.36 of the Pleasanton Municipal Code) and the following requirements:
 - a. Lighting shall be directed away from adjacent properties and shall incorporate cut-off shield type fixtures to prevent glare onto adjacent properties or roadways.
 - b. The height of the light poles shall not exceed 14 feet.
 - c. Lighting levels shall be no greater than 0.2 foot-candle at the easterly and southerly property lines.
 - d. The parking area lights shall be programmed to turn off at 9:00 p.m. or 15 minutes after the closing of the last business in the building, whichever is greater.
19. The project's Sunol Boulevard driveways shall be limited to right-turn only ingress and egress. The applicant shall install adequate signing/stripping to indicate the right-turn only ingress/egress restriction for the driveways. The applicant shall also modify the Sunol Boulevard lane striping, as determined by the City Traffic Engineer, to accommodate the project's new Sunol Boulevard driveways. A signing/stripping plan shall be submitted in conjunction with the building permit plan check plans. Said plan shall be subject to the review and approval by the City Traffic Engineer prior to issuance of a building permit for the project.
20. Unless otherwise approved by the City Traffic Engineer, the applicant shall install standard ramping driveways at the new driveways on Sunol Boulevard rather than street openings as shown on the plans. The final design of the driveways

shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the City Engineer and Planning Director prior to issuance of building permits for the project.

21. The applicant shall submit a simple transportation systems management program to provide incentives for employees or agents to use public transit, carpool, bike, or walk to work to reduce traffic and parking. Such a program could include incentives such as: free or reduced cost Wheels/BART passes, cash incentives program, installing lockers, etc. Said program shall be subject to the review and approval by the Planning Director prior to occupancy.
22. All trash and refuse shall be contained completely within the approved trash enclosure. The materials and color of the enclosure shall match the building and the gates shall be corrugated metal or solid wood. The design of the enclosure shall be shown on the plans submitted for issuance of building permits and shall be subject to the approval of the Planning Director and Fire Chief. Trash containers shall be stored within the enclosure at all times, except when being unloaded.
23. The applicant shall install and maintain an ashtray near the smoking bench on the subject property.
24. The location of any pad-mounted transformers shall be subject to approval by the Planning Director prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates. All transformers shall be shown on the plans submitted for issuance of building permits. The project developer shall attempt to locate transformers at the rear of the site.
25. A final landscape plan and irrigation plan shall be submitted to and approved by Planning Director 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.
26. The applicant shall make the following modifications/revisions to the landscape plan:
 - a. *Evergreen ivy or vines shall be planted along the western base of the masonry wall.*
 - b. *The rosemary groundcover within the bioswales shall be substituted with one or more species of groundcover that are suitable for a bioswale environment (i.e., one that doesn't "drown" easily when the soil becomes saturated, one that sends out many fibrous roots to reduce erosion, and one that does a good job of filtering the water before it reaches the drain inlet).*

- c. *The species and sizes of the native riparian landscaping to be installed along the southerly bank of Sycamore Creek shall be shown on the plan.*

Said modifications shall be shown on the plans submitted for issuance of building permits and shall be subject to review and approval by the Planning Director prior to issuance of building permits.

27. The applicant shall provide root control barriers and four inch perforated pipes for trees in planting areas less than ten feet in width, as determined necessary by the Planning Director at the time of review of the final landscape plans.
28. The applicant shall install an automatic irrigation system for all project landscaping, including the landscaping installed in the City right-of-way.
29. Except as otherwise conditioned, all trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of 5 gallons.
30. Prior to occupancy, the landscape architect shall certify in writing to the Planning Director 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.
31. The project developer shall comply with the recommendations of the tree report prepared by Traverso Tree Service dated March 5, 2007, except that tree nos. 5 and 6 shall be saved as shown on the approved development plan. No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the arborist to conduct a field inspection prior to issuance of grading permits to ensure that all pre-construction recommendations have been properly implemented. The arborist shall certify in writing to the City that such recommendations have been followed.
32. No trees shall be removed other than those specifically designated for removal on the approved plans. The project developer shall post cash, letter of credit, or other security satisfactory to the Planning Director in the amount of five thousand dollars (\$5,000) for each tree required to be preserved, up to a maximum of twenty-five thousand dollars (\$25,000). This cash bond or security shall be retained for one year following completion of construction and shall be forfeited if the tree is removed, destroyed, or disfigured. If the tree is removed, destroyed, or disfigured during construction, the applicant shall pay a fine in the amount equal to the appraised value of the subject tree. If the fine based on the appraised value of the tree(s) exceeds the bond amount, the applicant shall pay the difference between the bond and the appraised value of the subject tree(s).
33. Prior to issuance of a building permit, the applicant shall submit a report from a certified arborist acceptable to the City evaluating the potential impacts from the

new masonry wall on the existing valley oak tree near the southeast corner of the site (tree no. 38 in the tree report prepared for this project by Traverso Tree Service dated March 5, 2007). The arborist shall make recommendations on the location and construction of the wall to ensure the survivability of the valley oak tree. The final location and construction of the southerly portion of the masonry wall shall be subject to the review and approval by the Planning Director.

34. Protective chain link or securely staked nylon fencing shall be installed around the existing trees to be saved during all construction activities. The location of said fencing shall be subject to the review and approval of the Planning Director. In addition, the following tree preservation methods shall be followed:
- a. The applicant shall utilize his best efforts to locate any new utility trenches outside the dripline of the existing trees to be saved. If this is not feasible, then the applicant shall submit a report from a certified arborist acceptable to the City that indicates the trenching will not be detrimental to the health of the trees.
 - b. 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.
 - c. No signs, wires, or ropes shall be attached to the trees.
 - d. No stockpiling/storage of construction materials, fill, etc., shall take place underneath or within 5 feet of the dripline of the existing trees.
 - e. No equipment or temporary structures shall be placed within or beneath the dripline of the existing trees.

Failure to comply with these requirements may result in a stop-work order.

35. The property owner shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping installed as part of this project, including the existing and new landscaping in the City right-of-way along the project's Sunol Boulevard street frontage, 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 property.
36. The final design of the monument sign shall be shown on the plans submitted for issuance of building permits and shall be subject to review and approval by the Planning Director prior to issuance of building permits. Unless otherwise approved by the Planning Director, the monument sign shall utilize applied metal letters with external spot illumination, either by decorative lights mounted on the sign or by ground-mounted lights be illuminated by external spot lights. In

addition, the number of tenant names on the monument sign shall be subject to the review and approval by the Planning Director.

37. Prior to installation of any building signs, a comprehensive sign program shall be submitted for review and approval by the Planning Director. Said sign program shall include the specific details for each sign (i.e., colors, materials, illumination, location, sign text, dimensions, etc.). In addition, the sign program shall incorporate the following restrictions:
 - a. Building-mounted signs shall either be non-illuminated, spot-illuminated by decorative lights, or be halo-illuminated channel letters.
 - b. Building-mounted signs on the southern and eastern building elevations shall be non-illuminated.
38. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K 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.
39. Only modular newspaper dispensers accommodating more than one (1) newspaper shall be allowed outside of the building within the development. The design of these dispensers shall be approved by the Planning Director. Dispensers within the public right-of-way shall require an encroachment permit by the Engineering Department.
40. There shall be no truck deliveries, parking lot sweeping, or leaf blowing between the hours of 10:00 p.m. and 6:00 a.m.
41. All construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. In addition, no construction shall be allowed on Federal Holidays. Interior construction activities taking place completely within the enclosed structure (i.e., building walls, windows, doors, and roof installed) may be conducted on Saturdays from 8:00 a.m. to 5:00 p.m., provided that all windows and doors have been installed and remain closed during interior construction activities. The Planning 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 Planning Director that the construction and construction traffic noise will not affect nearby residents. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.
42. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period. At no time

shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles shall be removed from the site at the end of each workday.

43. 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 Department.
44. Dust and mud shall be contained within the boundaries of the property during times of construction. The project developer shall submit a dust control plan or procedure as part of the building permit plans.
45. The project developer shall submit a waste generation disposal and diversion plan to the Building and Safety Division prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer shall recycle at least fifty percent (50%) of the job site construction and demolition waste. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of final occupancy. During demolition and 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 all waste disposal. Only that portion of trash and recycling waste refused by Pleasanton Garbage Service shall be disposed of or diverted by another trash/recycling company.
46. The height of the building shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit "A" 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 Department before the first framing or structural inspection by the Building and Safety Division.
47. The applicant shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Planning Director, certifying that the pad elevations and building location (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.
48. Final inspection by the Planning Department is required prior to occupancy.
49. If archeological materials are uncovered during grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required in Appendix K of the California Environmental Quality Act. A similar note shall appear on the improvement plans.

50. Portable toilets used during construction shall be emptied on a regular basis as necessary to prevent odor.
51. All backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened so as to minimize visual impacts. The location of all backflow prevention devices, above ground irrigation controls, and above ground irrigation meters and the quantity and type of proposed landscape screening shall be subject to the review and approval of the Planning Director prior to installation.
52. All parking spaces shall be striped. Wheel stops shall be provided unless the spaces are fronted by raised concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
53. Prior to issuance of a building permit, the developer shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District.
54. The developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
55. This approval does not guarantee the availability of sufficient water to serve the project. The City shall withhold building permits for the project if at the time building permits are applied for, mandatory water rationing is in effect, unless the City has adopted a water offset program and unless the developer is participating in the program. Notwithstanding the developer's participation in such a program, the City may withhold building permits if the City determines that sufficient water is not available at the time of application of building permits.
56. The office building shall be designed and constructed to maintain an interior noise level of 45 dBA L_{eq} . Information sufficient to determine that this noise level can be met shall be submitted with the plans submitted for issuance of building permits and shall be subject to review and approval by the Planning Director and Chief Building Official prior to issuance of building permits.

GREEN BUILDING

57. The subject building shall achieve at least a LEED™ “Certified” level on the LEED Green Building Checklist at the time of building permit submittal. A final list of the green building measures 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 Planning Director prior to issuance of building permits for the project.

58. The proposed LEED™ Green Building Checklist shall be shown on one of the first two pages of the plans submitted for the issuance of a building permit. The sheet number(s) where each checklist item is addressed in the plan set shall be noted on the checklist. All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Planning Director and the Chief Building Official.
59. The Building and Safety Division may require special plan check or inspections for the green building measures proposed. If required, the applicant shall provide verification to the Planning Department clearly stating that the Building and Safety Division approved all applicable requirements relating to green building measures. Said verification shall be provided prior to occupancy.
60. The applicant shall implement the following measures with the construction of the office building covered by this approval so that a roof-mounted photovoltaic system can be installed in the future:
 - a. Install electrical conduit and pull string from the roof/attic areas to the building's main electrical panel;
 - b. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a typical photovoltaic system beyond that anticipated for roofing; and
 - c. Provide an area near the electrical panel for the "inverter" required to convert the direct current output from the photovoltaic panels to alternating current.

These measures shall be indicated on the building permit plan sets.

BUILDING

61. The building shall meet the applicable Title 24 state energy requirements.
62. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
63. The applicant 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 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. Specific items to be indicated on the

site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.

64. The applicant shall submit 3 full-size sets of construction plans (wet-stamped and signed), 2 sets of the necessary structural and Title 24 calculations, 2 copies of a site specific soils report, and the completed Building Permit Questionnaire to the Building and Safety Division, along with the necessary fees, to initiate the City's plan check process. The plan check will be accepted only after the completion of the Design Review procedure's 15-day appeal period, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned or the design is significantly changed as the result of an appeal. In no case will a building permit be issued prior to the expiration of the 15-day appeal period.
65. A sanitary sewer sampling manhole shall be provided on any new sanitary sewer lateral from the building, unless otherwise waived by the Chief Building Official.
66. Prior to issuance of a building permit, the applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the developer shall pay any applicable DSRSD sewer permit fee.
67. Building and situs plans are to be submitted to the Building and Safety Division on computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built situs and architectural information as approved by the Director.

FIRE

68. The project developer shall meet all applicable fire and security requirements in Chapters 20.24 and 20.36 of the Pleasanton Municipal Code.
69. The office building 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 to the Pleasanton Building and Safety Division for review and approval prior to installation. The fire alarm system, including waterflow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s). The fire alarm system shall be monitored in accordance with the Pleasanton Municipal Ordinance #1778. The fire alarm system shall transmit zone information to a UL listed Central Station as specified in the Ordinance.

70. The applicant shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
71. The site shall be kept free of fire hazards from the start of construction to final inspection.
72. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to surface roads, fire hydrants, and a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire. When alternate methods of fire protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternative methods of fire protection shall be submitted in writing to the Fire Chief prior to any framing construction. Work on the alternative fire protection methods shall not begin until approved by the Fire Chief.
73. All driveways, aisles, and alleys designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code which permits towing vehicles illegally parked on the fire lanes. Fire lane curbs shall be painted red with "No Parking, Fire Lane, Tow Away Zone" or "No Parking, Fire Lane, Tow Away Zone" signs shall be installed as required by the Vehicle Code.
74. All portions of the building covered by this approval shall have installed and operating, fire extinguishers with a minimum 2-A:10-B:C rating. The fire extinguishers shall be located within a seventy-five foot (75' 0") radius of each other.
75. Trash enclosures which are sized to contain dumpsters with an individual capacity of 1.5 cubic yards located within five feet (5' 0") of unprotected building openings, combustible walls, or combustible roof eaves shall be provided with an automatic fire sprinkler system.

ENGINEERING

76. The building permit plans shall accurately show all existing public improvements near the subject development (i.e., signals, street lights, street signs, utility vaults and boxes, etc.) and shall clearly indicate any proposed modifications to the existing public improvements. Proposed modifications to the public improvements shall be subject to review and approval by the City Engineer and Planning Director prior to issuance of a building permit.
77. The existing driveways to be removed along Sunol Boulevard shall be replaced with curb, gutter, sidewalk, and landscaping matching the existing improvements along the project frontage. Said improvements shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and

approval by the City Engineer and Planning Director prior to issuance of building permits for the project.

78. The applicant shall submit a refundable cash bond for construction hazard prior to issuance of an Engineering or Building and Safety Division permit. The amount of this bond will be determined by the City Engineer.
79. The applicant's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site or City right-of-way.
80. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of an encroachment permit.
81. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owner.
82. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
83. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer and Zone 7, as applicable, that the system is adequate, connects to an approved point of discharge, meets any and all applicable requirements of the Alameda County Flood Control District - Zone 7, meets any and all applicable requirements of the Federal Emergency Management Flood Hazard Program, the California Department of Fish and Game, and meets the immediate and long-range requirements of this development and all upstream areas intended to be drained through this development.
84. All utilities required to serve the proposed development shall be installed underground in conduit, unless otherwise determined by the City Engineer.
85. The applicant shall submit a final utility plan showing the proposed sewer system, water supply, electric power distribution, gas distribution, communication service, Cable television, and any required alarm system for the site. Said plan shall be subject to the review and approval of the City Engineer and the Planning Director prior to the issuance of any building permits.
86. Any damage to existing street or sidewalk improvements during construction on the subject property shall be repaired to the satisfaction of the Planning Director and City Engineer at full expense to the developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

87. The paving sections for the on-site parking and drive areas shall be designed on the basis of an R-Value test and a traffic index to carry the anticipated traffic loads. This design shall be subject to the approval of the City Engineer. The minimum paving section shall be two inches (2") of asphalt concrete (A.C.) on a six-inch (6") asphalt base (A.B.). The minimum A.C. pavement slope shall be one percent (1%). For pavement slopes less than one percent, the surface runoff shall be carried in a concrete gutter to an acceptable point of discharge. The minimum slope for concrete gutter shall be 0.5 percent.
88. Six-inch (6") vertical concrete curbs shall be installed between the new parking spaces and the landscaped areas unless wheel stops are installed, subject to the review and approval by the City Engineer and Chief Building Official.
89. The applicant shall dedicate to the City an eight-foot wide public service easement (P.S.E.) along both the Sunol Boulevard and Sycamore Road frontages of the subject properties. Said easements shall be granted to the City prior to the City Engineer approval of the Lot Line Adjustment merging the two lots or prior to the issuance of the on-site building permit, whichever occurs first.
90. 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 unless Zone 7 retains specific wells for observation wells, or special approval is obtained from the City Engineer for temporary use of an existing well for construction water. Any wells designated for abandonment or any wells, encountered during construction, are to be destroyed in accordance with a permit obtained from Zone 7.
91. All existing septic tanks or holding tanks shall be removed or sealed, filled, and abandoned, pursuant to the requirements of the Alameda County Department of Health Services.

URBAN STORMWATER RUNOFF REQUIREMENTS

Stormwater Design Requirements

92. The project shall comply with the Alameda Countywide NPDES Permit #CA50029831, a copy of which is available at the City offices.
93. 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 on-site drainage control measures including bioswales. Irrigated bioswales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the storm water running off the paved surface that enters the bioswale at its most upstream end. This plan shall be subject to the review

and approval of the City Engineer prior to the issuance of any building permits.

- b. The project developer shall submit sizing designs criteria to treat stormwater runoff at the time of plan submittal.
- c. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - 1) Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - 2) Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required.
 - 3) Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - 4) Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- d. Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a berm shall be installed 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 (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Department.
- e. Prior to grading permit issuance the project developer shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit for projects with clearing, grading and excavation exceeding the current standards.
- f. All metal roofs shall be finished with rust-inhibitive paint.
- g. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.

Stormwater Construction Requirements

94. The project development shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer prior to issuance of building or grading permits. Failure to comply with the approved construction SWPPP may result in the issuance of correction notices, citations or stop work order. The following construction Best Management Practices (BMPs), as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
95. The project developer is responsible for implementing the following measures during all construction phases of the project:
 - a. The project developer shall include erosion control/storm water quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Chief Building Official. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
 - b. 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 grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/storm water 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.
 - c. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.
 - d. 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.

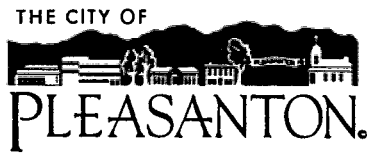
- e. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- f. Create a contained and covered area on the site for the storage of bags, cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- g. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

Stormwater Operation Requirements

- 96. The applicant shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
 - a. The property owner(s) shall be responsible for maintaining all stormwater treatment measures on the site. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded prior to occupancy.
 - b. On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay" using City-approved methods and materials.
 - c. Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
 - d. Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
 - e. Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinsewater from cleaning tools, equipment or parts into storm drains.
 - f. Clean 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.

- g. Regularly but not less than once a month, sweep 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.
- h. Vegetated swales or bioretention ponds with grasses shall be mowed and clippings removed on a regular basis.

{end}



CITY COUNCIL AGENDA REPORT

July 17, 2007

Planning and Community Development

TITLE: PUD-65, NICK KAVAYIOTIDIS, PETRA REALTY INVESTORS, INC. – CONSIDER AN APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) REZONING AND DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 21,795-SQUARE-FOOT, TWO-STORY OFFICE BUILDING AT 5980 AND 5998 SUNOL BOULEVARD. THE 5998 SUNOL BOULEVARD PROPERTY WOULD BE REZONED FROM THE OFFICE DISTRICT TO THE PUD-OFFICE DISTRICT.

PROPERTY OWNERS: Nick Kavayiotidis and Weldon Offill

GENERAL PLAN: Retail, Highway, and Service Commercial; Business and Professional Offices

SPECIFIC PLAN: The North Sycamore Specific Plan Land Use Designation for the 5980 Sunol Boulevard property is PUD Office. The 5998 Sunol Boulevard property is not located in a specific plan area.

ZONING: Zoning for the 5980 Sunol Boulevard property is Planned Unit Development - Office (PUD-O) District. Zoning for the 5998 Sunol Boulevard property is currently Office District.

SUMMARY

The applicant proposes to construct an approximately 21,795-square-foot, two-story office building and related site improvements on two adjacent parcels that will be merged totaling 1.67 acres. The 5998 Sunol Boulevard property would be rezoned to PUD – Office District and have consistent zoning designation and uses as described in the North Sycamore Specific Plan for both properties. Staff and the Planning Commission believe that the project, as conditioned, is well designed and will be compatible with the surrounding area. The applicant is in agreement with the Planning Commission's recommended conditions of approval.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the application (5-0 vote), subject to the conditions of approval recommended by staff. The applicant had requested to use brownish-colored roof tiles with a smooth texture instead of the dark green-colored roof tiles with a shake texture that are shown on the colored building elevations. The Planning Commission supported this request and is reflected in the conditions of approval.

RECOMMENDATION

1. Find that the project would not have a significant effect on the environment and adopt a resolution approving the attached draft Negative Declaration;
2. Find that the proposed PUD rezoning and development plan are consistent with the General Plan, North Sycamore Specific Plan, and purposes of the PUD ordinance;
3. Make the PUD findings for the proposed development plan as stated in the June 27, 2007, Planning Commission staff report (Attachment #5); and
4. Introduce the attached draft ordinance approving Case PUD-65, rezoning the 5998 Sunol Boulevard property to PUD-Office and development plan approval for 5980 and 5998 Sunol Boulevard, subject to the Conditions of Approval, Exhibit "B."

FINANCIAL STATEMENT

The proposed project would be responsible to pay fees and the costs of any required utility or infrastructure improvements. The project would incrementally increase the demand for City services and would add sales and property tax revenue. Staff believes that the net fiscal impact to the City resulting from the proposed project would be positive.

BACKGROUND

The subject application consists of two parcels. The southernmost subject property, 5980 Sunol Boulevard, is located within the North Sycamore Specific Plan (NSSP) area. Zoning for the 5980 Sunol Boulevard property as specified in the North Sycamore Specific Plan is the Planned Unit Development - Office (PUD-O) District. The NSSP designated three parcels for office development. The subject development plan application is the second submitted for one of these office designated parcels. The 6088 Sunol Boulevard office building, located at the southeast corner of Sunol Boulevard and Sycamore Road, was the first office development in the NSSP area. The northernmost subject property, 5998 Sunol Boulevard, is zoned Office District and previously contained a small office building that was demolished in 1997 and the property has been vacant since that time.

SITE DESCRIPTION

The southernmost, 5980 Sunol Boulevard property currently contains a vacant, dilapidated single-family home and accessory structure. The buildings are currently vacant. Vehicular access to this flag-shaped property is provided by two driveways off Sunol Boulevard. The northernmost, triangular-shaped, 5998 Sunol Boulevard property previously contained a small office building and parking lot that were demolished in 1997. This site is currently vacant. An existing driveway off Sunol Boulevard provides vehicular access to this site. Sycamore Creek traverses the northern portion of the site. There are no paved drive aisles on the subject properties with the exception of two short driveway sections off two of the Sunol Boulevard curb cuts. There are no paved drive aisles or parking spaces on the properties. The properties have flat to gently sloping

terrain. Several trees are located on the properties. Solid wood, chain link, and hogwire fencing are located along the boundaries of the properties.

Properties adjacent to the project site include: Applied Biosystems' campus to the west, across Sunol Boulevard; the City owned Pleasanton Pioneer Cemetery (formerly Pleasanton Memorial Gardens) to the north; and single-family residences on rural parcels to the south and east. A two-story office building (6088 Sunol Boulevard) is located further to the south, across Sycamore Road. The two adjacent parcels to the south (336 Sycamore Road) and east (362 Sycamore Road) with existing single-family residences are zoned to allow office development, or low-density residential or office development, respectively.

PROJECT DESCRIPTION

The applicant, Nick Kavayiotidis, purchased the 5980 Sunol Boulevard property and has an option to purchase the 5998 Sunol Boulevard property. He wishes to demolish the vacant dwelling and construct a new office building and related site improvements on both parcels. Although the zoning designations for both parcels would permit office uses, the 5998 Sunol Boulevard property would be rezoned to Planned Unit Development - Office (PUD-O) District to create a consistent zoning designation for both properties. PUD development plan approval is required to construct the new building and related site improvements. The applicant would later process a lot line adjustment to merge the two properties into one parcel.

Rezoning

The 5980 Sunol Boulevard site is zoned PUD-Office District. Uses for the PUD-Office district were limited by the NSSP to the following:

- Administrative and Business Offices
- Design-Related Offices
- Insurance Offices
- Investment Services
- Legal Services
- Medical and Dental Offices
- Real Estate Offices
- Research Services

The 5998 Sunol Boulevard property would be rezoned to Planned Unit Development - Office (PUD-O) District and be subject to same uses as the 5980 Sunol Boulevard property to create a consistent zoning designation and uses for both properties.

Office Building

The applicant would demolish the dilapidated single-family home and accessory building and construct an approximately 21,795-square-foot, two-story office building. The proposed floor area ratio would be 29.9% (calculated using both parcels). The rectangular-shaped building would generally be sited towards Sunol Boulevard with

parking located on the sides and rear of the building. A roofed trash enclosure would be located near the northeastern corner of the site.

The building elevations would feature cultured stone first floor walls, fine sand float stucco finish on the second floor walls, divided light windows set in aluminum frames, and cultured stone window sills. The roofline would feature a low, mansard-style roof. A hipped roof entry feature would be located at the main building entrance at the center of the east elevation. Hipped roof elements would be located at the center of the western elevation. Hipped roof towers would be featured at the north and south ends of the building. Building colors include: light and dark tan-colored body with off-white and brown accents; and tan, grey, and brown-colored stone. As shown on the colored elevations, the applicant had originally proposed dark green-colored roof tiles with a shake texture. Prior to the Planning Commission hearing, the applicant requested to use a blend of brownish-colored roof tiles with a smooth texture (please see the color photograph, Attachment #3), which the Commission approved. The building would measure 28 feet 9 inches high at the top of the second floor mansard roof, 31 feet 7 inches high at the top of the hipped roof elements at the center of the west and east elevations, and approximately 34 feet high at the top of the tower elements at the north and south elevations.

The three existing driveways off Sunol Boulevard would be removed and two new driveways on Sunol Boulevard would be installed to provide access to the proposed development. At the present time, the long, narrow, 10-foot wide corridor of land connecting to Sycamore Road would remain undeveloped and there would be no access to this development from Sycamore Road. Future access to Sycamore Road might occur for the subject development when the adjacent 336 Sycamore Road property is developed with an office building as allowed by the NSSP. A total of 101 off-street parking spaces are proposed for the site, comprised of 66 standard-sized spaces (including four handicap accessible spaces) and 35 compact-sized spaces. Bicycle racks would be provided near the northwest and southwest corners of the building.

Please refer to the attached Planning Commission staff report, dated June 27, 2007, and the proposed plans for additional project information.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on June 27, 2007 to review the subject application. Detailed information on this meeting is provided by the attached excerpts of the Planning Commission minutes. Mr. Kevin Close, 871 Sycamore Road, spoke at the hearing, indicating that vehicles leaving this site would need to make U-turns on Sunol Boulevard if they wanted to travel southbound, which he felt would create traffic safety issues. After hearing all public testimony, the Commission approved the application on a 5-0 vote. The Commission approved the applicant's request to use to use a blend of brownish-colored roof tiles with a smooth texture instead of the dark green-colored roof tiles with a shake texture that are shown on the colored building elevations.

DISCUSSION

Staff and the Planning Commission believe that the proposed site plan and positioning of the building is appropriate for the subject site. Furthermore, the proposed building is attractive and contains design elements that add visual interest to the elevations. A detailed analysis and discussion of the proposal is included in the attached Planning Commission staff report dated June 27, 2007, including: General Plan and North Sycamore Specific Plan land use conformity, zoning and uses, development plan conformity with the North Sycamore Specific Plan, site plan, traffic and circulation, parking, grading and drainage, building design, Green Building, signage, landscaping, and North Sycamore Specific Plan cost responsibilities. This report includes additional discussion regarding the U-turn concern raised by Mr. Kevin Close at the Planning Commission hearing.

U-turn Concern Raised by Kevin Close

Because the two Sunol Boulevard driveways at the project site would be limited to right-turn only ingress/egress per the NSSP, vehicles wishing to travel southbound on Sunol Boulevard from the project site would first need to travel approximately 535 feet northbound on Sunol Boulevard (measured from the project's northernmost driveway) to reach the first left-turn lane north of the project site located at Applied Biosystems' service driveway. Mr. Close is concerned that vehicles making U-turns on Sunol Boulevard would create a traffic hazard.

Although a large number of U-turns could impact the traffic flow and/or intersections on Sunol Boulevard, the City's Traffic Engineer believes that traffic from this small-scale project, including vehicles making U-turns on Sunol Boulevard, would not significantly impact traffic flow nor create traffic hazards on Sunol Boulevard. Furthermore, the signalized intersection at Sunol Boulevard/Sycamore Road would create breaks in traffic, making it easier for vehicles leaving the project site to move over to the left-turn lane at Applied Biosystems' service driveway.

Staff also worked with the applicant to reduce the number of U-turns generated by this project by creating an on-site parking "loop." The City's Traffic Engineer believes that most vehicles will enter the site from the southern driveway. If parking were not available in the southern parking area, then vehicles would most likely head towards the northern end of the site searching for an available space. If parking at the north end of the site happened to be full, then vehicles would need to leave the site and make two U-turns on Sunol Boulevard to reach the site again unless there was an on-site turn around. To allow vehicles to stay on site, the applicant, with input from the City's Traffic Engineer, modified the on-site circulation plan and created a three-point turn around in the parking area on the north side of the building that would allow vehicles to turn around on the site.

Ideally, this project would have access to Sycamore Road, allowing vehicles wishing to travel southbound on Sunol Boulevard to use Sycamore Road to reach the signalized Sunol Boulevard/Sycamore Road intersection. However, the project's long, narrow, 10-

foot wide corridor of land connecting to Sycamore Road is too narrow to accommodate a drive aisle. Therefore, there would be no access to this development from Sycamore Road in the short term. However, future access to Sycamore Road might occur for the subject development when the adjacent 336 Sycamore Road property to the south is developed with an office building as allowed by the NSSP. Therefore, staff requested that the applicant not preclude future vehicular connection to the 336 Sycamore Road property by placing permanent structures near the southeast corner of the property, which the applicant agreed to do, and the proposed site plan will allow for future access to Sycamore Road with a slight modification to the parking lot.

PUD FINDINGS

Please refer to the attached Planning Commission staff report, pages 17-20, for a discussion of the considerations needed to approve the proposed PUD development plan.

PUBLIC NOTICE

Notice of the proposed project was mailed to the surrounding property owners and tenants within 1,000 feet of the subject properties and was also published in the local newspaper. Except for the comments made by Mr. Close at the Planning Commission hearing, staff has not received any written or verbal comments pertaining to the proposal.

ENVIRONMENTAL ASSESSMENT

An Environmental Impact Report (EIR) was prepared and certified for the North Sycamore Specific Plan (NSSP). The California Environmental Quality Act (CEQA) specifies that individual development projects that are prepared pursuant to the requirements of an adopted specific plan, for which an EIR has been prepared and certified, are exempt from additional environmental review. Since the subject development is also proposed on the 5998 Sunol Boulevard property, which was not part of the NSSP or its EIR, a draft Negative Declaration accompanies this report to address the potential environmental impacts from the additional development on the 5998 Sunol Boulevard property. Based on an initial study, staff believes that approval of Case PUD-65 would not have any significant adverse effects on the environment. If the Council concurs with this environmental assessment, you must make the finding that the Negative Declaration is appropriate prior to taking action on the project.

CONCLUSION

Staff believes that the proposed project meets all applicable requirements of the Pleasanton Municipal Code, North Sycamore Specific Plan, and General Plan as conditioned. In the opinion of staff, the project's building and site design, as proposed and conditioned, is appropriate for the surrounding area, conforms to the purposes of the PUD Ordinance, and merit a favorable decision by the Council.

Submitted by:



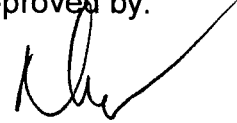
for Jerry Iserson
Director of Planning
and Community Development

Fiscal Review:



David P. Culver
Director of Finance

Approved by:



Nelson Fialho
City Manager

Attachments:

1. Draft City Council Ordinance with Exhibit B, Recommended Conditions of Approval
2. Draft City Council Resolution approving the Negative Declaration
3. Exhibit A, Proposed Plans, Color/Material Board, U.S. Green Building Council LEED Checklist, Tree Report, and Related Materials, Exhibit A, dated "Received" March 16, May 22, and June 21, 2007
4. Draft Excerpts of the Planning Commission Meeting Minutes, dated June 27, 2007
5. June 27, 2007, Planning Commission Staff Report with the Following Attachments:
 - a. Location Map
 - b. Aerial Photograph of the Project Area
 - c. Arborist's Appraisal of Trees to be Removed
 - d. Draft Negative Declaration

CONSENT CALENDAR

13. Public Hearing: PUD-65, Kavayiotidis/Petra Realty Investors, Inc. – Introduced **Ordinance No. 1958** approving an application for Planned Unit Development rezoning and development plan to construct a 21,795-square-foot two-story office building at 5980 and 5998 Sunol Boulevard. Zoning for the property at 5980 Sunol Boulevard is PUD-O (Planned Unit Development – Office), and the 5998 Sunol Boulevard property would also be rezoned from the O (Office) District to the PUD-O (Planned Unit Development – Office) District; and adopted Resolution No. 07-145 approving a Negative Declaration prepared for the project

Motion: It was m/s by Thorne/Cook-Kallio to approve Consent Items 1 – 3, 5 – 17, and 18a as submitted and noted. Motion passed by the following vote:

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

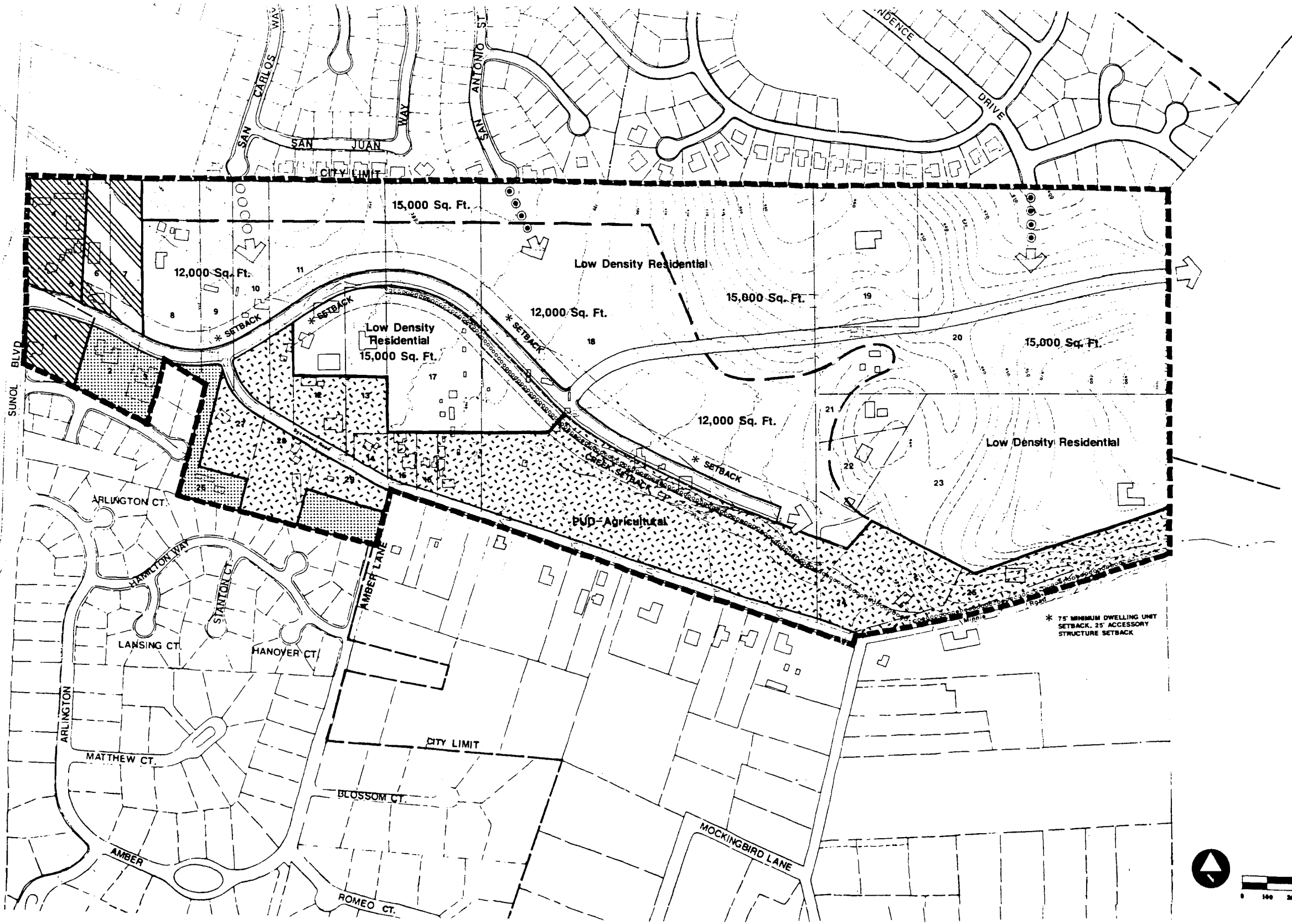


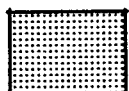

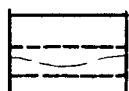
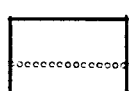
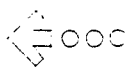
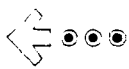
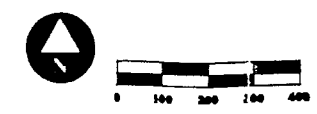


Figure IV-1
LAND USE AND CIRCULATION PLAN

-  PUD-LOW DENSITY RESIDENTIAL
-  PUD-AGRICULTURAL
-  PUD-MEDIUM DENSITY RESIDENTIAL
-  PUD-OFFICE/COMMERCIAL
-  CREEK CORRIDOR
-  MULTI-USE TRAIL SYSTEM
-  PEDESTRIAN ACCESS
-  PEDESTRIAN/EMERGENCY ACCESS



**NORTH SYCAMORE
SPECIFIC PLAN**
PLEASANTON, CALIFORNIA

City of Pleasanton
P.O. Box 520
Pleasanton, Ca 94566

RE: PSPA-4/PUD-65-01M, Nick Kavayiotidis

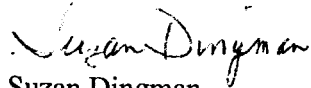
Jenny Soo, Planning Division,

For the record I am opposed for the planning department to amend the North Sycamore Plan. The North Sycamore Plan was put in place for a reason. Not to be changed for such a large facility. This facility would put a negative impact on our rural neighborhood. Not to mention the traffic and noise or possibility of patients escaping and going out in traffic on Sunol Blvd. There must be a better suitable location.

All residents who are protected by the North Sycamore Plan should have a vote on this amendment. It should not be the planning dept. decision.

AGAIN I SAY NO TO AMEND THE NORTH SYCAMORE PLAN

Thank you,



Suzan Dingman
387 Sycamore Road
Pleasanton

RECEIVED

JUN 13 2011

CITY OF PLEASANTON
PLANNING DIVISION



August 1, 2011

Suzan Dingman
387 Sycamore Rd.
Pleasanton, CA 94566

Re: Letter to City of Pleasanton – PSPA-4/PUD-65-01M

Dear Suzan,

I received a copy of your letter addressed to the City of Pleasanton regarding your concerns over the proposed development at 5980 and 5998 Sunol Blvd. I was hoping to see you at the neighborhood meeting we had in June to discuss the project and address your concerns in person, but since you were not able to attend, I thought I'd take a few minutes to better explain the project in writing. I realize the mailer you received describing the project was not detailed so hopefully the following will help you better understand the proposed project.

I've enclosed a site plan and elevations drawings of the facility for your review. The elevations were designed to complement the characteristics of the neighborhood and nearby buildings. Design elements include a highly articulated façade and details that blend with the residential character of the area. Landscaping around the building includes a variety of shrubs and trees, most of which are native to the area. The building will consume only 29.5% of the available land on the property. This ratio of under 30% is considered a low density development.

The proposed development is consistent with the intent of the North Sycamore Specific Plan in several ways: 1) It's a single story building as opposed to a more massive looking two story building. 2) The proposed project's extremely low traffic impacts are compatible with the residential character of the North Sycamore neighborhood behind it. 3) The use is semi-residential in character and very quiet. 4) A solid wall will buffer the other North Sycamore properties on the east and south sides, acting as a visual and sound buffer. 5) The proposed architecture is complementary yet better than the already developed office building at the corner of Sycamore and Sunol Boulevard.

Westmont Assisted Living, a high-end operator of assisted living facilities in affluent communities, is slated to be the operator: www.westmontliving.com. Westmont has a very strong track record of running these types of facilities. The proposed facility's residents will have access to two courtyards (1,259 sf each) within the development. Since you had concerns about patients leaving the facility unaccompanied, I wanted to assure you that this facility will have a delayed egress system which restricts residents from leaving unattended.

In determining an adequate parking ratio for the proposed facility, we met with Mike Tassano (the City's traffic engineer) and discussed the proposed project, project analogues, industry standards and assisted living parking surveys and traffic reports. Based on this discussion and our analyses, we determined a parking ratio of .5 spaces per bed should be more than adequate to meet demand. We are providing .54

PETRA REALTY INVESTORS

3775 Beacon Avenue, Suite 200 Fremont, CA 94538 tel 510.474.1001 fax 510.474.1002

www.petrainvestors.com

spaces per bed, however, taking into account vacancy and conversion of some “double” rooms to singles, it’s likely our actual parking ratio will be around .6 spaces per bed.

As to your concerns regarding traffic, we were not required to perform a traffic study as assisted living developments have one of the lowest possible traffic generation rates of any development type. In comparison, the previously entitled office building as a general office use would have 4 times higher daily traffic and, if it were a medical office building (which was allowed), the traffic generation would have been over 13 times higher. *Source: ITE Trip Generation Rates 8th Edition*

Our market analysis has indicated there is an acute need for specialized Alzheimer care services in Pleasanton. Currently, there are only 21 beds in the City and even the 46 beds we are proposing will likely not meet current demand in the City. There are very few remaining developable sites in Pleasanton and based on my market analysis, this is an ideal site for this project. I am confident there is not a better suited available site elsewhere in Pleasanton for this development.

I hope you will find the new proposed use and design an improvement and better fit for the neighborhood. Aside from this development filling a needed void for memory care in the area, the building will be appear less massive (one story as opposed to two), will have a more residential look and character and the use will result in less traffic and impact on the area than the previously entitled office building.

Please feel free to contact me or Jenny Soo at the City of Pleasanton if you would like to discuss your concerns further. My phone number is (510) 474-1001 and Jenny can be reached at (925) 931-5615. Alternatively, I’d be happy to meet with you at the City of Pleasanton’s planning department offices if you’d prefer to meet in person. I sincerely hope I can earn your support for this project.

Regards,



Nick Kavayiotidis
Principal
Petra Realty Investors

CC: Jenny Soo, Planner, City of Pleasanton

Enclosures:

Project Summary
Proposed Site Plan & Elevations
Previously entitled office building Site Plan & Elevations

**CITY OF PLEASANTON PLANNING COMMISSION
ALAMEDA COUNTY, CALIFORNIA**

**NOTICE OF REVIEW OF NEGATIVE DECLARATION
AND PUBLIC HEARING**

The Pleasanton Planning Commission has set **Wednesday, October 12, 2011, at 7:00 p.m.**, City Council Chamber, 200 Old Bernal Avenue, Pleasanton, as the time and place to consider the following matter:

PSPA-4/PUD-65-01M, Nick Kavayiotidis

Applications for: (1) an amendment to the North Sycamore Specific Plan and Planned Unit Development plan (PUD) Major Modification to allow a memory care/assisted living facility as a permitted use; and (2) PUD development plan to construct an approximately 21,481-square-foot, one-story memory care/assisted living facility containing 46 beds on the existing properties located at 5980 and 5998 Sunol Boulevard. Zoning for the properties is Planned Unit Development - Office (PUD-O) District

On the basis of the Initial Study of the potential environmental impacts of the project, the Director of Community Development has made an initial determination that the proposed project would not have a significant effect on the environment, and, therefore, has directed that a Negative Declaration for the project be prepared. A copy of this document will be available at the Planning Division, City Hall, 200 Old Bernal Avenue, and on the City's website at <http://www.ci.pleasanton.ca.us/pdf/negdec-pud6501m.pdf> by Friday, September 23, 2011. Comments on the environmental document may be received at the Planning Division through October 12, 2011.

If you challenge the above-described action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pleasanton at, or prior to, the public hearing.

The Planning Commission may recommend to the City Council any action deemed in the public interest.

NOTICE IS HEREBY given that the above hearing shall be held, and persons concerned shall be heard by the Planning Commission.

Janice Stern
Planning Manager

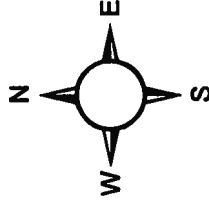
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5980 & 5998 SUNOL BLV

City of Pleasanton

GIS

Department



Scale 1 in = 400 ft



EXHIBIT J

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