

Note: The following revisions to the draft conditions of approval were made to the draft conditions that were submitted to the City Council on December 5, 2011. Additions are underlined and in blue; deletions are lined out and in red. The number sequence is in blue and black print.

## **EXHIBIT A RECOMMENDED CONDITIONS OF APPROVAL**

**Case PUD-82  
4171 and 4189 Stanley Boulevard**

### **SPECIAL CONDITIONS OF APPROVAL Planning**

1. Prior to issuance of building permits for the project, a tentative map shall be approved by the City and recorded.
2. No additions or expansions are permitted to any house or garage in the development. Accessory structures shall conform to the approved accessory structure site development standards.
3. The garages shall not be modified or used for storage in a manner that would interfere with the ability to park two cars within the garage and each resident shall utilize the garages for the parking of vehicles. In addition, boats, trailers, campers, motor homes, and other recreational vehicles shall not be parked or stored on-site and residents, tenants, guests, etc. shall not park in the private street. The above parking restrictions for the development shall be included in the project CC&Rs. Said restrictions shall be submitted for review and approval by the City Attorney and Director of Community Development prior to recordation of the final map.
4. Unless otherwise specified in the conditions of approval, indicated in the accessory structure site development standards, or shown on the PUD development plan, all uses and site development standards shall be those of the R-1-6,500 District.
5. Unless otherwise approved by the Director of Community Development, the precast soundwall shall match the design shown on the PUD development plan. The soundwall color shall be submitted for review and approval by the Director of Community Development with the subdivision improvement plans.
6. Fencing within the development shall conform to the fencing plan. Minor modifications to the fencing plan may be approved by the Director of Community Development without a PUD modification.

7. The site development standards for accessory structures shall be modified:
  - a. To indicate that setbacks for covered patios, trellises, sheds, etc. shall be measured from the farthest architectural projection.
  - b. To indicate that decks and patios shall not interfere with the rear or side yard drainage installed by the developer.
  - c. To specify how setbacks are measured for the lots with the courtyards and easement areas (Lots 1-4, 9-10, and ~~12-13~~~~13-14~~).
  - d. To indicate that the wall material for detached and attached patios that are enclosed on two or more sides shall be limited to glass, screen lattice, or similar type of construction. Solid base walls of wood, stone, or stucco are permitted up to four feet from finished grade. Enclosed patios shall be non-conditioned space.

Said modifications shall be incorporated into a final site development standard document which shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.

8. The project developer shall provide all initial home buyers with copies of the project conditions of approval and the site development standards for accessory structures.
9. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include separately recorded disclosure statements or restrictive covenants indicating the following:
  - a. That the property is in an area subject to noise, activity, and traffic impacts associated with a Downtown location.
  - b. The adjacency of the Union Pacific Railroad and possible noise, including noise from train whistles, and vibration impacts from said railroad.
  - c. That additions to the homes and garages are prohibited.
  - d. That the residents, tenants, guests, etc. are prohibited from parking in the private street.
  - e. That boats, trailers, campers, motor homes, and other recreational vehicles are prohibited from being parked or stored on-site.
  - f. That the garages shall not be modified or used for storage in a manner that would interfere with the ability to park two cars within the garage and that each resident shall utilize the garages for the parking of vehicles.

Wording for these disclosures and covenants shall be written in simple/plain language, shall be submitted to the City Attorney for review and approval before City Council approval of the first final subdivision map for this development, and shall be recorded over the project site by separate instrument.

10. The project developer/subdivider shall create the applicable access, use, maintenance, etc. easements for the private street, guest parking spaces, and courtyard areas, subject to the review and approval of the City Attorney and Director of Community Development.

11. The recorded deed of sale for Lot 3 shall include a disclosure identifying the preservation of Tree #65, a 23-inch diameter Douglas fir tree in the rear yard, and the recorded deed of sale for Lot 11 shall include a disclosure identifying the preservation of Tree #76, the 23-/29-inch diameter California Black Walnut tree in the southeast corner of the rear/side yard. Wording for these disclosures shall be written in simple/plain language, shall be submitted to the City Attorney for review and approval before City Council approval of the final subdivision map for this development, and shall be recorded over these lots by separate instrument.

12. The recorded deed of sale for Lot 12 shall include a disclosure for the trees and shrubs to be planted in the rear and side yards of this lot regarding the photovoltaic panels on the roof of the detached garage on the adjacent property located at 4151 Stanley Boulevard. The wording for this disclosure shall be written in simple/plain language, shall be submitted to the City Attorney for review and approval before City Council approval of the first final subdivision map for this development, and shall be recorded over these lots by separate instrument.

13. The site plan shall be modified as follows:

- a. The City's planned Stanley Boulevard street improvements shall be shown along the project frontage.
- b. The street opening radii at Stanley Boulevard shall match that shown on the grading and drainage plan.
- c. The air conditioning unit for Lot 9 shall be located in the northern side yard area.

Said revisions shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.

14. All four building elevations of each model and elevation type shall be submitted for the review and approval by the Director of Community Development prior to issuance of a building permit.

~~15.~~ The placement of the elevation style (i.e., Spanish or Andalusian) for each lot shall be submitted for the review and approval by the Director of Community Development prior to issuance of a building permit. The same elevation style shall not be used on the same model when they are located adjacent to each other (i.e., Lots 5 and 6, Lots 7 and 9, and Lots 10 and 11).

~~16.~~ Wood-, fiberglass-, or vinyl-framed/sashed windows shall be utilized on the homes. If fiberglass- or vinyl-framed/sashed windows are used, they shall have a similar frame and sash thickness as found on a traditional wood-framed/sashed window unless the required noise mitigation for this project prevents compliance with this requirement. In addition, window mullions shall be raised and located on the exterior of the window unless the required noise mitigation for this project prevents compliance with this requirement. Manufacturer's specification sheets, details, and sections of the windows, and window treatments (sills, trim, etc.) shall be shown on the building permit plans and shall be subject to review and approval by the Director of Community Development prior to issuance of a building permit.

~~17.~~ Except as otherwise approved by the Director of Community Development, the stucco on the buildings shall have a relatively smooth hand-troweled look finish. The stucco finish shall be noted on the building permit plans. Prior to installation, the applicant shall submit a sample of the stucco wall finish for review and approval by the Director of Community Development.

~~18.~~ The developer shall comply with the recommendations of the noise and vibration study entitled "Noise and Vibration Assessment Study for the Planned Single-Family Development, Stanley Boulevard, Pleasanton" by Edward L. Pack Associates, Inc., dated April 20, 2010. Prior to issuance of a building permit, the applicant's noise consultant shall specify the minimum STC rating required for each window of each lot. Bathroom windows shall comply with the "living spaces" STC ratings indicated on Table I of the noise study. Details of the noise and vibration mitigation shall be submitted in conjunction with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project. The applicant's noise consultant shall review the applicable noise mitigations shown on the building permit plans to ensure that the recommendations have been properly incorporated into the design. The consultant shall certify in writing that such recommendations have been followed.

The developer may increase the height of the homes on Lot 6, Lot 7, and Lot 8 by 36-inches, or from 26-feet to 29 feet for Plan 1, 28-feet to 31-feet for Plan 2, and 28-feet to 31-feet for Plan 3 to implement the foundation requirement of the above vibration study.



~~14.~~ 19. The applicant shall provide automatic opening sectional roll-up garage doors on the garages of the houses covered by this approval. Unless otherwise approved by the Director of Community Development, the door design and material shall conform to the PUD development plan.

~~15.~~ 20. Scored permeable paving or decorative concrete pavers shall be used for all of the driveways. The driveway paving material and color(s) shall be submitted for review and approval by the Director of Community Development with the subdivision improvement plans.

~~16.~~ 21. The landscape and fencing plans shall be modified as follows:

- a. Landscaping along the Stanley Boulevard street frontage shall be adjusted to accommodate the City's planned Stanley Boulevard street improvements.
- b. The street opening radii at Stanley Boulevard shall match that shown on the grading and drainage plan.
- c. The City right-of-way line shall be accurately identified.
- d. If written permission is not provided from the adjacent property owners to allow the project's new fencing and/or soundwalls to be located on the shared property lines between the project site and the adjacent properties, then the fencing/walls and footings shall be located entirely on the project site.
- e. The heights and location of the precast soundwall shall conform to the heights and location indicated in the April 20, 2010, noise study.
- f. Con-heart redwood shall be used for the wood fencing material.

g. The applicant shall work with City staff to select tree species to maximize shading and size for the development to the extent feasible. The tree and shrub species selected for the open space area shall not shade the existing photovoltaic panels on the adjoining detached garage at 4151 Stanley Boulevard. The selected trees and shrubs shall be shown on the final landscape plan before their installation.

h. The applicant shall retain Tree #76, the 23-/29-inch diameter California Black Walnut tree located on the southeast corner of the rear/side yard of Lot 11 and Tree #65, a 23-inch diameter Douglas fir tree located in the rear yard of Lot 3. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) generally along the existing tree drip lines, as shown on the plans. The fencing shall remain in place until the final landscape inspection by the Community

Development Department. Removal of such fencing prior to that time may result in a "stop work order."

Said revisions shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.

- ~~17.~~ ~~The applicant shall work with City staff to select tree species to maximize shading and size to the extent feasible.~~
- ~~18.~~ 22. A final landscape plan and irrigation plan shall be submitted to and approved by Director of Community Development as part of the improvement plans prior to issuance of an on-site permit. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of a drought tolerant nature with an irrigation system that maximizes water conservation throughout the development (e.g., drip system).
- ~~19.~~ 23. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance. A licensed landscape architect shall verify the project's compliance with the ordinance: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
- ~~20.~~ 24. Unless otherwise shown on the approved landscape plan, all trees used in landscaping be a minimum of fifteen (15) gallons in size and all shrubs a minimum of five (5) gallons.
- ~~21.~~ 25. Before each house final, all front yard landscaping shall be installed, reviewed, and approved by the Planning Division.
- ~~22.~~ 26. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. The project/building developer shall submit a final lighting plan, and include drawings and/or manufacturer's specification sheets showing the size and types of light fixtures proposed for the exterior of the buildings.
- ~~23.~~ 27. If written permission is not provided from the adjacent property owners to allow the project's retaining walls to be located on the shared property lines between the project site and the adjacent properties, then the retaining walls and footings shall be located entirely on the project site.
- ~~24.~~ 28. Prior to the first framing or structural inspection for each home, the project developer shall provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification shall allow for the installation of finished roof materials.

~~25~~29. Prior to receiving a foundation inspection for each structure, the applicant shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development, certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans.

~~26~~30. Details of any permanent project identification signage shall be submitted for the review and approval by the Director of Community Development with the subdivision improvement plans.

~~27~~31. The PUD plans shall be revised, as applicable, to eliminate the approximately 1,375-square-foot parcel within Stanley Boulevard that was previously dedicated to the City.

~~28~~32. Only gas fireplaces, pellet fueled wood heaters, or EPA certified wood-burning appliances may be installed inside or outside of the homes.

~~29~~33. All residences in the PUD shall be constructed to allow for future installation of a photovoltaic (PV) system. The applicant shall comply with the following requirements for making all units on the subject site photovoltaic-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; and
- 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.

These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit. The project developer shall provide the future homeowners the necessary information delineating the means by which photovoltaic panels can be applied to the roofs of the structures covered by this approval. This information shall be submitted to the Director of Community Development for review and approval prior to the occupancy of the first unit.

~~30~~34. 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. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities (e.g., concrete pouring) if it can be demonstrated to the satisfaction of the Director of Community Development that that the expanded construction hours

are necessary (e.g., the concrete foundations need to be poured early due to weather conditions). 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.

~~31.~~ 35. Prior to issuance of a building permit, the applicant shall contribute \$2,500 per new unit to the Bernal ~~Park~~ Property Reserve Fund.

~~32.~~ 36. Prior to issuance of a building permit, the applicant shall contribute the appraised value of the trees to be removed (excluding Tree #62, #65, #76, and #83 ~~tree nos. 62 and 83~~ as identified in the tree report) to the City's Urban Forestry Fund for tree mitigation. Should the applicant decide to install landscaping for all yard areas around the homes, then the applicant shall receive credit for the cost of the trees installed in the rear and side yard areas of the lots beyond that currently shown on the PUD plan.

~~33.~~ 37. The electrical plans for the homes shall provide telecommunications infrastructure consistent with state-of-the-art methods (e.g., cabling for DSL, broadband, or wireless service, wiring for total room access, etc.) in effect at the time that building permit(s) are issued. The plan shall be part of the building permit plan set.

~~34.~~ 38. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.

~~35.~~ 39. Water conservation devices shall be installed as part of the project. The water conservation devices shall be stated on the plans submitted for the issuance of a building permit.

~~36.~~ 40. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.

41. A final subdivision map shall be required to subdivide the property into 13 lots plus one common parcel. With the final map, the project developer shall record Conditions, Covenants and Restrictions (CC&R's) at the time of recordation of the final map which shall create a homeowners association (HOA) for the development. The HOA shall be responsible for the maintenance of all common utilities and stormwater treatment measures, common access driveway and parking, common open space area and play equipment, and other facilities specified in the approval. The buildings, driveway aprons, landscape, and lot-specific drainage shall be the responsibility of the individual owner for the lot. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the association.



42. The applicant shall install play equipment for children in the common open space area. The play equipment designs and/or brochures shall be submitted to the Planning Division for review before installation.

### **SPECIAL CONDITIONS OF APPROVAL Engineering**

1.43. Unless otherwise approved by the City Engineer, the applicant shall install an additional catch basin further down stream (pipe) on the project site to provide a drainage release in the event one of the inlets gets plugged.

2.44. If the applicant's project precedes the City's Capital Improvement Project to reconstruct Stanley Boulevard, then the applicant shall install the storm drain pipe in Stanley Boulevard to the westerly side of Santa Rita Road/Main Street unless otherwise approved by the City Engineer. If the City's Capital Improvement Project for Stanley Boulevard precedes approval of the Final Map, then the applicant shall pay a pro-rata share of the storm drain line to serve this development.

3.45. The applicant shall pay a pro-rata share of the City's Capital Improvement Project to reconstruct Stanley Boulevard along the project frontage prior to the approval of the final map.

4.46. If the applicant's project precedes the City's Capital Improvement Project to reconstruct Stanley Boulevard, then the applicant shall construct an interim street tie-in. The exact layout of the tie-in shall be determined at the improvement plan checking stage.

5.47. The applicant shall demonstrate to the satisfaction of the City engineer that the sanitary sewer laterals have sufficient cover and slope to serve all the units in this development; the sanitary sewer lateral invert information shall be shown on the engineering drawings submitted with the Tentative Subdivision Map.

6.48. There shall be a valley gutter between Stanley Boulevard and the in-tract street to prevent storm water on Stanley Boulevard from flowing onto the private street.

7.49. The water lateral to the existing house located on the property shall be abandoned in accordance with City standards.

8.50. The applicant shall dedicate a Public Service Easement (PSE) over the private street and extending 5 feet outside of the edge of the street for City maintenance of the water main and laterals, sanitary sewer main, and joint trench for the dry utilities. The applicant shall also dedicate an 8-foot wide a Public Service Easement (PSE) along the Stanley Boulevard project frontage.

- | ~~9-51.~~ If the applicant's project precedes the City's decision to underground overhead utilities along Stanley Boulevard, then the applicant shall install new services to the proposed units within this development underground in conduit to the nearest "utility approved" riser pole. The developer/subdivider shall also be responsible for paying a pro-rata share as determined by the City Engineer for undergrounding of the overhead utility lines across the project frontage including the service lines to this proposed development. Said payment shall be paid to the City prior to the approval of the final map.

**SPECIAL CONDITIONS OF APPROVAL**  
**Fire**

- | ~~10-52.~~ The dwelling units 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 Building and Safety Division 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 dwelling units.
- | ~~11-53.~~ The private street shall be designated as a fire lane and identified as such by red curb striping and posted with signs on both sides of the street at locations approved by the Fire Department. Signs shall be according to state standards and read "No Parking - Fire Lane" and must be shown on the improvement plans.

**STANDARD CONDITIONS OF APPROVAL**  
**Community Development Department**

- | ~~12-54.~~ 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.
- | ~~13-55.~~ The project developer shall submit a written dust control plan or procedure as part of the improvement plans.
- | ~~14-56.~~ 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.

- | ~~15.57.~~ 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.
  
- | ~~16.58.~~ 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.
  
- | ~~17.59.~~ All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations. Wells shall be destroyed in accordance with the procedures outlined on the permit obtained from Zone 7. Zone 7 may request the developer/subdivider to retain specific wells for monitoring the ground water. The developer/subdivider shall notify the City of Zone 7's desire to retain any well and make provisions to save the well. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.

**STANDARD CONDITIONS OF APPROVAL**  
**Planning**

- | ~~18.60.~~ The proposed development shall be in substantial conformance to Exhibit B, dated "Received" July 30, 2009, May 27, 2010, and August 25, 2010, on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
  
- | ~~19.61.~~ The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a final map is recorded.

~~20.62.~~ 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 (including claims for attorney's fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

~~21. The project developer shall work with the Pleasanton Unified School District and the Director of Community Development to develop a program, in addition to the school impact fees required by State law and local ordinance, to off-set this project's long-term effect on school facility needs in Pleasanton.~~

63. The applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to off-set this project's long-term effect on school facility needs in Pleasanton in addition to the school impact fees required by State law. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities. The method and manner for the provision of these funds and/or facilities shall be approved by the PUSD and in place prior to issuance of building permit. Written proof of compliance with this condition shall be provided by applicant to the City, on a form generated by the PUSD, prior to building permit issuance. In no event shall construction commence unless the above method and manner for the provision of these funds and/or facilities has been agreed to by the applicant and PUSD.

~~22.64.~~ Prior to building permit submittal, a list of the green building measures used in the design of the units covered by this approval shall be provided to the Planning Division for the review and approval by the Director of Community Development.

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



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

- | ~~23.65.~~ 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.
- | ~~24.66.~~ Planning Division approval is required before any changes are implemented in site design, grading, house design, house colors or materials, green building measures, landscape material, etc.
- | ~~25.67.~~ 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.
- | ~~26.68.~~ The developer and future homeowners are encouraged to use reclaimed gray water, rain water, etc., for landscape irrigation. If used, the details shall be shown on the permit plan set to the satisfaction of the Director of Community Development before issuance of a building permit.
- | ~~27.69.~~ The developer and future homeowners are encouraged to use best management practices for the use of pesticides and herbicides.
- | ~~28.70.~~ The project developer shall comply with the recommendations of the tree report prepared by Ed Brennan, dated "Received May 27, 2010"~~January 9, 2010~~. No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
- | ~~29.71.~~ 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.

- | ~~30.72.~~ The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.
- | ~~31.73.~~ 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.
- | ~~32.74.~~ A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
- | ~~33.75.~~ 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.

## **STANDARD CONDITIONS OF APPROVAL**

### **Landscaping**

#### **Landscaping Requirements:**

- | ~~34.76.~~ 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.
- | ~~35.77.~~ For purposes of erosion control, the applicant/developer shall plant a hydroseed mixture that has been designed by the project Landscape Architect. The hydroseed mixture shall be specified on the building permit plans for review and approval by the Director of Community Development and shall be maintained by the applicant/developer until such time as permanent landscaping is in place.

#### **Tree Requirements:**

- | ~~36.78.~~ 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 to be saved 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 to be saved.
  - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees to be saved 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 to be saved.

## **STANDARD CONDITIONS OF APPROVAL Building**

- | ~~37-79~~. 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.
- | ~~38-80~~. 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.
- | ~~39-81~~. 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 final inspection. 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.

## **STANDARD CONDITIONS OF APPROVAL Engineering**

- | ~~40-82~~. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
- | ~~41-83~~. The project applicant or developer shall comply with the recommendations of the project's geotechnical consultant. The project applicant or developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the plans or as otherwise acceptable to the City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
- | ~~42-84~~. The project applicant or developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in

writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.

~~43.85.~~ The project applicant or developer shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.

~~44.86.~~ The project applicant or 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.

~~45.87.~~ All existing septic tanks or holding tanks shall be properly abandoned, pursuant to the requirements of the Alameda County Department of Health Services prior to the start of grading operations, unless specifically approved by the City Engineer.

~~46.88.~~ 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.

~~47.89.~~ 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 underground in conduit or in a joint utility trench.

~~48.90.~~ 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 applicant or developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

~~49.91.~~ This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.

~~50.~~ A final map shall be required to subdivide the property into 14 lots. With the map, the project developer shall set forth the maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the map which shall create a maintenance association for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the map. The maintenance association shall be responsible for the maintenance of all private utilities, the common access driveway, and other common areas and facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.



- | ~~51.92.~~ 51.92. The project developer/subdivider shall create drainage easements across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
- | ~~52.93.~~ 52.93. The project developer/subdivider shall create utility easements across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
- | ~~53.94.~~ 53.94. The tentative map shall contain a brief legal description of any parcel being re-subdivided, a statement of lot and total acreage, and a statement referencing any separate documents required to be recorded with the map.
- | ~~54.95.~~ 54.95. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
- | ~~55.96.~~ 55.96. The project applicant or developer and/or the project applicant's/developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
- | ~~56.97.~~ 56.97. The project applicant or 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.
- | ~~57.98.~~ 57.98. The project applicant or developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project applicant or developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be re-vegetated 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 permanent landscaping is in place.
- | ~~58.99.~~ 58.99. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street approved by the City Engineer shall be privately maintained by the property owners or through an association approved by the City.
- | ~~59.100.~~ 59.100. The project applicant or developer shall be responsible for the installation of the lighting system serving the development. The lights shall be LED units. The lighting system design shall conform to the Illuminating Engineering Society (IES). Approval for the number, location, and type of electroliers shall be subject to the review and approval of the City Engineer.

- | ~~60~~.101.\_\_\_\_\_The project applicant or developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
- | ~~61~~.102.\_\_\_\_\_All retaining walls and monument signs along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
- | ~~62~~.103.\_\_\_\_\_A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
- | ~~63~~.104.\_\_\_\_\_A sanitary sewer lateral with two-way cleanout (located at the back of the sidewalk or curb, whichever is applicable) shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
- | ~~64~~.105.\_\_\_\_\_The in-lieu park dedication fees shall be paid to the City prior to approval of the map, at the rate then in effect, for the total number of buildable lots on the map, unless this requirement has been otherwise satisfied.
- | ~~65~~.106.\_\_\_\_\_Prior to approval of the improvement plans, the project applicant or developer shall comply with all applicable conditions of outside agencies having jurisdiction.
- | ~~66~~.107.\_\_\_\_\_The applicant shall post with the City, prior to approval of the final map, a separate performance bond for the full value of all subdivision improvements that are not to be accepted by the City of Pleasanton.
- | ~~67~~.108.\_\_\_\_\_The applicant/developer's title company shall record the final map, CC&R's, Storm Water Operations and Maintenance Agreement, any grant deeds or easements, and any other required documents concurrently with the Alameda County Recorder's Office. After the recording of these documents the City shall be provided with a legible recorded copy.
- | ~~68~~.109.\_\_\_\_\_The curb and gutter along the street shall have a subdrain installed at either the back of the curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.

## **STANDARD CONDITIONS OF APPROVAL**

### **Fire**

- | ~~69~~.110.\_\_\_\_\_The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.

| ~~70.111.~~ 71.111. 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.

| ~~71.112.~~ 72.112. 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.

| ~~72.113.~~ 73.113. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:

- Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.
- Backflow prevention or connections to the public water mains.

| ~~73.114.~~ 74.114. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.

- a. Emergency vehicle access will be required to be provided to the site (tract), including the area where construction is occurring.
- b. Emergency vehicle access shall be a minimum of 20 feet in clear width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) is required. This clearance shall be a minimum of 13 feet-6 inches. Inside turning radius of 45 feet and outside turning radius of 55 feet shall be provided.
- c. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
- d. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).

## **CODE REQUIREMENTS**

### **Planning**

*(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.)*

| ~~74.115.~~ 75.115. The project shall meet all requirements of the City's Growth Management Program, as determined by the Director of Community Development.

## CODE REQUIREMENTS

### Building

*(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.)*

- | ~~75.116.~~ 75.116. The project developer 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.
- | ~~76.117.~~ 76.117. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
- | ~~77.118.~~ 77.118. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.

## CODE REQUIREMENTS

### Fire

*(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.)*

- | ~~78.119.~~ 78.119. All construction shall conform to the requirements of the California Fire Code currently in effect, and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
- | ~~79.120.~~ 79.120. 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.



~~80-121.~~ All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (2010 California Fire Code) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.

~~81-122.~~ 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.

~~82-123.~~ The building(s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, California Fire Code currently in effect, and 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).

#### **STANDARD URBAN STORMWATER CONDITIONS OF APPROVAL**

The project shall comply with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009:

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

## **Design Requirements**

| ~~83.124.~~\_\_\_\_\_ 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.

| ~~84.125.~~\_\_\_\_\_ The following requirements shall be incorporated into the project:

- a) The project applicant or 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 applicant or developer shall install a structural control such as an oil/water separator, sand filter, or an approved equal in the parking lot 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 applicant or developer shall submit sizing design criteria to treat stormwater runoff at the time of improvement 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 guideline 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) All metal roofs, if used, shall be finished with rust-inhibitive paint.
- 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.
- | ~~85-126.~~ A regular program of sweeping/ vacuuming, litter control, and spill cleanup shall be implemented. Such program shall be submitted to the Director of Community Development for review and approval prior to issuance of permits.

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

## Stormwater

- ~~86.~~127.** The project applicant or 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.
- ~~87.~~128.** 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.
- ~~88.~~129.** The project applicant or 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 applicant or 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 applicant/developer is responsible for ensuring that the contractor is aware of and implements such measures.
  - b) All graded areas shall be re-vegetated 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.
- i) Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- j) Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.
- k) Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

### 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.; and requires completing, signing, and recording an agreement with Alameda County recorder's office in a format approved by the State and Alameda County.

**89.130.** 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) The Homeowners Association ~~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.

| \_\_\_\_\_{end}



DOWNTOWN SPECIFIC PLAN

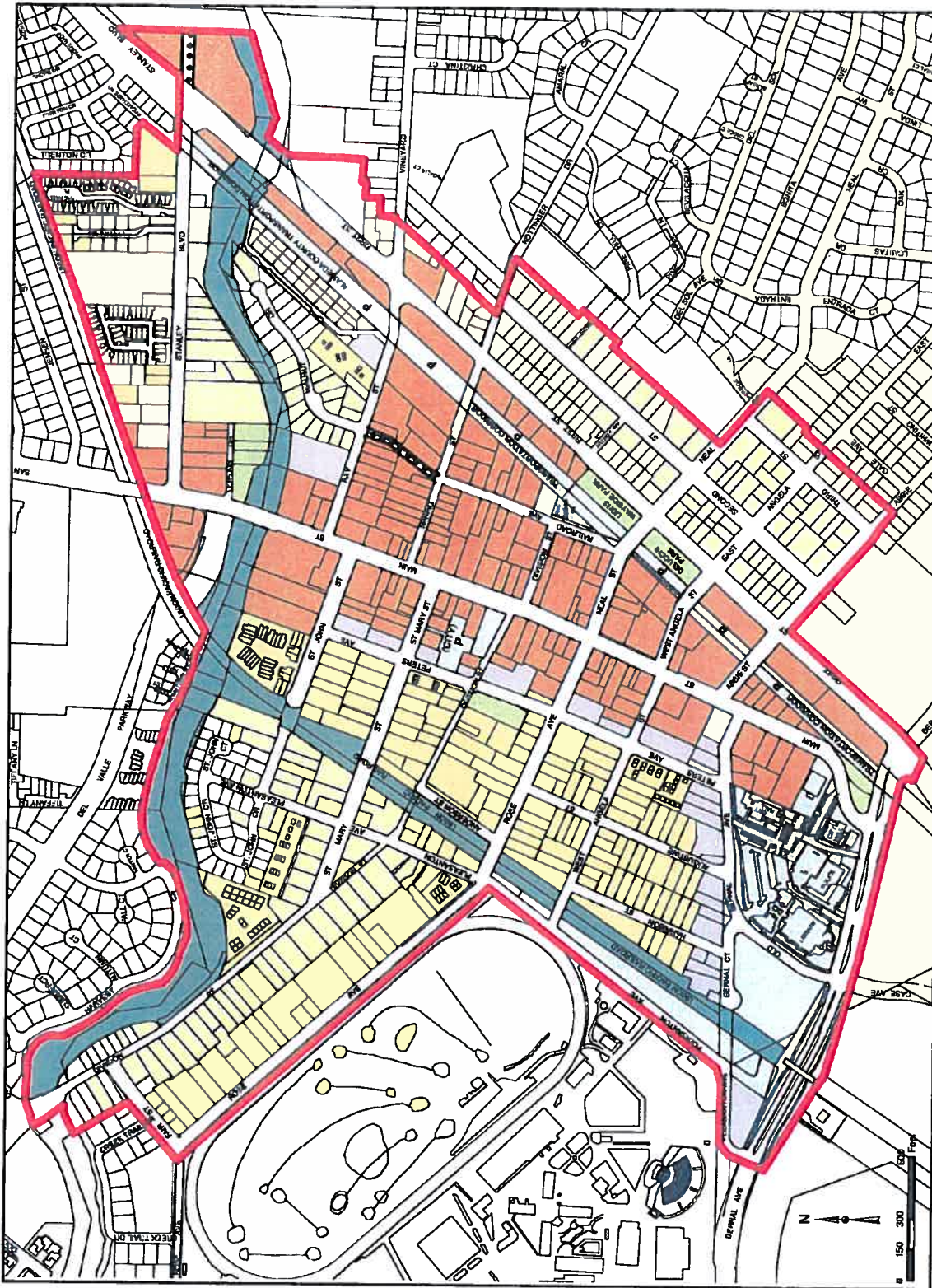


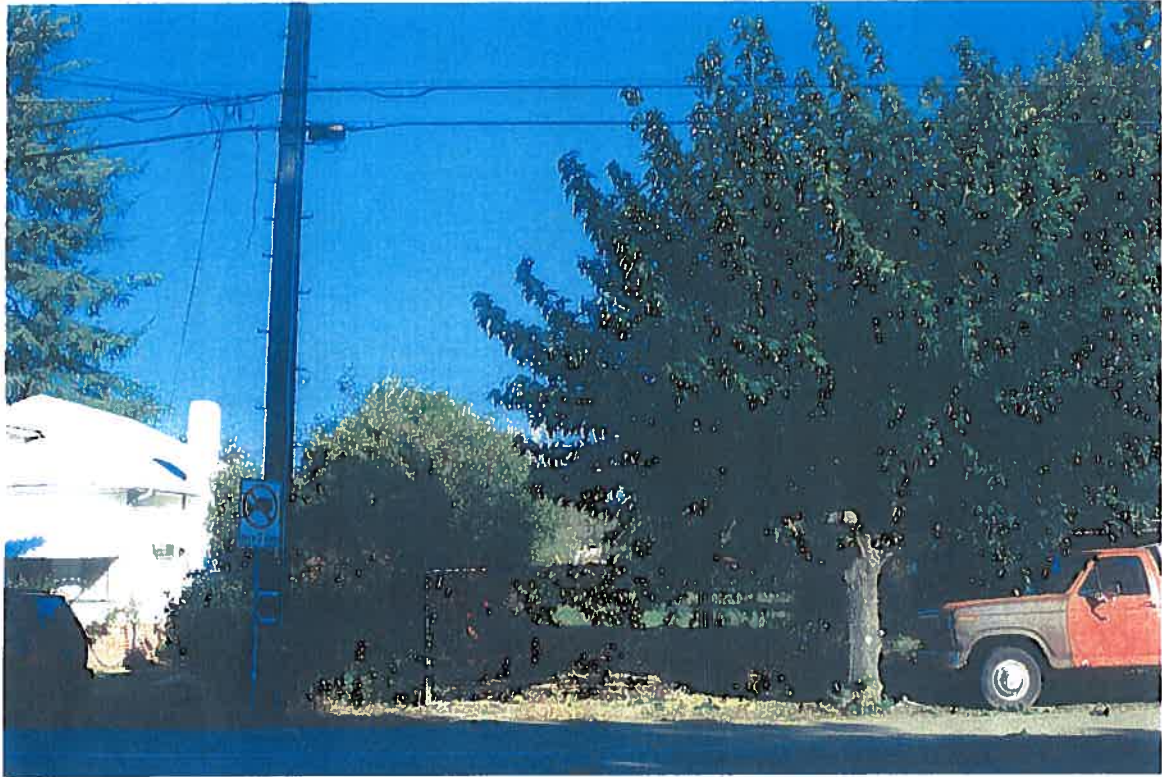
FIGURE IV - I  
LAND USE MAP



**EXHIBIT D**







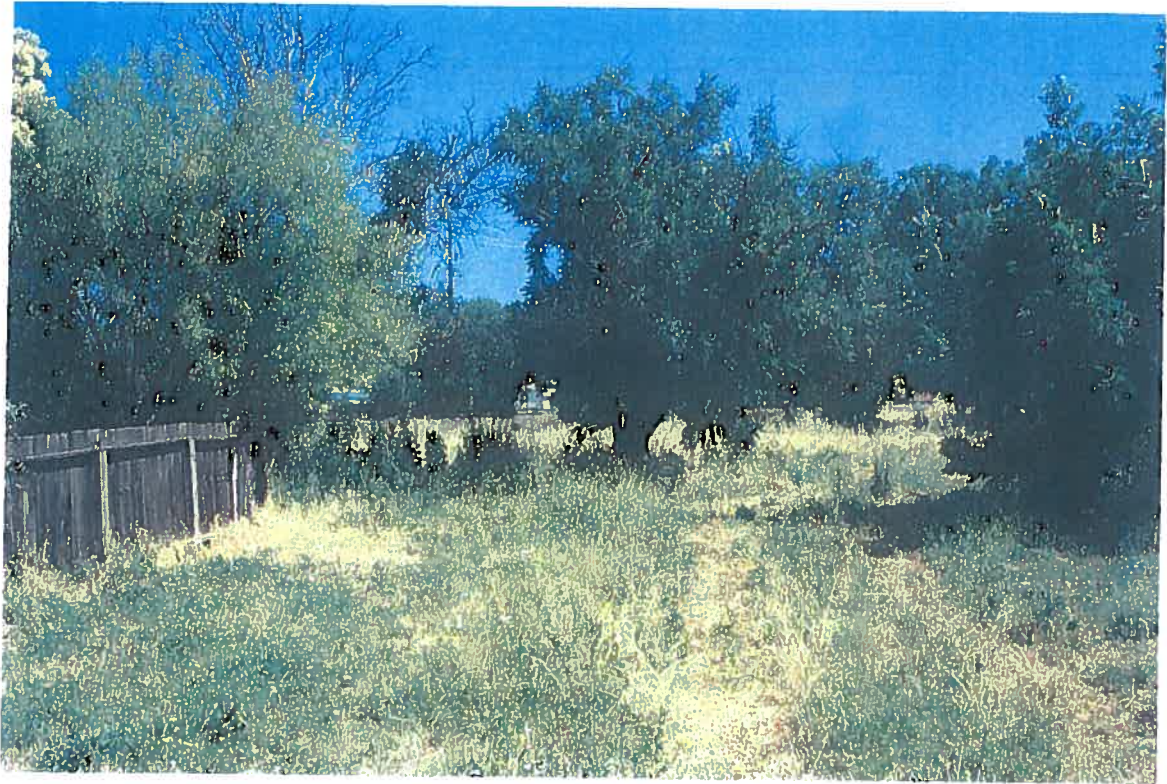












**CITY COUNCIL AGENDA REPORT****18**

December 7, 2010  
Community Development  
Planning Division

**TITLE: PUD-82, DAVID DiDONATO, DONATO BUILDERS, INC. – CONSIDER AN APPLICATION FOR REZONING OF AN APPROXIMATELY 1.17-ACRE SITE AT 4171 AND 4189 STANLEY BOULEVARD FROM R-1-6,500 (ONE-FAMILY RESIDENTIAL) DISTRICT TO PLANNED UNIT DEVELOPMENT – HIGH DENSITY RESIDENTIAL (PUD-HDR) DISTRICT AND FOR DEVELOPMENT PLAN APPROVAL TO CONSTRUCT 14 DETACHED SINGLE-FAMILY HOMES**

**SUMMARY**

The applicant proposes to demolish an existing single-family home and construct 14 detached single-family homes on a site in the Downtown Specific Plan (DTSP) Area. The proposed rezoning to PUD-HDR and the proposed density of 12.0 units per acre are consistent with the General Plan and Downtown Specific Plan land use designations of High Density Residential (greater than eight dwelling units per gross acre) for the site. Adjacent neighbors have expressed concern regarding density, housing affordability, parking, traffic, house setbacks, loss of views and sunlight, building heights, drainage, and tree loss. The Planning Commission (4-1 vote) determined that the project was appropriate in density and design and that the development would be compatible with the surrounding area. The applicant is in agreement with the Planning Commission's recommended conditions of approval.

**PLANNING COMMISSION ACTION**

Recommend approval of the PUD rezoning and development plan application subject to the conditions shown in Exhibit "A" (Attachment #1).

**RECOMMENDATION**

1. Find that there are no new or changed circumstances or information which require additional CEQA review of the project;
2. Find that the proposed PUD rezoning and development plan are consistent with the General Plan and Downtown Specific Plan;
3. Make the PUD findings for the proposed development plan as stated in the September 15, 2010, Planning Commission staff report (Attachment #7); and
4. Introduce the draft ordinance approving Case PUD-82, PUD rezoning from R-1-6,500 (One-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District and development plan approval to construct 14

detached single-family homes, subject to the Conditions of Approval, Exhibit "A" (Attachment #1).

### **FINANCIAL STATEMENT**

The proposed development would have a negligible financial impact on the City. Increases in property and sales taxes would be used to provide services, such as police, fire, etc., for the increased demand generated by the 14 residences. The applicant would also have to pay development impact fees (e.g., low-income housing fee, public facilities fee, traffic fees, water/sewer connection fees, etc.) that are used to pay for the cost of new City facilities and infrastructure necessitated by development.

### **BACKGROUND**

The proposed development is located in the Downtown Specific Plan (DTSP) Area. The City Council approved the DTSP in March 2002. The Specific Plan land use designation for the subject site is High Density Residential. In conjunction with the adoption of the DTSP, the General Plan Land Use Designations of several properties were changed to make them consistent with the Downtown Specific Plan Land Use Designations. The General Plan Land Use Designation for the subject site was changed from Medium Density Residential to High Density Residential.

This project was reviewed by the Planning Commission at a workshop held on May 21, 2008. For a detailed description of the discussion at this meeting, please see the attached Planning Commission staff report and minutes. The Planning Commission reviewed and recommended approval of the PUD rezoning and development plan at its meeting of September 15, 2010. The application is now before the Council for final decision.

### **SITE DESCRIPTION**

The project site, comprised of five parcels totaling approximately 1.17 acres, is located on the north side of Stanley Boulevard. The site topography is relatively flat and contains an existing single-family dwelling built in 1908 and a variety of trees, shrubs, and grasses. The property is bordered on the east by a single-family home and the Del Valle Manor townhome development. Window-ology (window covering sales office and warehousing) borders the site to the west. The Union Pacific Railroad borders the site to the north. Single-family homes in the Jensen Tract neighborhood are located on the opposite side of the railroad tracks. Pleasanton Mobile Home Park and single-family homes are located to the south of the subject site, on the other side of Stanley Boulevard. The aerial photograph on the following page shows the project site (outlined in red) and the adjoining land uses.



2005 Aerial Photograph of the Site and Surrounding Area

## PROJECT DESCRIPTION

The proposed PUD application consists of two elements:

- 1) Rezoning the property from the R-1-6,500 (One-Family Residential) Zoning District to the PUD-HDR (Planned Unit Development – High Density Residential) Zoning District to make the zoning consistent with the General Plan and Downtown Specific Plan Land Use Designations; and
- 2) PUD development plan approval to construct 14 single-family homes. The project features are summarized below:
  - A private street off Stanley Boulevard would provide access to the development. The street section would measure 20-feet wide (curb-to-curb) with no parking allowed. No internal sidewalks would be provided; a new sidewalk will be installed along the project frontage as part of the City's Stanley Boulevard reconstruction.
  - Net lot areas would range from 2,603 square feet to 3,965 square feet in area (net area excludes the access easement area generally containing the private street and guest parking areas). Gross lot areas including the access easement would range from 2,842 square feet to 5,028 square feet in area.



- Three house models would range in size from approximately 1,599 square feet to 1,920 square feet. All of the models are two-stories tall. The homes would measure between 26 ft. 1 in. to 27 ft. 9 in. in height, depending on the model and elevation type (note: height measured from the grade adjacent to the house to the tallest roof ridge). There would be two different architectural styles for each house model type. The proposed Floor Area Ratios (FARs) range from 48% to 67% using the net lot area (the FARs range from 32-62% using the gross lot area).
- No additions would be allowed on any of the homes. Site development standards have been created to establish setback, height, etc. regulations for accessory structures such as decks, patio covers, sheds, etc.
- Two garage parking spaces would be provided per unit. In addition, residential driveways would be at least 18-feet long to accommodate parked vehicles with the garage door in a closed position. Five guest parking spaces would be provided on site.
- The existing single-family dwelling would be demolished to accommodate the proposed development.
- All 20 of the existing trees on the subject property would be removed to accommodate the proposed development, including 12 heritage-sized trees (as defined by the Municipal Code). A fruitless mulberry tree in the City right-of-way along the project frontage will also be removed as part of the City's Stanley Boulevard reconstruction project. Two nearby trees located in the Union Pacific Railroad corridor would be preserved. Front yard landscaping would be installed for each lot. Landscaping would also be installed along the Stanley Boulevard frontage.

Please refer to the attached Planning Commission staff report, dated September 15, 2010, for additional project information.

#### **PLANNING COMMISSION ACTION**

The Planning Commission held a public hearing on September 15, 2010, to review the proposed project. Detailed information on this meeting is provided by Attachment #5, excerpts of the Planning Commission minutes. An adjacent neighbor spoke at the hearing indicating concerns with density, FAR, parking, housing type and size, and tree removal. After receiving public testimony, the Commission approved the application on a 4-1 vote (Commissioner Pearce dissenting) subject to staff's recommended conditions with the following modifications: 1) require the disclosure statements for the properties be written in simple language; 2) include train whistle noise in the disclosure statements; 3) require con-heart redwood be used for the wood fencing; and 4) require the applicant work with City staff to select tree species to maximize shading and size to the extent feasible. The applicant does not oppose the Commission's modified conditions.

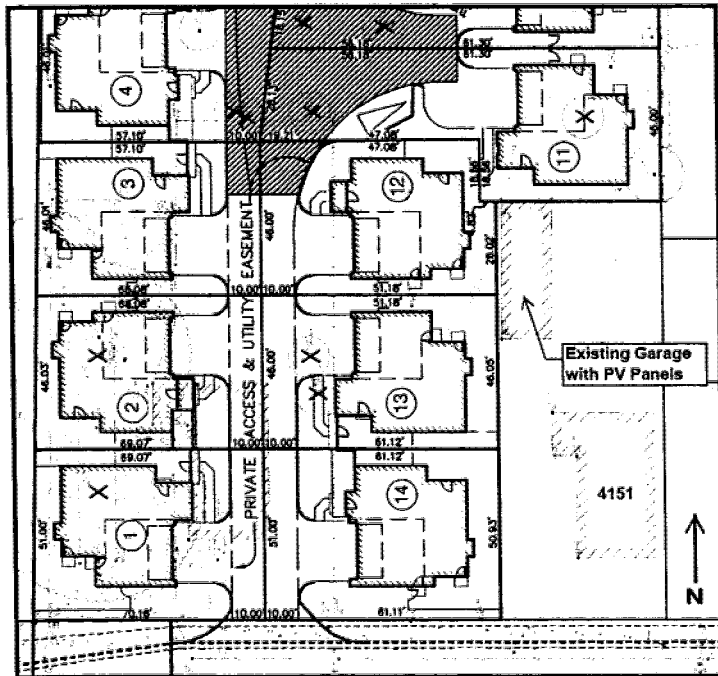
Commissioner Pearce indicated that she voted no because she did not support the removal of the existing house and trees. Commissioner Pearce suggested that townhomes be constructed around the existing house and that a minimum of 15 units be built, which would require affordable housing units be constructed per the City's Inclusionary Zoning Ordinance (e.g., three affordable housing units would be required for a 15-unit single-family home or townhouse project).

## DISCUSSION

The subject infill development has been designed in conformity with the General Plan and Downtown Specific Plan. Furthermore, staff believes that the architectural style of the homes is appropriate for Downtown and that the homes will be an attractive addition to the Stanley Boulevard area. A detailed analysis and discussion of the proposal is included in the attached Planning Commission staff report dated September 15, 2010, including: General Plan and Downtown Specific Plan conformity, zoning and uses, site design, demolition of the existing dwelling, traffic and circulation, parking, noise and vibration, grading, drainage, utilities, building design, house sizes and FAR, site development standards, Green Building, common and private open space, landscaping and fencing, tree removal and mitigation, and Growth Management. This report includes supplemental discussion regarding a neighbor's concern with sunlight impacts.

### Sunlight Impacts

Darell Walterson, adjacent resident at 4151 Stanley Boulevard, contacted staff after the Planning Commission hearing and voiced concern that the proposed homes would block sunlight from reaching the photovoltaic (PV) panels that are located on the roof of his detached garage (see site plan and photograph below). Mr. Walterson also questioned if there were any State laws protecting his PV panels from the proposed development.



PV Panels at 4151 Stanley Boulevard

There is no State law which provides an existing property owner solar rights to prevent an adjacent property owner from building a structure which affects a solar array. The State Solar Shade Control Act (CA Public Resources Code sections 25980 *et. al.*, Attachment #3) does provide certain protections to solar collectors (e.g., PV panels or solar water heating panels) from the shading effects of trees or shrubs provided certain conditions are met. For instance, the solar collector must be set back at least 5 feet from a property line and located at least 10-feet above grade, except that a solar collector may be less than 10 feet in height if the solar collector is set back 5 feet from the property line plus an additional three times the amount lowered below 10 feet. It is unclear if Mr. Walterson's PV panels comply with the setback requirements. Assuming they did, Mr. Walterson would be protected from the installation of future trees or shrubs on the adjacent properties if they were to cast a shadow greater than 10 percent of the collector absorption area at any one time between the hours of 10:00 am and 2:00 pm, local standard time. Staff notes that any violation of the Solar Shade Control Act would be a civil (private) matter between property owners and the City would not be responsible for enforcing.

Although there are no State laws applicable to the proposed structures' affects on Mr. Walterson's PV panels, staff requested the applicant provide a shadow study which would show the shading of the proposed homes located immediately west of Mr. Walterson's PV panels. The applicant provided a shadow study (Attachment #3) for the proposed front yard trees and for the proposed homes. The shadow study indicates the shading at 2:00 p.m. on the day of the year when the sun reaches its lowest level, December 21<sup>st</sup>, thereby casting the longest shadows. The study shows there would be no shading impacts from the proposed front yard trees. The study shows there would be some, but minimal, shading impacts from the proposed buildings (staff notes that the shading on the neighbor's roof is shown as the hatched area and that the western PV panel array does not extend to the edges of the roof).

#### **PUD FINDINGS**

Please refer to the attached Planning Commission staff report, pages 22-25, for a discussion of the considerations needed to approve the proposed PUD development plan.

#### **PUBLIC NOTICE**

Notice regarding the proposed project and related City Council public hearing were mailed to property owners and tenants within 1,000 feet of the subject property and was also published in the local newspaper. At the time this report was written, the Pleasanton Heritage Association (PHA) had updated its original comment letter to indicate that it opposes removal of the 12 heritage trees from the site (please see attachment #4). Public comments received in response to the Planning Commission public hearing notice have also been attached to this report (Attachments 6 and 7).

#### **ENVIRONMENTAL ASSESSMENT**

A Final Environmental Impact Report (EIR) was approved by the City Council for the Downtown Specific Plan in conformance with the standards of the California Environmental Quality Act (CEQA). The California Environmental Quality Act (CEQA)

specifies that residential development projects that are proposed pursuant to the requirements of an adopted specific plan for which an EIR has been prepared and certified are exempt from additional environmental review provided: 1) there are no substantial changes to the project or to the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects; or 2) that new information of substantial importance which was not known at the time the previous EIR was certified shows the project will have one or more significant effects not discussed in the EIR. Staff does not believe that there are any changes in the project, circumstances, or new information causing new significant environmental effects. Thus, staff recommends this project be reviewed without any additional CEQA review or process.

**CONCLUSION**

Rezoning the site to PUD-HDR would be consistent with the General Plan and Downtown Specific Plan land use designations of High Density Residential. Infill developments, especially those in the Downtown, have various challenges and site constraints requiring often times the flexibility allowed by the Planned Unit Development zoning process. Staff believes that the project blends in with the Downtown's character and that impacts to the adjacent residents have been minimized by the positioning of the homes, modest house heights for two-story structures, and prohibition of future additions. Residents who live in the development will be able to walk to Downtown to shop and eat, thus adding to the economic viability of Downtown. Therefore, staff recommends that the Council approve the proposed project.

**ALTERNATIVE RECOMMENDATIONS FOR CONSIDERATION**

The following are other options that the Council may wish to consider and/or discuss:

**Option No. 1:**

Deny the project. Denial of the project would require the applicant to wait one year before submitting the same or substantially same application.

**Option No. 2:**

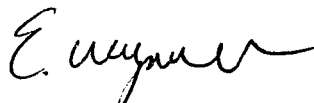
Return the project to staff, the Planning Commission, and applicant with direction to address specific concerns identified by the Council. This is a similar approach to the Civic Square Apartment project whereby the project was refined to address specific concerns and later approved by the City Council.

Submitted by:



Brian Dolan  
Director of  
Community Development

Fiscal Review:



Emily Wagner  
Director of Finance

Approved by:



Nelson Fialho  
City Manager



Attachments:

1. Draft City Council Ordinance for PUD-82 with Exhibit A, Recommended Conditions of Approval
2. Exhibit B: Proposed Plans, FAR Table, Site Development Standards, Green Point Checklist, Tree Reports, and Noise and Vibration Study
3. Shadow Study and State Solar Shade Control Act
4. Revised Letter from Linda Garbarino, Pleasanton Heritage Association, dated "Received" November 1, 2010
5. Excerpts of the Planning Commission meeting minutes, dated September 15, 2010
6. Emails received after publishing the September 15, 2010, Planning Commission Staff Report
7. September 15, 2010, Planning Commission Staff Report with the following Attachments:
  - Exhibit C - Downtown Specific Plan Land Use Map
  - Exhibit D - Location Map
  - Exhibit E - Photographs of the Property
  - Exhibit F - Preliminary Site Plan from the May 21, 2008, Planning Commission Work Session Meeting
  - Exhibit G - Minutes of the May 21, 2008, Planning Commission Work Session Meeting
  - Exhibit H - Neighborhood Petition Submitted at the May 21, 2008, Planning Commission Work Session Meeting
  - Exhibit I - California Department of Parks and Recreation Survey Form-523 Prepared by Architectural Resources Group
  - Exhibit K - Public Noticing Map

**18. Public Hearing:** PUD-82, David DiDonato, DiDonato Builders, Inc. – Consider an application for rezoning of an approximately 1.17-acre site at 4171 and 4189 Stanley Boulevard from R-1-6,500 (One-Family Residential) District to Planned Unit Development – High Density Residential (PUD-HDR) District and for development plan approval to construct 14 detached single-family homes

Senior Planner Steve Otto presented the staff report and said the site is located in the Downtown Specific Plan area and surrounding properties include single-family homes, townhomes, Union Pacific railroad, a local business, and mobile home park. The project site consists of five parcels, totaling approximately 1.2 acres, with an existing single family home that would be demolished to accommodate the proposed development.

He detailed the proposed site plan, which consists of fourteen single-family homes located around a private street. He discussed the proposed and varied setbacks as well as parking for each parcel, noting there would be no on-street parking in the development. Lot sizes range from 2,600 to 4,000 square feet, with home sizes ranging from 1,599 to 1,920 square feet. Floor area ratios, using the net lot areas, range from 48% to 67%.

He briefly discussed the three proposed home styles and architectural features as well as the preliminary landscape plan. The plant palette would be primarily drought-tolerant plants with little or no lawn areas provided.

Mr. Otto stated the site would be impacted by noise from the adjacent railroad as well as traffic on Stanley Boulevard. The noise study conducted indicates that an 8 foot high sound barrier, which flanks along the eastern side of the first two lots and western side of the first lot, would be required along the railroad track in order to comply with the city's noise standards. The applicant is proposing a precast concrete sound wall for those locations. The study also concluded there would be the need for a 6 foot high noise barrier along the Stanley Boulevard corridor and the applicant is proposing a wood fence at this location. Homes would also be required to have sound attenuating windows and doors installed.

Mr. Otto stated the proposed project also calls for rezoning the property from R1-6500 to Planned Unit Development High-Density Residential District. This designation requires projects to have densities greater than eight units per acre and the proposed density of 12 units per acre is consistent with that designation. The project also furthers several other General Plan policies, including implementing an adopted specific plan and relevant rezoning, developing new housing in infill areas which are adjacent to existing residential development, and maintaining the amount of high density residential currently designated on the General Plan map.

He briefly reviewed the key issues raised by the public at the Planning Commission hearings. Among these were requests for guest parking, in addition to the four spaces provided per unit. He noted that many single family developments do have on street parking to provide additional guest parking spaces, which is why both staff and the Commission felt it important to get guest parking on the site. The applicant has provided five guest designated parking spaces on site and staff has also included a condition that would prohibit the parking of boats, RVs and trailers.

At the workshop, setbacks along the eastern project boundary were discussed, with the Commission and some neighbors wanting larger rear yard setbacks. The applicant responded by increasing rear yard setbacks in this location from 5 feet to either 9 feet 10 inches or 10 feet. The side yard setback of lot 8 increased from 7.5 to 14 feet to 9.5 to 18 feet. Some commissioners had also expressed a desire to reduce the square footage of the homes, primarily to increase the rear yard setbacks as well as provide some room for guest parking. The current proposal includes reduced home sizes, which previously ranged from 1,609 to 2,176 square feet.

He stated the adjacent neighbor at 4151 Stanley Boulevard had contacted staff after the Planning Commission hearing and expressed concern regarding the potential of the proposed structures to block sunlight on his photo voltaic panels. The applicant has prepared a shade study, which concludes the shadows produced would have little to no shading impacts on the panels in question.

Mr. Otto noted that all 20 trees on the site would be removed, including 12 that are designated heritage size trees. There would be only one oak tree removed, and that is a non heritage size coastal live oak in fair health. Staff feels that given the site's constraints, mitigation be made via new plantings and payment into the City's urban forestry fund.

Councilmember McGovern said the lack of suitable space for planting new trees appears to be the result of lot sizes and the number of homes proposed. She said it needs to be clear there are impacts associated with this density, and one is that there is insufficient room to plant trees.

Mr. Otto stated the existing bungalow style home was constructed in 1908. One member of the Planning Commission and the Pleasanton Heritage Association (PHA) had expressed concern with removing the house and recommended that it be retained. Staff hired a historic preservation consultant to analyze the historic significance of the house, and their finding was that the house did not meet the criteria to be considered a historic structure. Therefore, demolition of that structure would not be contrary to the City's historic preservation policies.

Mr. Otto said staff believes the applicant has succeeded overall in designing an infill project in the downtown and recommends the Council approve the project, subject to the attached conditions of approval.

Mayor Hosterman noted the applicant has been able to achieve only about 75 green points for the project. She said the Council has not recently approved any project with less than 100 points and requested that staff work with the applicant to improve that score. Mr. Otto said this project is technically exempt from the Green Building Ordinance, as all homes are less than 2,000 square feet, and staff felt that 75 was a good number in light of that.

Mayor Hosterman confirmed with staff that current and future landscaping plans are geared towards native and drought tolerant plants.

Councilmember Sullivan referred to pages 14 and 15 of the Planning Commission staff report, which discuss the General Plan noise standards and the infeasibility of mitigating interior noise to an acceptable level during the brief periods when the nearby train whistle may sound. He asked what noise levels occur at that time. Mr. Otto said it would exceed the City's standard by approximately 14 decibels. He said the General Plan does allow the Council to look at noise levels in the downtown on a case-by-case basis, and that there have been other projects in the area where the train whistle noise was excluded from consideration.

Councilmember Sullivan confirmed that the noise level within a residence's bedrooms would then be roughly 64 decibels, sometimes occurring at 2 a.m., and noted that decibels increase on an exponential basis.

Councilmember Cook-Kallio said she walked the property and confirmed with staff that the setbacks of the three homes in question are fairly consistent with almost all development in the immediate area. She asked how the proposed sound wall compares to that behind the existing development to the east. Mr. Otto said it is similar in height. Based on the sound attenuating windows, he guessed the proposed homes would have higher sound reduction than those currently along the railroad tracks.

Councilmember Sullivan inquired as to the qualifications of the consultant who prepared the shadow study. Mr. Otto said the applicant's architect prepared the study. Councilmember Sullivan noted an architect is not a photovoltaic engineer. He said he prepares studies like this in a professional capacity and questioned its technical validity and noted that PV systems are particularly sensitive to shadow and as little as 10% of the modules situated in shadow can significantly decrease the output of the entire array.

Councilmember Thorne disclosed that he met with the property owner, walked the property, and met with a representative of the PHA. He asked if any densities, other than what is proposed tonight, were considered at the Planning Commission workshop. Mr. Otto said another 14 unit plan, similar to this, was reviewed.

Community Development Director Dolan said some Commissioners were interested in reducing the number of lots to accommodate guest parking more easily. Ultimately, the applicant was able to do so with some other redesign and the Commission seemed to be satisfied.

Councilmember Thorne asked if the park off Del Valle is large enough to include play equipment, if it does not already. Mr. Dolan said it is not large enough and is constrained by an existing home that runs along side of it. The Specific Plan also calls for future improvements to accommodate parking to support the trailhead adjacent to it.

Councilmember McGovern confirmed with staff that the rezoning would support a density greater than eight units per acre, and does not require the 12 units per acre currently proposed. She asked what size lot would be needed to accommodate retention and renovation of the site's existing home. Mr. Otto said the Council could approve whatever setback it wishes around the home with a PUD development and the lot size could vary. Councilmember McGovern confirmed with staff that retaining the existing home would cause some change to the circulation of the proposed development.

Councilmember McGovern requested more information from staff regarding the portion of the site that was dedicated to the City in 1980. Mr. Otto could not speak to the origin of the gift but said it is now, and was then, a portion of Stanley Boulevard. Councilmember McGovern confirmed with staff that the dedication would not revert to the original property owner as part of this development. She expressed concern with the lack of green and play space for children, particularly with 3- and 4-bedroom units planned for the development. Mr. Otto noted that some models do not extend to the setback line and would have a larger rear yard, though some are conversely fairly narrow.

Councilmember McGovern referred to photographs of the site and asked why more foliage is not included along the railroad line to buffer sound. She noted the development to the east contains substantially more trees and shrubs, and thought the same would have a positive effect here. Mayor Hosterman asked if the foliage at the neighboring site is actually responsible for noise reduction. Mr. Dolan replied most sound engineers would indicate that the density and depth of vegetation has to be at a certain level before it truly affects noise level. However, every one of them also acknowledges that a visual separation does have positive psychological effects when dealing with noise. He noted that the vegetation at the parcel to the east is actually situated in the railroad right of way.

Both Mayor Hosterman and Councilmember Cook-Kallio said neither recalled the vegetation appearing that dense, and questioned if it still exists. Mr. Fialho said the railroad performed significant tree thinning through this section, and it may, in fact, be sparser than indicated in the photos.

Councilmember McGovern referred to page 15 of the September 15, 2010 staff report, which states that a 29-foot high sound wall installed along the railroad line and around the sides of the development would be required to fully mitigate noise issues. Mr. Dolan said it is clearly an issue. Since it is unreasonable to provide this mitigation and develop the property as residential within the City's noise guidelines, this is an acknowledged and accepted limitation of the property.

Councilmember McGovern stated that in addition to her issues with density, green space, and trees, she feels the existing bungalow should be restored and maintained as a heritage structure.

Councilmember Sullivan asked if the noise study included a profile detailing the impacts on residents as they move further from the noise source. Mr. Otto said noise was analyzed throughout the project site and actual mitigations for the windows vary based on the homes' distance from the railroad tracks. Councilmember Sullivan requested specific data.

Councilmember Cook-Kallio said she met with two members of the PHA and viewed the site on her own as well as with the applicant. She said the tree survey map is incorrect and actually shows the property line with a huge setback between the fence and detached garage of the single family home next door. Mr. Otto agreed there is very little setback on the garage and referred her to the full sized plans. Councilmember Cook-Kallio questioned whether this is to Code. Mr. Otto said it does not meet current setback requirements, but guessed it to be an old structure.

Councilmember Cook-Kallio confirmed with staff that the installed solar panels were permitted. She referred to page 6 of the staff report, noting that solar collectors must be set back at least 5 feet from a property line. Mr. Otto clarified that the Solar Shade Control Act guidelines stipulate only the conditions that a property must meet to be protected under the act, and not those that the site is generally subject to.

Councilmember Sullivan said that regardless of the Solar Shade Control Act, this is a PUD and it is within the discretion of the Council to shift these houses around in a way that they do not interfere with the neighbor's solar panels. Councilmember Cook-Kallio acknowledged the point, but said it seemed a bit disingenuous to complain about the other person's setback.

Councilmember Cook-Kallio confirmed with staff that a tree's heritage designation has nothing to do with age or canopy. She struggled with the designation and condition of each tree as listed on the survey. She said she envisioned much different trees than what she saw at the site and that the latter did not meet with her perception of a heritage tree. In balancing the need for housing versus that for trees, she said she would be in favor of removing the trees along the rear of the property. She said the importance of preserving or restoring Pleasanton's heritage and history is something that will likely be a struggle in the coming years. She thought it somewhat unfair to the applicant to do so on an individual basis and said these conversations should have happened well before this point. While the existing bungalow is an old home, she is not convinced it needs to be preserved.

The Mayor called for a brief break, and thereafter, reconvened the regular meeting and opened the public hearing.

David DiDonato, applicant, said he has been working on this project for the last three years under the guidance of staff and the City's documents. He said he has contracted three different noise studies in an attempt to address noise issues, but the City's guidelines make it difficult. He said it is infeasible to construct a 29-foot sound wall, but every window along the units adjacent to the railroad line has a commercial hotel grade window with an STC rating of at least 45. He said this, in conjunction with the proposed sound wall, would result in bedrooms quieter than those in existing developments along this corridor.



Mr. DiDonato discussed the site's trees and arborist reports. He stated that during the time these studies were prepared, issues developed with the 3 deodar cedar trees on the property. He provided the City Clerk with photos, cited instances of limbs falling and damaging the existing home, and said that trees which have failed in the past are likely to fail in the future.

While a permit has been issued for the removal of tree #62 only, the two on either side of it are of the same age and poor structural condition. He said these trees are likely to be removed whether this project moves forward or not. He said that though 18 of the site's 22 trees will be removed by the project, they are also planting another 43 trees and paying \$49,000 into the City's tree fund.

Councilmember Cook-Kallio referred to Exhibit B and said she found it to be inconsistent. She asked how old the deodar cedar trees are and what their typical lifespan is. Mr. Dolan could not speak to the exact age, though they are old, and said the reports indicate their status for preservation is good.

Linda Garbarino, PHA, , addressed the City Council, stated the section of Stanley Boulevard under consideration is within the Downtown Specific Plan and thus part of the historic section of Pleasanton. She said PHA would like the Council to consider maintaining as many of the twelve heritage trees as possible. Stanley Boulevard is one of the gateways to the City and should not be thoughtlessly stripped of heritage trees and landscaping that define it. She cited the arborist report findings, which stated that all but one of the trees are able to be pruned and saved, and said the trees in question would enhance any carefully planned less dense development proposed for this section of town. She provided a brief history on the existing bungalow and encouraged the Council to protect the city's diminishing inventory of historic homes through a variety of methods. She noted this would not be the first instance of restoring a vintage home on a site intended for further development. She asked the Council to take this opportunity to update the Downtown Specific Plan with language that would protect the diminishing inventory of vintage homes that are the hallmark of the historic community.

Emilie Cruzan, addressed the City Council, said she was shocked to learn that the Planning Commission granted permission for the developer to remove all heritage trees from the site in exchange for only \$49,000. She said these trees are a priceless part of the City's skyline and watershed, provide habitat for several species, and filter the particulate matter produced by trains and ever increasing traffic. She was also disappointed to learn that 1) the homes would be only 8-10 feet from the rear fence line, 2) the project is not subject to affordability requirements, 3) there would be only 5 guest parking spaces, 4) there is no play area within the development, and 5) that there appears to be no time constraints on construction. She also hoped that neighborhood petitions, like the one signed relative to this project, would be given greater consideration in future workshops and hearings.

Darell Walterson, addressed the City Council, stated that he owns the property with the garage mounted solar panels described by staff. He assured the Council the footprint of the structure has not changed since he purchased the property in 1983, though the siding and roof has been replaced. He stated concern with the impacts associated with the proximity of the new homes and said he has contracted Solar City to prepare an independent analysis.

Harish Shetty, addressed the City Council, said his primary concern relates to parking.

Kathleen O'Leary, addressed the City Council, said her property abuts the railroad line from the east. She said the proposed rezoning is infeasible in this particular area for reasons associated with parking and traffic. She voiced surprise that the City would condone the removal of 18 trees, which directly contribute to her quality of life.

James Ellison, addressed the City Council, acknowledged the concerns raised but said the project provides a desperately needed boost to and jobs in the local construction industry, which has been ravaged by the recession. He said the project is consistent with existing development up and down the Stanley Boulevard corridor. He said his own company, if awarded a contract associated with the project, would be able to keep a number of employees working. The project would pump money into the downtown merchants and City coffers, and there is something seriously wrong with a society that places more importance on trees than on people.

Mike Donahue, addressed the City Council, expressed concern with the precedent set by upzoning this parcel. He said the mobile home park directly across the street is in the process of closing down and his fear is that this is an incremental step in making Stanley Boulevard into apartment row.

Jennifer Pearce, Planning Commission, addressed the City Council, clarified her vote on the matter. She said her concern is with the cumulative effects of this development, rather than the particular application. She said she fully supports the property owner's right to develop the property but not a project that demolishes a 102-year-old structurally sound house, razes nearly every tree on the site, and barely avoids triggering the Inclusionary Zoning Ordinance. She proposed that the density be raised with an attached townhome type development, keeping the existing home and a greater portion of the existing trees, or that the density be significantly reduced. She requested the application be brought back to the Planning Commission for further discussion. She also said this application clearly speaks to the need for some sort of historic home guidelines.

Mr. DiDonato, applicant, reiterated that the basis of the application was driven by the City's General Plan and Downtown Specific Plan. He said he is a bit at odds with the issues being raised and is hopeful the Council will recognize that he has brought forth a quality project in a very difficult economy.

The Mayor closed the public hearing.

Mayor Hosterman said that by and large, she likes the project. She said the City needs higher density housing within the downtown area and she appreciates the overall look of the project. She said she visited the site, read the reports, does not believe the existing bungalow has the value consistent with a historic site, and could support demolishing the structure. She said that while she would hope to never see a tree cut down in Pleasanton, especially heritage trees, it makes more sense to think in terms of replacing them with something healthier and more in keeping with the foliage in the rest of the neighborhood. She said she would definitely like to see some sort of small area in which kids can play, perhaps situated as a buffer between the rear homes and railroad line. She also strongly encouraged the applicant to work with staff to increase green building points.

Councilmember Thorne said visiting the site greatly altered his position regarding the trees and he believed the applicant's recommendation is, in fact, warranted. His primary concern is that the project is 3 years in and it seems that some issues are not yet resolved. While he absolutely respects and appreciates the public process, it does need to be streamlined so people are not tied up for so long. He hated to ask the applicant to return to the drawing board, but would like the Planning Commission to address concerns related to density and the future of the overall neighborhood.

Councilmember Cook-Kallio said she too could support removal of the trees and bungalow. Regarding parking issues, she said she believed four spaces for each home to be adequate. She acknowledged one speaker's concerns regarding traffic and parking along Stanley Boulevard and said the condominium complex to the east of the project site is lacking parking, which is not this applicant's issue. She liked the look of the development in general, recognized the PHA's comments and said she would like to be part of creating a set of guidelines for future developers, though it is not reasonable to hold this project to those

standards.

Councilmember McGovern said the applicant intended to do right by this project and has put forth an attractive development. It would be a much better development if more trees could remain, the bungalow were preserved, and the density reduced, but it is irrelevant whether or not the bungalow is on a registry. It is a 102 year old home that could be preserved and adds to the ambience of the entire community. She requested a new arborist report, specifically by Mike Fulford and said the development should live within the noise guidelines the city has in place rather than rely on manipulated studies.

She reiterated concerns regarding the lack of green space and said that increased density needs to be associated with an eye towards adequate space for children to play. She requested that "Bernal property" under Condition #34 be changed to "Bernal Park" and for the irrigation guidelines under 6a to be reflected in Condition #38. She said she would like the project sent back for the Planning Commission to consider in full and with an eye towards the entire landscape of Stanley Boulevard.

Councilmember Sullivan disagreed with the idea that these issues should have been resolved before coming before the Commission and Council. He welcomes this discussion, which is what the public process is about, concurred with much of what was said, and agreed the application should return to the Planning Commission with consideration given to the entire community. He said the existing bungalow should be preserved and restored as an amenity for upzoning the entire parcel. The Commission created a historic building preservation ordinance ten years ago, but opposition from the Pleasanton Downtown Association kept it from ever reaching the Council. He said the project should either be single-family units at a lower density or multi-family high-density housing that is subject to the Inclusionary Housing Ordinance. Exempting the most significant source of noise is not the proper way to analyze or mitigate noise impacts and again requested information indicating where on the property those impacts could be truly mitigated.

He supported Councilmember McGovern's request for some sort of peer review or additional tree study and said he would like the solar study prepared for Mr. Walterson taken into consideration.

Mr. Otto confirmed that staff has a good understanding of the issues and would meet with the property owner and developer for additional discussion.

Motion: It was M/S by McGovern/Sullivan to return the item to the Planning Commission, with direction to staff as discussed. Motion carried by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman

Noes: None

Absent: None



**Planning Commission  
Staff Report**

September 15, 2010  
Item 6.b.

- SUBJECT:** PUD-82
- APPLICANT:** David DiDonato, Donato Builders, Inc.
- PROPERTY OWNER:** Robert Molinaro
- PURPOSE:** Application for Planned Unit Development Rezoning of an approximately 1.17-acre site located at 4171 and 4189 Stanley Boulevard from R-1-6,500 (One-Family Residential) District to Planned Unit Development – High Density Residential (PUD-HDR) District and for Development Plan approval to construct 14 detached single-family homes.
- GENERAL PLAN:** The General Plan Land Use designation for the parcels is High Density Residential.
- SPECIFIC PLAN:** The Downtown Specific Plan Land Use designation for the parcels is High Density Residential.
- ZONING:** The current zoning is R-1-6,500 (One-Family Residential) District.
- LOCATION:** 4171 and 4189 Stanley Boulevard
- ATTACHMENTS:**
1. Exhibit A - Recommended Conditions of Approval
  2. Exhibit B - Proposed Plans, FAR Table, Site Development Standards, Green Point Checklist, Tree Reports, and Noise and Vibration Study
  3. Exhibit C - Downtown Specific Plan Land Use Map
  4. Exhibit D - Location Map
  5. Exhibit E - Photographs of the Property
  6. Exhibit F - Preliminary Site Plan from the May 21, 2008, Planning Commission Work Session Meeting
  7. Exhibit G - Minutes of the May 21, 2008, Planning Commission Work Session Meeting

8. Exhibit H - Neighborhood Petition Submitted at the May 21, 2008, Planning Commission Work Session Meeting
  9. Exhibit I - California Department of Parks and Recreation Survey Form-523 Prepared by Architectural Resources Group
  10. Exhibit J - Letter from Linda Garbarino, Pleasanton Heritage Association
  11. Exhibit K - Public Noticing Map
- 

## **I. BACKGROUND**

David DiDonato has submitted a PUD rezoning and development plan application for a 14-unit residential development in the Downtown Specific Plan (DTSP) Area. The City Council approved the Downtown Specific Plan in March 2002. The Specific Plan land use designation for the subject site is High Density Residential (please see Exhibit C, Downtown Specific Plan Land Use Map). In conjunction with the adoption of the DTSP, the General Plan Land Use Designations of several properties were changed to make them consistent with the Downtown Specific Plan Land Use Designations. The General Plan Land Use Designation for the subject site was changed from Medium Density Residential to High Density Residential.

PUD rezoning and development plan applications are subject to review and approval by the City Council, following recommendation by the Planning Commission. The Planning Commission's recommendation on the proposed PUD project will be forwarded to the City Council for review and final decision. If the rezoning and development plan are approved, the applicant must next apply for tentative map approval to allow the site to be subdivided in accordance with the development plan. Tentative map applications are subject to review and approval by the Planning Commission.

### **May 21, 2008, Planning Commission Work Session**

In order to receive early feedback from the Planning Commission and any interested individuals regarding the proposed project, a Planning Commission work session was held on May 21, 2008. The Planning Commission provided the following comments on the work session discussion points (additional comments made by the Commission are located in the attached minutes):

1. *Is the proposed density acceptable?*

Some Commissioners stated that the proposed density was too high and believed that a few lots should be removed while other Commissioners believed the density was acceptable. Commissioner Blank stated that a one- to two-unit reduction would be appropriate, but indicated if the floor area ratio (FAR) or layout were different, then it might be a different issue.



The proposed density of 12.0 dwelling units per acre is the same density proposed at the time of the work session. Staff notes that the Planning Commission Work session staff report erroneously indicated that a General Plan Amendment would be required for the proposed density. As noted above, the General Plan Land Use Designation for the subject site was changed to High Density Residential as part of the 2002 Downtown Specific Plan. Therefore, a General Plan Amendment is not required for the project.

2. *Is the proposed site plan acceptable? Are the proposed setbacks acceptable?*

Four Commissioners believed the general site plan layout was acceptable while one Commissioner did not like the site plan. Some of the Commissioners wanted the rear yard setbacks on the east side of the project site increased (one Commissioner mentioned at least a 10 foot setback) while one Commissioner requested the rear setbacks be increased for the entire project.

Five-foot rear yard setbacks were indicated on the preliminary plan provided at the work session. The current application proposes rear yard setbacks of 9 ft. 10 in. or 10 ft. along the eastern boundary (Lot 8 has a minimum 9½ ft. eastern side yard setback), 7 ft. or 10 ft. along the northern boundary, and between 5 ft. to 7 ft. 10 in. along the western boundary. The rear yard setbacks noted above exclude a two-foot fireplace encroachment. Staff notes that the Pleasanton Municipal Code normally allows up to a four-foot encroachment into the rear yard setback for fireplaces.

3. *Is the guest parking acceptable?*

No on-site guest parking was included on the preliminary plan provided at the work session. All Commissioners believed that on-site guest parking should be included in the project, but a specific number was not provided. The current application includes five on-site guest parking spaces.

4. *Is the proposed open space area for the development and for each home acceptable?*

Some Commissioners stated that common open space areas were not necessary for this development while other Commissioners felt it should be provided or be provided if feasible after addressing other comments such as adding guest parking and increasing the rear setbacks. Some Commissioners wanted an on-site tot lot provided while other Commissioners did not believe a tot lot was necessary.

The current application does not include a tot lot or common open space area.

5. *Is the proposed Floor Area Ratio (FAR) acceptable?*

The following house sizes were presented at the work session:

- Plan 1: 1,609 and 1,649 sq. ft.
- Plan 2: 1,764 and 1,789 sq. ft.
- Plan 3: 2,140 and 2,176 sq. ft.

The stated lot sizes on the work session plan ranged from 2,390 to 3,420 sq. ft. Because the individual lot sizes and the specific location of the models were not indicated on the work session plans, staff was unable to determine the FARs for each lot. Staff notes that the work session staff report indicated an average FAR of approximately 70%. Staff believes this figure was in error.

There was general consensus by the Commission that the FARs should be reduced, with some Commissioners noting that the house sizes should be reduced to provide guest parking and larger rear yard setbacks.

The house sizes have been reduced and are currently proposed as follows:

- Plan 1: 1,599 and 1,639 sq. ft.
- Plan 2: 1,720 and 1,757 sq. ft.
- Plan 3: 1,892 and 1,920 sq. ft.

The “net” lot sizes on the current plan vary from 2,603 to 3,965 sq. ft. and the proposed FARs range from 48% to 67% (please see the “Project Description” and “Analysis” sections of this report for additional discussion on the lot sizes and FARs).

6. *Is the proposed architecture acceptable?*

Four Commissioners stated the architecture was acceptable, with one Commissioner requesting more building articulation. One Commissioner indicated it would be nice to see some one-story homes.

The proposed house designs are substantially the same as the work session plans. Larger front elevations have been provided to allow the Commission to better view the building articulation.

Work Session Public Comment

Six members of the public spoke at the meeting. Adjacent neighbors expressed concerns regarding density, parking, traffic, house setbacks, loss of views and light, building heights, drainage, and tree loss. One resident spoke in favor of the project noting that developments like this provided needed housing. A petition signed by 62 residents was submitted by one speaker

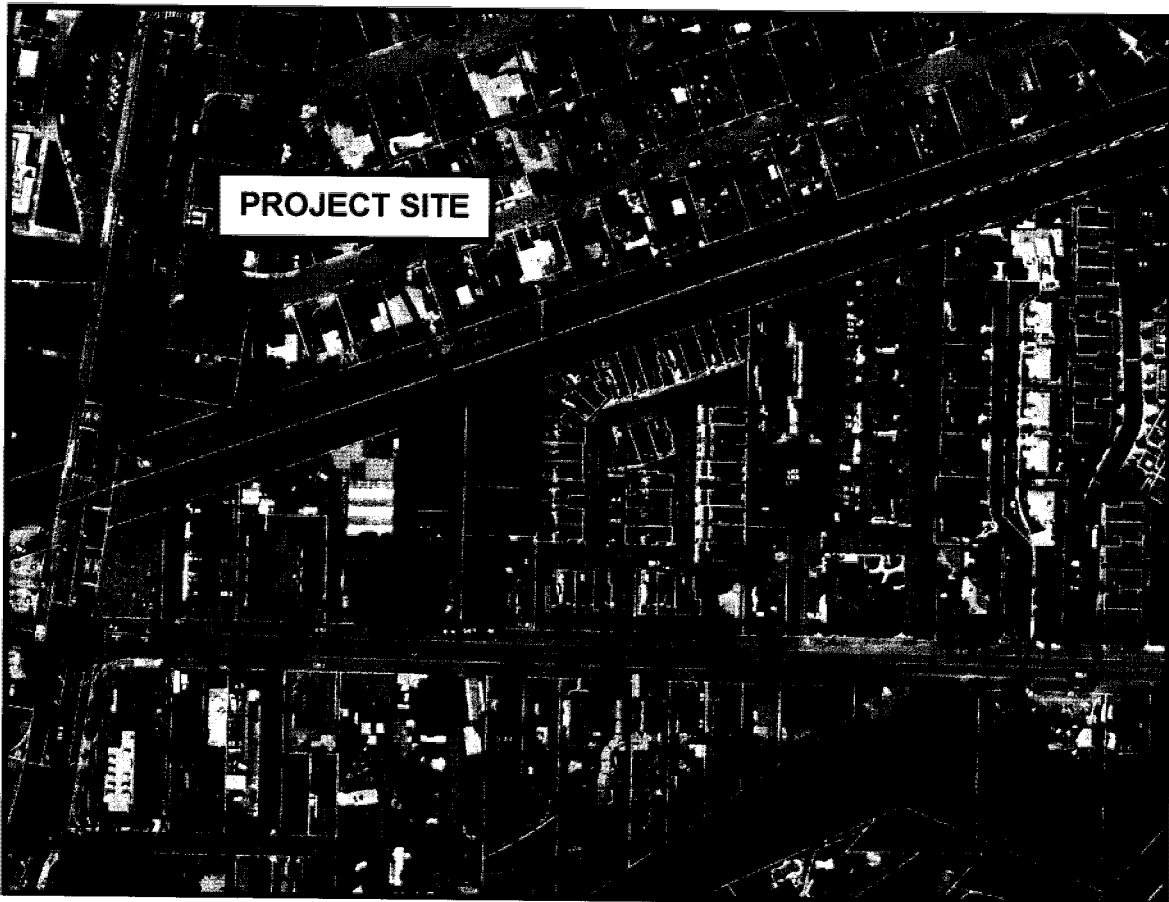
(please see Exhibit H). The petition requested that the Planning Commission not rezone the property, that 15-ft. minimum setbacks be provided from existing property lines, and that as many trees as possible be retained.

Specific comments made by the public can be found in the attached minutes (Exhibit G).

## II. SITE DESCRIPTION

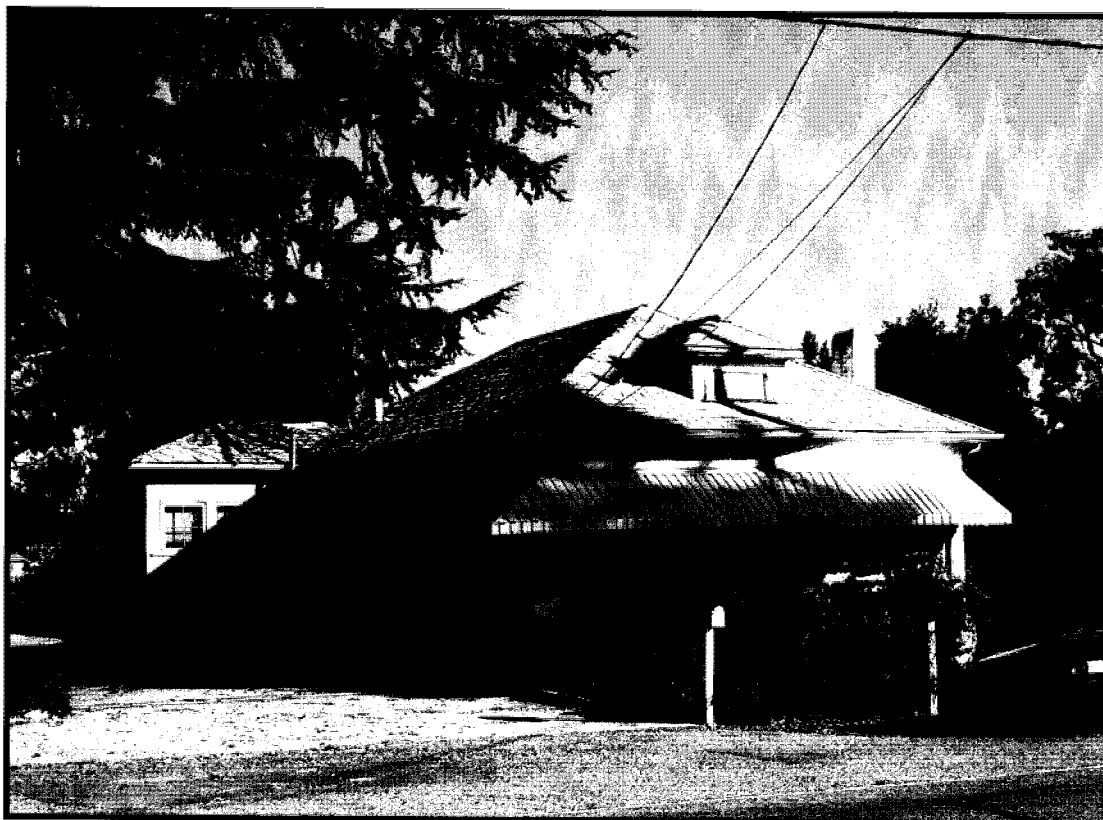
### Subject Property and Surrounding Area

The project site, comprised of five parcels, is located on the north side of Stanley Boulevard (please see the aerial photograph of the site and surrounding area below, which was taken in 2005). The plans indicate that the project site is 52,510 square feet (1.21 acres). However, this measurement includes an approximately 1,375-square-foot parcel within Stanley Boulevard that was dedicated to the City in 1980. The project site measures approximately 51,135 square feet (1.17 acres) without the Stanley Boulevard parcel. The site topography is relatively flat and contains an existing single-family dwelling built in 1908 (see photograph on the following page) and a variety of trees, shrubs and grasses.



2005 Aerial of the Subject Property

The property is bordered on the east by a single-family home and the Del Valle Manor townhome development. Window-ology (window covering sales office and warehousing) borders the site to the west. The Union Pacific Railroad borders the site to the north. Single-family homes in the Jensen Tract neighborhood are located on the opposite side of the railroad tracks. Pleasanton Mobile Home Park and single-family homes are located to the south of the subject site, opposite Stanley Boulevard.



**2010 Photograph of the Existing House at 4189 Stanley Boulevard**

### **III. PROJECT DESCRIPTION**

#### **Rezoning**

The General Plan Land Use Designation of the subject property was changed from Medium Density Residential to High Density Residential in 2002 to make it consistent with the new Downtown Specific Plan. However, the zoning of the property was not changed to reflect the new General Plan and Downtown Specific Plan Land Use Designations. Therefore, the applicant is requesting to rezone the property from R-1-6,500 (One-Family Residential) District to Planned Unit Development – High Density Residential District to make the zoning consistent with the General Plan and Downtown Specific Plan Land Use Designations.

## Proposed Development Plan

The applicant proposes to construct 14 detached single-family homes. The project features are summarized below:

- A private road off Stanley Boulevard would provide access to the development. The street section would measure 20-feet wide (curb-to-curb) with no parking allowed. A fire truck turn around would be provided as required by the Fire Department. No internal sidewalks would be provided; a new sidewalk will be installed along the project frontage as part of the City's Stanley Boulevard reconstruction project (please see the "Traffic and Circulation" section of this report for additional information regarding the reconstruction project).
- Net lot areas would range from a minimum of 2,603 square feet to a maximum of 3,965 square feet in area (net area excludes the access easement area generally containing the private street and guest parking areas). Gross lot areas including the access easement would range from a minimum of 2,842 square feet to a maximum of 5,028 square feet in area.
- Three house models would range in size from approximately 1,599 square feet to 1,920 square feet. All of the models are two-stories tall. The homes would measure between 26 ft. 1 in. to 27 ft. 9 in. in height, depending on the model and elevation type (note: height measured from the grade adjacent to the house to the tallest roof ridge). There would be two different architectural styles for each house model type: Spanish and Andalusian. The site plan shows the proposed house model for each lot. The applicant is requesting flexibility with respect to the elevation type used on each lot. The table below lists the lot sizes, the model proposed on each lot, the house size, and the floor area ratios (FARs).

Lot Number	Net Lot Size <sup>1</sup>	House Model	House Size	FAR <sup>2</sup>
1	3,040 sq. ft.	Plan 1	1,599 or 1,639 sq. ft.	53 or 54%
2	2,695 sq. ft.	Plan 2	1,720 or 1,757 sq. ft.	64 or 65%
3	2,648 sq. ft.	Plan 1	1,599 or 1,639 sq. ft.	60 or 62%
4	2,603 sq. ft.	Plan 2	1,720 or 1,757 sq. ft.	66 or 67%
5	3,365 sq. ft.	Plan 3	1,892 or 1,920 sq. ft.	56 or 57%
6	3,280 sq. ft.	Plan 3	1,892 or 1,920 sq. ft.	58 or 59%
7	2,612 sq. ft.	Plan 2	1,720 or 1,757 sq. ft.	66 or 67%
8	3,965 sq. ft.	Plan 3	1,892 or 1,920 sq. ft.	48%
9	2,826 sq. ft.	Plan 2	1,720 or 1,757 sq. ft.	61 or 62%
10	2,815 sq. ft.	Plan 1	1,599 or 1,639 sq. ft.	57 or 58%
11	3,241 sq. ft.	Plan 1	1,599 or 1,639 sq. ft.	49 or 51%
12	2,650 sq. ft.	Plan 2	1,720 or 1,757 sq. ft.	65 or 66%
13	2,813 sq. ft.	Plan 1	1,599 or 1,639 sq. ft.	57 or 58%
14	3,115 sq. ft.	Plan 2	1,720 or 1,757 sq. ft.	55 or 56%

<sup>1</sup>Lot area excluding the access easement area.

<sup>2</sup>FAR calculated using the net lot area. The FARs range from 32-62% using the gross lot area.



- The proposed house setbacks vary from lot to lot. The rear yard setbacks are: 9 ft. 10 in. or 10 ft. along the eastern boundary; 7 ft. or 10 ft. along the northern boundary; and between 5 ft. to 7 ft. 10 in. along the western boundary. Lot 8 has a minimum 9½ ft. eastern side yard setback as measured from the closest corner of the home (staff notes the plan erroneously indicates a 7½ ft. setback) and the side yard setback increases up to 18 ft. at the rear corner. Five to 7 ft. minimum interior side yard setbacks are proposed elsewhere in the development. Ten-foot street side yard setbacks along Stanley Boulevard are proposed for Lots 1 and 14. Since the front property lines of the lots would extend into the private street, a measurement to the front property line does not provide a good indication of the front yard setbacks. Therefore, staff measured the front landscaped yard areas between the house and street or driveway; these vary from 5 ft. 1 in. (Lots 7 and 9) to 11 ft. 4 in. (Lot 2).
- No additions would be allowed on any of the homes. Site development standards have been created to establish setback, height, etc. regulations for accessory structures such as decks, patio covers, sheds, etc. (please see Exhibit B).
- Private courtyard areas would be created for Lots 1, 3, 10, and 13. The courtyard areas for these lots would utilize a portion of the adjacent lots' (Lots 2, 4, 9, and 14, respectively) side yard area. In return, a portion of the rear yard of Lots 1, 3, 10, and 13 would be used by Lots 2, 4, 9, and 14, respectively. Easements would be created to allow the lot owners to use and make certain improvements on the adjacent lots and to allow the lot owners to access and maintain the sides of their homes. The landscape plan shows typical courtyard improvements for Lots 1, 3, and 13.
- Two garage parking spaces would be provided per unit. In addition, residential driveways would be at least 18-feet long to accommodate parked vehicles with the garage door in a closed position. Five guest parking spaces would be provided on site.
- The existing single-family dwelling would be demolished to accommodate the proposed development.
- All 20 of the existing trees on the subject property would be removed to accommodate the proposed development, including 12 heritage-sized trees (as defined by the Municipal Code). A fruitless mulberry tree in the City right-of-way along the project frontage will also be removed as part of the City's Stanley Boulevard reconstruction project. Two nearby trees located in the Union Pacific Railroad corridor would be preserved. Front yard landscaping would be installed for each lot. Landscaping would also be installed along the Stanley Boulevard frontage.

## IV. ANALYSIS

### **Land Use**

#### **Conformance with the General Plan and Downtown Specific Plan**

The site's General Plan and Downtown Specific Plan Land Use Designation of "High Density Residential" requires projects to have densities greater than eight dwelling units per acre (DUA). Any housing type (detached and attached single-family homes, duplexes, townhouses, condominiums, and apartments) is allowed as long as it meets the density requirement. The proposed detached single-family residential housing development with a density of 12.0 units per acre is consistent with the General Plan and Downtown Specific Plan land use designation for the site. The proposed project would also further the following General Plan and Downtown Specific Plan Programs, Policies, and Objectives:

#### **General Plan**

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

Program 4.1: Ensure consistency between the General Plan Land Use Map and the zoning designation for all properties within the City's sphere of influence.

Policy 7: Continue to implement adopted specific plans along with relevant rezoning.

Policy 9: Develop new housing in infill and peripheral areas which are adjacent to existing residential development, near transportation hubs or local-serving commercial areas.

Program 10.1: Use planned unit development (PUD) zoning for residential properties that have unique characteristics or to accommodate development that does not fit under standard zoning classifications.

##### **Housing Element**

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

Goal 14: Provide adequate locations for housing of all types and in sufficient quantities to meet Pleasanton's housing needs.

Policy 2: At a minimum, maintain the amount of high-density residential acreage currently designated on the General Plan Map.

## Downtown Specific Plan

Land Use Objective 1: To retain the small-town scale and physical character of the Downtown through the implementation of appropriate land use and development standards.

Design and Beautification Goal 1: Encourage attractive building architecture and signs which reinforce the traditional, pedestrian-oriented design character and scale of the Downtown.

Please see the “Demolition of the Existing Dwelling” section later in this report for a discussion of the relevant General Plan and Specific Plan policies relating to the demolition of the existing structure.

## Zoning and Uses

The existing zoning designation for the subject parcel is R-1-6,500 (One-Family Residential). The proposed PUD-HDR zoning is consistent with the General and Specific Plan land use designations of High Density Residential. Regarding uses, staff believes that the uses of the R-1 District should be established for the lots and has included a condition to reflect this recommendation.

## Site Plan

A PUD development plan allows flexibility in applying Municipal Code standards in order to achieve a better overall plan for the site and the area. The current site plan was developed through several discussions with staff and the applicant and input from the Planning Commission and neighbors at the work session. Staff worked with the applicant to position the homes to provide adequate setbacks from the property lines, street frontages, and neighboring homes while maximizing the usability of the private yard areas. The applicant has responded to the Commission’s and neighbors’ requests to increase the five-foot setbacks at the perimeter of the site: the setbacks were increased to 7 ft. or 10 ft. along the northern boundary; between 9 ft. 6 in. to 10 ft. along the eastern boundary; and between 5 ft. to 7 ft. 10 in. along the western boundary. Staff notes that the adjacent Del Valle Manor townhomes are set back a minimum of 15 ft. from the shared property line with the subject project. Staff finds the proposed setbacks to be acceptable and similar to other small-lot PUD developments that the City has approved, some of which are located in the Downtown.

A Downtown Specific Plan Design Policy indicates that the established size and spacing of buildings in residential neighborhoods should be protected by avoiding excessive lot coverage and maintaining appropriate separations between buildings. The property is surrounded by office and warehouse buildings, townhomes, single-family homes, and a mobile home park.

Since all of these buildings vary in size, shape, and setbacks, staff did not find an established size or spacing of buildings to use and believes the project should be reviewed on its own merits.

Staff believes that the proposed siting, massing, and size of the units are appropriate and would result in an attractive development. The smaller Plan 1 and 2 homes would be located along Stanley Boulevard and would be in keeping with the scale and massing of the smaller homes on Stanley Boulevard. The largest Plan 3 home has been sited on Lots 5, 6, and 8, which would minimize impacts on surrounding residential neighbors. Please see the "House Sizes and Floor Area Ratio" section below for further discussion on the house sizes and FARs.

### **Demolition of the Existing Dwelling**

The existing single-family home built in 1908 would be demolished. The home is not included in the Historic Neighborhoods and Structures table of the General Plan nor was it included in the Downtown Historic Resource List and Map that was created for the 2002 update of the Downtown Specific Plan to identify individual properties and neighborhoods that contain outstanding examples of heritage structures. The project site is also not located in one of the four Heritage Neighborhoods that are identified in the Downtown Design Guidelines.

Although the property is not specifically listed in the General Plan or Downtown Specific Plan as an historic resource, the General Plan, Downtown Specific Plan, and Downtown Design Guidelines contain policies regarding the City's preservation goals. The General Plan has a policy which states: Preserve and rehabilitate those cultural and historic resources which are significant to Pleasanton because of their age, appearance, or history. The Downtown Specific Plan has a policy that states: Require the completion of the State of California Department of Parks and Recreation (DPR) Survey Form-523 to develop and document a statement of historic significance prior to the issuance of demolition permits for any historic resource older than 50 years. Evaluate these properties using the State of California criteria for the California Register of Historic Resources. The Specific Plan also has the following policy: Prohibit the demolition of any building found to be historically significant with regard to the California Register criteria unless such building is determined by the Chief Building Official to be unsafe or dangerous, and if no other reasonable means of rehabilitation or relocation can be achieved. The Downtown Design Guidelines indicate that demolition of buildings over 50 years of age is generally discouraged and that remodeling is encouraged over replacement.

Staff does not believe the existing residence is currently unsafe or dangerous, although it does show signs of disrepair. In order to determine the historic significance of the structure, the structure was analyzed and a DPR Survey Form-523 was prepared by Architectural Resources Group (ARG), a company that specializes in historic research, historic architecture, and historic preservation (Exhibit I). In order to be considered eligible for listing in the California Register, the structure must meet one or more of the following California Register criteria (the National Register criteria are similar to the State criteria):

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, state or the nation.

As described in the study, ARG found the structure does not meet any of the criteria listed above and the structure is not eligible for listing in either the California Register of Historical Resources or the National Register of Historic Places. Therefore, demolishing the structure would not be contrary to the City's historic preservation policies. Furthermore, demolishing the structure would not create a significant effect on the environment as defined by the California Environmental Quality Act (CEQA).

While staff finds the structure to be somewhat quaint, it has been significantly altered over time, its condition appears dilapidated, and staff does not find it to be a good example of a craftsman style bungalow. Furthermore, the structure has been determined to have no historical significance through a DPR-523 survey conducted by experts in the field of historic preservation. Therefore, staff supports demolition of the structure.

The application and historic survey were referred to the Pleasanton Heritage Association (PHA) for comments. The PHA has provided a letter with their comments (please see attached letter, Exhibit J). In that letter, the PHA indicates it is concerned about the reduction of "heritage" homes in Pleasanton and believes every effort should be made to retain and renovate the existing house. The PHA prefers detached single-family housing at this location rather than apartments or condominiums and believes the density should be reduced. Regarding house design, the PHA believes that the new homes should have Craftsman style architecture based on the original look of the existing house. The PHA also recommends that the windows that are visible from the street and the front of each home be wood or high-quality fiberglass framed windows with raised, authentic mullions and framing.

### **Traffic and Circulation**

Vehicular access to the development would be provided from a single private street off Stanley Boulevard. The private street section would measure 20-foot wide (curb-to-curb) with no on-street parking or sidewalks. The homes' driveways would not have direct access to Stanley Boulevard, which is preferred from a traffic safety and flow standpoint as cars backing onto Stanley Boulevard could create traffic hazards and/or restrict traffic flow.



The Pleasanton General Plan requires site-specific traffic studies for all major developments which have the potential to exceed Level of Service (LOS) "D," and requires developers to implement the mitigation measures identified in these studies. Exceptions are made for the Downtown where the LOS D standard may be exceeded since the streets were built prior to modern road standards and they lack the necessary right-of-way for major roadway improvements. Furthermore, the types of traffic improvements required (e.g., removing on-street parking, adding additional travel lanes, reducing sidewalk width, etc.) would be inconsistent with the desired pedestrian character for Downtown.

The proposed project, generating approximately 11 AM and 14 PM peak hour trips and approximately 140 daily trips, is considered a small-scale project, is located in the Downtown, and, therefore, does not require a traffic study. In addition, an Environmental Impact Report (EIR) was prepared for the Downtown Specific Plan in which it was anticipated that the project site would be developed as high-density residential. Impacts and mitigations were addressed in this EIR. The residential use and proposed site layout are not anticipated to create any unique traffic or circulation circumstances. The applicant would be required to pay the City and Tri-Valley traffic fees as part of the project.

The City's Stanley Boulevard reconstruction project will modify and improve Stanley Boulevard. The project includes: construction of a new roadway street section with an 11- to 13-ft. wide travel lane in each direction; an eight-ft. wide parking lane on the north side of the street; five- to six-foot wide bike lanes on each side of the street; concrete curbs, gutters, and five-foot wide sidewalks on both sides of the street; landscaping; decorative street lighting; and sewer and storm drain improvements. In addition, the City Council will determine in Spring 2011 whether to include undergrounding the existing overhead utility lines along Stanley Boulevard in conjunction with the street reconstruction project. If the City Council decides not to include undergrounding the overhead utilities, the street reconstruction project could start Summer 2011. If the City Council decides to authorize the undergrounding of the overhead utilities, undergrounding would start Spring 2011 and be completed Spring 2012; the street reconstruction project would then start Spring 2012 and be completed Spring 2013.

The applicant will be responsible to pay a pro-rata share of the City's planned street improvements along Stanley Boulevard.

### Sidewalks

The City will install sidewalks on both sides of Stanley Boulevard as part of its Stanley Boulevard reconstruction project. Given the limited number of homes and length of the street, staff does not believe sidewalks are necessary within the development for pedestrian safety. Vehicle speeds within the development will be low and the numerous driveways along the private street will provide adequate "shelter" for pedestrians should they need to step out of the private street in the event that two vehicles are passing each other in opposite directions. In

addition, a sidewalk would require the removal of a substantial portion of the front yard landscaping, some of which is being used for stormwater treatment.

### **Parking**

Two garage parking spaces would be provided per unit. In addition, residential driveways would be at least 18-feet long to accommodate parked vehicles in front of the garage. Five guest parking spaces would be shared by the development. Currently, general public parking is allowed on both sides of Stanley Boulevard as long as vehicles are parked off of the pavement. As part of the Stanley Boulevard reconstruction project, a paved parallel parking lane will be provided on the north side of the street with no parking allowed on the south side of Stanley Boulevard.

Since there would be no on-street parking within the development, staff believes it is important to provide guest parking, and the applicant has provided five spaces. Staff believes the five guest spaces should be adequate for the project provided that the garages are not modified by the residents or used for storage in a manner that would interfere with the ability to park two cars within the garage, that residents park their vehicles in the garages, and that the driveways are free of boats, trailers, campers, etc. to provide additional parking for guests and any additional vehicles owned by the residents. A condition of approval requires that the parking restrictions be recorded as restrictive covenants that will “run with the land” and be binding on all future property owners. With this condition, staff believes that there would be adequate parking provided in the development for both residents and guests.

### **Noise and Vibration**

External noise sources that could affect the site include noise from the railroad to the north and traffic on Stanley Boulevard to the south. For single-family housing projects, the City’s General Plan generally requires that private yard areas excluding front yards not exceed 60 day/night average decibels (dB  $L_{dn}$ ) and that indoor noise levels not exceed 45 dB  $L_{dn}$ . In addition, if the noise source is railroad, an exterior noise level up to 70 dB  $L_{dn}$  is allowed and indoor noise levels cannot exceed a maximum instantaneous noise level ( $L_{max}$ ) of 50 dB in bedrooms and 55 dB in other rooms. A noise study was prepared to ensure that the project will meet General Plan noise standards.

In order to meet the General Plan noise standards, the noise study indicates the following mitigation is required:

- Install an 8-ft. tall acoustically effective barrier along the rear property lines of Lots 5, 6, 7, and 9 and along the rear and eastern side property lines of Lot 8. The applicant is proposing to install an 8-ft. tall precast concrete soundwall at these locations (see the fencing exhibit, Sheet L2, for the proposed design). Staff notes that the soundwall heights on the fencing exhibit need to be modified to conform to the height requirements of the noise study. A

condition of approval addresses this item.

- Install a 6-ft. tall acoustically effective barrier along the rear and street side yards of Lots 1 and 14. The applicant is proposing to install a 6-ft. tall wood sound fence at these locations.
- Install doors and windows with minimum Sound Transmission Class (STC) ratings of 28 to 46 depending on lot, floor level, and occupancy of the room/area (see Table I of the noise study for specific requirements).
- The homes would need to be provided with forced air mechanical ventilation (i.e., air conditioning) so that windows and doors may be closed at the discretion of the occupants to control noise.

Staff notes that the above mitigations address train engine/wheel noise and exclude full mitigation for train whistles as these short, very loud events would require mitigation measures that would be infeasible and/or unacceptable from a design and neighborhood impact standpoint: install a 29-ft. tall soundwall along the project boundary adjacent to the railroad and flanking the sides of the project for 93 ft. The flanking wall heights would then step down in increments from 25 ft. to 15 ft. all the way to the Stanley Boulevard right-of-way. The General Plan indicates that the City Council will evaluate the requirement to achieve the General Plan noise standards on a case-by-case basis in the Downtown and, in this case, staff believes that there isn't a feasible mitigation for the train whistle noise. Therefore, staff supports the mitigation measures as outlined in the noise study and a condition of approval requires that the applicant comply with the recommendations of the noise study.

#### Noise Impacts on Adjacent Properties

The development of residential uses on the property will generate added urban noise, such as traffic, landscape maintenance activities, etc. However, noise levels will not change substantially from that currently experienced in the area. Ambient noise levels could actually decrease for some of the adjacent properties due to the shielding of train and traffic noise by the proposed soundwalls, fencing, and buildings.

Short-term construction noise would be generated during any new construction of this site. The City normally allows construction hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, with Saturday construction allowed if there are no nearby residents that could be impacted by construction noise or activities. Since there are existing residences directly adjacent to the proposed project site, staff is not recommending that Saturday construction be allowed. Staff is recommending a condition that would allow the Director of Community Development to approve earlier construction "start times" or later "stop times" only for specific construction activities (e.g., concrete pouring) if it can be demonstrated to the satisfaction of the Director of Community Development that that the expanded construction hours are necessary (e.g., the concrete foundations need to be poured early due to weather conditions). Construction

equipment would be required to meet DMV noise standards and be equipped with muffling devices.

### **Vibration**

As required by the General Plan, the noise study includes an analysis of railroad-induced ground vibration. The General Plan requires that the project demonstrate that it would be compatible with the vibration impact criteria established by the Federal Transit Administration (FTA). This vibration study indicates that the homes closest to the railroad (Lots 6, 7, and 8) would exceed the FTA's criteria and mitigation will be required for these lots. The study indicates that the homes on these lots will need to have spread footing or post/beam foundations rather than slab on-grade foundations. Staff notes that the study also identifies an alternative mitigation of slowing passing trains to no more than 15 mph within 100 ft. of the site to reduce vibration to acceptable levels. However, since the City and the applicant/future homeowners cannot control train speed, this alternative mitigation is not feasible.

### **Grading Plan**

The subject property generally has flat terrain. Site grades generally range from an elevation of approximately 348 feet at the northwest corner of the site to an elevation of approximately 350 feet at the southern border. Grading for the proposed project would be limited to that required for preparation of the building pads and foundations, streets, and utilities. Retaining walls from 6 inches to 1.6 feet in height would be installed adjacent to the rear property lines of Lots 4-7 to provide proper slope for drainage. Staff finds the proposed grading to be minor and acceptable.

### **Drainage Plan**

In order to reduce stormwater runoff and pollutants from the site, drainage from the roofs and lot surface drainage would be conveyed to and treated by vegetated swales between the homes and the private street. A landscape-treatment area would also be located adjacent to the guest parking spaces. These are types of stormwater runoff measures that are supported by the Regional Water Quality Control Board and local agencies like Pleasanton implementing the urban clean water runoff program.

### **Utilities**

Water, storm drain, and sanitary sewer lines would be extended from existing City mains in Stanley Boulevard up the private street to serve the new homes. All new on-site utilities to serve the proposed development (i.e., power, phone, cable TV, etc.) will be installed underground in joint utility trenches. Staff finds the preliminary utility plan to be acceptable.

The City Council will determine in Spring 2011 whether it wants to underground the existing utility lines along Stanley Boulevard in conjunction with the Stanley Boulevard reconstruction

project. The applicant will be responsible for paying a pro-rata share of undergrounding the overhead utility lines along Stanley Boulevard.

### **Architecture and Design**

The project proposes three different plans that are all two-story homes with two elevation styles each. The elevation styles are Spanish and Andalusian (a variant of the Spanish style). Six different color schemes generally comprised of off-white, earthtone, and other colors consistent with the architectural styles are proposed for exterior paint, brick, and roofs. Copies of the proposed color and material board for each house have been included with the Commission's packet. The color and material boards with the original color paint chips will be available at the hearing for the Commission's viewing.

The Spanish style of architecture is an acceptable style for Downtown and would be compatible with existing Spanish style buildings found Downtown. The design guidelines adopted for the Downtown stress the use of traditional materials, finishes, colors, and detailing. Staff finds the stucco and brick wall materials, Spanish tile roofing, wood garage doors, and wrought-iron railings of the buildings to be consistent with the guidelines. Window treatments (sills, trim, and wrought-iron grills) meet the guidelines' suggestions for traditional details in such features. Staff also believes that the proposed color schemes are appropriate for the buildings. The applicant has provided sufficient architectural detailing and accent relief on all four building elevations to break up the two-story façades and provide visual relief.

The applicant has proposed to use quality vinyl windows. In the Downtown, staff prefers that traditional wood-framed/sashed windows be used. Staff acknowledges the cost of these windows and generally supports the use of quality fiberglass- or vinyl-framed/sashed windows provided they have a similar frame and sash thickness as found on a traditional wood-framed/sashed window. Furthermore, when simulated mullions (grids) are used, staff prefers that the mullions be raised on the exterior of the window rather than located between the glass panes. For this project, many of the windows will require high STC ratings to mitigate train noise and staff acknowledges that it may be difficult for the applicant to find windows that comply with these window requirements. Therefore, staff's recommended condition requires that the proposed vinyl windows have a similar frame and sash thickness as found on a traditional wood-framed/sashed window and that raised exterior mullions be used unless the required noise mitigation for this project prevents compliance with this condition.

The Downtown Design Guidelines state that detached garages are preferred and should be placed at the rear of lots. All of the homes would have attached garages located at the front of the home. Staff believes that the garages, although attached and located at the front of the homes, meet the intent of the guideline in that they would not be highly visible from Stanley Boulevard.



Overall, staff believes that the building designs are attractive, and that the architectural style, articulation, finish, colors, and materials are appropriate for the Downtown, comply with the Downtown Design Guidelines, and would complement the existing buildings on Stanley Boulevard and other areas in the Downtown.

**House Sizes and Floor Area Ratio**

The lots would range in size from 2,603 square feet to 3,965 square feet (net area) and the homes would range in size from approximately 1,599 square feet to 1,920 square feet. The resulting FARs would range from 48 to 67 percent. While the FARs are higher than the 40% maximum allowed for the R-1-6,500 Zoning District (which requires a minimum lot size of 6,500 sq. ft.), the proposed FARs are not exceptionally large when compared to FARs on similarly sized lots in recent PUD projects in the Downtown.

For comparison purposes, the table below lists the lot sizes, house sizes, and FARs of the proposed project and some other small-lot single-family developments that were approved in the Downtown.

<b>Project<sup>1</sup></b>	<b>Lot Sizes</b>	<b>House Sizes</b>	<b>FAR Range</b>
<b>PUD-82 (Proposed Project), 4171/4189 Stanley Boulevard</b> 14 detached single-family homes	2,603 to 3,965 sq. ft. (net lot areas excluding access easement)	1,599 to 1,920 sq. ft.	48% to 67%
<b>PUD-90-08, 201-297 Del Valle Court</b> 13 units (1 existing single-family home, 6 new detached single-family homes, and 6 new attached single-family homes)	3,947 to 6,647 sq. ft. (excluding attached single-family homes)	<u>Existing House:</u> 1,735 sq. ft. <sup>2</sup> <u>New Detached Single-Family Homes:</u> 1,628 to 1,993 sq. ft.	<u>Existing House:</u> 26% <u>New Detached Single-Family Homes:</u> 33% to 48%
<b>PUD-37, 520 St. John Street</b> 6 units (4 single-family homes and a 2-unit apartment)	1,960 to 2,274 sq. ft. (excluding apartment lot)	1,221 sq. ft. (excluding apartment unit)	54% to 62% (excluding apartment unit)
<b>PUD-55, 225 W. Angela Street</b> 5 units (1 existing single-family home and 4 new single-family homes)	1,156 to 3,187 sq. ft. (gross lot areas including the private drive)	<u>Existing House:</u> 1,036 sq. ft. <u>New Homes:</u> 1,117 to 1,586 sq. ft.	<u>Existing House:</u> 33% <u>New Homes:</u> 75% to 97% <sup>3</sup>
<b>PUD-64, 4238 First Street</b> 5 units (1 existing single-family home and 4 new single-family homes)	2,018 to 4,606 sq. ft. (gross lot areas including the private drive)	<u>Existing House:</u> 1,210 sq. ft. <u>New Homes:</u> 1,713 to 1,919 sq. ft.	<u>Existing House:</u> 26% <u>New Homes:</u> 81% to 89% <sup>3</sup>
<b>PUD-72, 4693/4715 Augustine St.</b> 6 units (3 existing single-family homes and 3 new single-family homes)	2,010 to 3,820 sq. ft. (net lot areas excluding private drive)	<u>Existing Homes:</u> 878 to 1,844 sq. ft. <u>New Homes:</u> 1,630 to 2,360 sq. ft.	<u>Existing Homes:</u> 29% to 53% <u>New Homes:</u> 66% to 81%

<sup>1</sup>PUD-90-08 and PUD-37 are currently the only projects constructed.

<sup>2</sup>House size at the time of PUD approval; a 1,233 sq. ft. addition was later added.

<sup>3</sup>FARs would be higher if net lot areas used, which were not available.

Because townhomes typically do not have front or side yards included in the lot areas and typically have FARs exceeding 100%, a comparison of the proposed project's FARs with the adjacent Del Valle Manor townhome project would not be helpful. Staff has provided on the table below a comparison of the combined total FAR of the subject site (total square footage of all of the homes divided by the total land area of the development) and the adjacent Del Valle Manor townhouse development.

<b>Project</b>	<b>Total Project Area</b>	<b>Combined Total House Area</b>	<b>Total Project FAR</b>
<b>Proposed Project PUD-82</b> 14 detached single-family homes	51,135 sq. ft.	23,991 to 24,497 sq. ft.	47% to 48%
<b>Del Valle Manor Townhomes PUD-85-07</b> 36 townhomes	112,454 sq. ft. ±	49,080 sq. ft. ±	44%

Staff finds the proposed lot sizes, house sizes, and FARs to be acceptable and consistent with the pattern of approved residential development within the Downtown.

**Site Development Standards**

The applicant is not proposing house additions be allowed; therefore, there are no site development standards for future additions to the homes. Staff finds the proposed homes to be adequately sized. In addition, there would be limited yard area to accommodate additions and neighbors have already expressed concerns regarding the proposed house setbacks. Therefore, staff concurs that additions should not be allowed in the development. A condition of approval addresses this item.

The proposed accessory structure site development standards are generally satisfactory and similar to standards created for other small-lot developments in the City. Staff is recommending that the standards be modified to address the following items:

- a) Indicate that setbacks for covered patios, trellises, sheds, etc. shall be measured from the farthest architectural projection.
- b) Indicate that decks and patios shall not interfere with the rear or side yard drainage installed by the developer.
- c) Specify how setbacks are measured for the lots with the courtyards and easement areas (Lots 1-4, 9-10, and 13-14).
- d) Indicate that the wall material for detached and attached patios that are enclosed on two or more sides be limited to glass, screen lattice, or similar type of construction. Solid

base walls of wood, stone, or stucco would be permitted up to four feet from finished grade. Enclosed patios shall only be non-conditioned space.

### **Green Building**

The City's Green Building Ordinance requires new single-family homes exceeding 2,000 sq. ft. qualify for at least 50 points on Alameda County Waste Management Authority's "Single-Family Green Building Rating System." Since the proposed homes will not exceed 2,000 sq. ft., the applicant is not required to comply with this requirement, but has voluntarily proposed to incorporate a considerable number of green building measures into the project, providing approximately 75 points. Some of the proposed green building measures include: using engineered lumber in the beams, headers, and floors and oriented strand board (OSB) for the subfloor and wall and roof sheathing; installing recycled-content insulation; insulating all hot water pipes; installing high-efficiency bathroom faucets and toilets; installing high-efficiency air conditioning; exceeding Title 24 state energy conservation requirements by 15%; installing Energy Star<sup>®</sup> bathroom fans and dishwashers; and utilizing low volatile organic compound (VOC) emitting wall/ceiling paints. Please see the attached Green Building checklist for the complete list of the proposed green building measures. Staff appreciates the applicant's willingness to incorporate a substantial number of green building measures into the homes.

The State's Green Building Standards Code (CALGreen), which becomes effective on January 1, 2011, will require that all new single-family homes regardless of size be built with similar green building measures as the City's Green Building Ordinance currently requires.

### **Common and Private Open Space**

No common open space/recreation areas are proposed. Private, individual open space would be provided in the yard areas of the lots. Being a small-scale, infill project located in the Downtown, staff does not believe it would be feasible to accommodate a common open space area or tot lot within the project. The General Plan indicates that parks should be located within one-half mile of the residential area they serve. The project site is located within one-half mile of the following parks: Amador Valley Community Park, Kottinger Village Community Park, Delucchi and Lions Wayside Parks, Veterans Plaza Park, and Main Street Green. Staff acknowledges that some of the above-listed parks would entail crossing an arterial to reach them, making them less desirable for day-to-day use by residents. Overall, staff is satisfied that the private yards and surrounding parks will substantially meet the residents' park and open space needs.

### **Landscaping and Fencing**

Front yard landscaping would be installed for each lot. Although not indicated on the plans, the applicant has stated that he may install landscaping for all yard areas around the house. At least one street tree would be provided per lot. Staff finds the proposed landscape design, densities,

and species to be acceptable. Staff notes that the landscaping shown along the Stanley Boulevard frontage and private street entrance cannot be installed as shown since Stanley Boulevard will be widened and a new sidewalk will be installed. A condition of approval requires the frontage landscaping be adjusted to accommodate the City's planned Stanley Boulevard street improvements.

Fencing and soundwall elevations and locations have been shown on the fencing exhibit, Sheet L2 (the soundwall heights on the fencing exhibit need to be modified to conform to the height requirements of the noise study). An 8-ft. tall precast concrete soundwall would be installed along the rear property lines of Lots 5, 6, 7, and 9 and along the rear and eastern side property lines of Lot 8. A 6-ft. tall wood sound fence would be installed along the rear property lines and street side yards of Lots 1 and 14. Standard 6-ft. tall solid wood "good neighbor" fencing would be installed along the rear property lines of the other lots. Standard 6-ft. tall solid wood "good neighbor" fencing or 4-ft. solid wood fencing with 2-ft. of lattice on top would be installed along the side property lines and side fence returns. The street side fences on Lots 1 and 14 facing Stanley Boulevard would be setback five feet from the back of the future City sidewalk in order to provide adequate room for frontage landscaping. Evergreen vines would also be installed along the southern side of these street side fences. Staff finds the fence and soundwall designs and locations to be acceptable.

#### Driveway Material

The landscape plan shows scored concrete material for the driveways while the civil plans indicate that asphalt will be used. In order to reduce the impervious area of the project, delineate the driveway areas from the drive aisles, and improve the aesthetics of the project, staff has included a condition that scored permeable paving or decorative concrete pavers be used for the driveways.

#### Tree Removal

A tree report has been prepared that specifies the species, size, health, and value of the existing trees on the site that exceed six-inches in diameter. A total of 20 trees would need to be removed to accommodate the development, including 12 "heritage-sized" trees (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference). Tree species to be removed include deodar cedar, Italian stone pine, Douglas fir, CA black walnut, English walnut, coast live oak, Canary Island date palm, glossy privet, almond, orange, and lime. A fruitless mulberry tree in the City right-of-way along the project frontage will also be removed as part of the Stanley Boulevard reconstruction project. Two nearby trees located in the Union Pacific Railroad corridor would be preserved.

In July 2010, the current property owner requested to remove the three heritage-sized deodar cedar trees due to safety concerns with large falling branches. The City hired an arborist to conduct a thorough examination of these trees. The attached report by HortScience dated July

16, 2010 (Exhibit B), indicates that all three trees are healthy and unlikely to fall over, although each had some defects in structure. Tree no. 62 (the middle tree) has had several large branch failures over the years and has an asymmetric form and the arborist recommended removal of this tree. The City's Landscape Architect agreed with the arborist's findings and approved the removal of the tree. At the time this report was written, the property owner had not yet removed the tree.

In the past, the Planning Commission and/or City Council have attempted to discourage tree loss in developments by adding an extra requirement to contribute the value of removed trees to the City's Urban Forestry Fund. The Urban Forestry Fund is used to plant new trees in the City as well as conservation, promotion, and public education in regard to Pleasanton's street trees, park trees, and trees on private property. The arborist has valued the trees to be removed at \$65,050, which excludes the value of the mulberry tree along Stanley Boulevard that will be removed for the Stanley Boulevard reconstruction project. Staff normally tries to mitigate tree removal by requiring additional trees be planted on the site beyond what is normally required in production home developments (i.e., street trees and other trees installed in the front yards). In some developments, tree mitigation is required at a 6:1 ratio for each tree removed with a certain percentage of those trees being box-sized. Given the lack of common open space areas and the small size of the lots, staff does not believe there is adequate room to install additional trees, particularly if a 6:1 ratio is used for the 20 trees to be removed. Therefore, staff has included a condition that the applicant pay the appraised value of the trees to be removed into the City's Urban Forestry Fund. Staff believes that the value of tree no. 62 (\$16,000) should not be included since the City has already approved the removal of this tree. The value of the trees to be removed is \$49,050 if tree no. 62 is excluded. The applicant has indicated that he may install landscaping for all yard areas around the homes. Should the applicant decide to install landscaping for all yard areas, staff would credit the applicant for the cost of the trees installed in the rear and side yard areas beyond that currently shown on the development plan.

### **Growth Management Allocations**

Development of this property would fall under the "First-Come-First-Serve" category of the City's Growth Management Program, which has an annual, non-transferable allocation of 100 units. Recent demand for "First-Come-First-Serve" units has not exceeded supply and staff anticipates that there would be adequate building permit capacity for these 14 lots.

### **V. PUD CONSIDERATIONS**

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



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

The proposed project, as conditioned, meets all applicable City standards concerning public health, safety, and welfare. The subject development would include the installation of all required on-site utilities with connections to municipal systems in order to serve the new lots. The project will not generate volumes of traffic that cannot be accommodated by existing City streets and intersections in the area. The structures would be designed to meet the requirements of the Uniform Building Code, Fire Code, and other applicable City codes. The proposed development is compatible with the adjacent uses and would be consistent with the existing scale and character of the area. Adequate setbacks would be provided between the new dwellings and the existing structures on the adjacent properties.

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

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

The site's General Plan and Downtown Specific Plan Land Use Designation of "High Density Residential" requires projects to have densities greater than eight dwelling units per acre. Any housing type is allowed as long as it meets the density requirement. The proposed detached single-family residential housing development with a density of 12.0 units per acre is consistent with the General Plan and Downtown Specific Plan land use designation for the site. The proposed project would further several General Plan Programs and Policies encouraging new housing to be developed in infill and peripheral areas which are adjacent to existing residential development, near transportation hubs, or local-serving commercial areas and for the City to attain a variety of housing sizes, types, densities, designs, and prices which meet the existing and projected needs of all economic segments of the community.

Staff concludes that the proposed development plan is consistent with the City's General Plan and Downtown 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 project site is surrounded by a variety of uses: single-family homes, townhomes, a mobile home park, offices, and warehousing. As conditioned, staff believes that the proposed residential lots and homes would be compatible with the surrounding uses. The homes have been sited to minimize impacts on surrounding neighbors to the extent feasible and have been designed to reduce their mass and not overpower the site. The

subject property generally has flat terrain. Grading of the site will be limited to the creation of the pads for the future homes and to achieve proper drainage. The new homes are generally at the same elevation as the existing structures on the adjacent properties.

Therefore, staff believes that this finding can be made.

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

As described above, the site is flat with minimum changes in grades proposed. Erosion control and dust suppression measures will be documented in the improvement plans and will be administered by the City's Building and Public Works Divisions. 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 in a flood hazard zone.

Therefore, staff believes that this finding can be made.

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

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

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

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

As conditioned, the private street entry off Stanley Boulevard 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. The private street is designed to provide adequate circulation for fire, police, and other emergency vehicles. The new homes would be equipped with automatic residential fire sprinklers. The homes would be required to meet the requirements of the Uniform Building Code, Fire Code, other applicable City codes, and State of California energy and accessibility requirements.

Therefore, staff believes that this finding can be made.

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

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to 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 high-density single-family housing project 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 Downtown Specific Plan goals and policies. Moreover, input from the adjacent property owners and tenants has been sought and obtained through a Planning Commission work session; further opportunity for public comment will occur at the Planning Commission and City Council hearings.

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

**VI. PUBLIC COMMENT**

Public notices were sent to all property owners and tenants within a 1,000-foot radius of the project site. As noted earlier, public testimony and a petition were received during the work session. At the time this report was written, staff has not received any additional comments or concerns from the adjacent owners or tenants.

**VII. CONCLUSION**

Rezoning the site from R-1-6,500 to PUD-HDR would be consistent with the General and Downtown Specific Plan land use designations of High Density Residential. The subject infill development has been designed in conformity with the General Plan and Downtown Specific Plan. Infill developments, especially those in the Downtown, have various challenges and site constraints requiring often times the flexibility allowed by the Planned Unit Development zoning process. Development of this site must relate to the design standards of the Downtown residential area while respecting the concerns of and minimizing the impacts on nearby residents. Staff believes that the project blends in with the Downtown's character and that impacts to the adjacent residents have been minimized through increased setbacks, modest house heights for two-story structures, and prohibition of future additions. Residents who live in the development will be able to walk to Downtown to shop and eat, thus adding to the economic viability of Downtown.

**VIII. ENVIRONMENTAL ASSESSMENT**

A Final Environmental Impact Report (EIR) was approved by the City Council for the Downtown Specific Plan in conformance with the standards of the California Environmental

Quality Act (CEQA). The California Environmental Quality Act (CEQA) specifies that residential development projects that are proposed pursuant to the requirements of an adopted specific plan for which an EIR has been prepared and certified are exempt from additional environmental review provided: 1) there are no substantial changes to the project or to the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects; or 2) that new information of substantial importance which was not known at the time the previous EIR was certified shows the project will have one or more significant effects not discussed in the EIR. Staff does not believe that there are any changes in the project, circumstances, or new information causing new significant environmental effects. Thus, staff recommends this project be reviewed without any additional CEQA review or process.

## **IX. STAFF RECOMMENDATION**

1. Find that there are no new or changed circumstances or information which require additional CEQA review of the project;
2. Find that the proposed PUD rezoning and development plan are consistent with the General Plan and Downtown Specific Plan;
3. Make the PUD findings for the proposed development plan as listed in the staff report; and
4. Adopt a resolution recommending approval of Case PUD-82, PUD rezoning from R-1-6,500 (One-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) and development plan approval to construct 14 detached single-family homes, subject to the conditions of approval listed in Exhibit B, and forward the application to the City Council for public hearing and review.

*For questions or comments about this proposal, please contact: Steve Otto, Senior Planner at 925-931-5608 or [sotto@ci.pleasanton.ca.us](mailto:sotto@ci.pleasanton.ca.us).*

**PUD-82, David DiDonato, Donato Builders, Inc.**

**Application for Planned Unit Development Rezoning of an approximately 1.17-acre site located at 4171 and 4189 Stanley Boulevard from R-1-6,500 (One-Family Residential) District to Planned Unit Development – High Density Residential (PUD-HDR) District and for Development Plan approval to construct 14 detached single-family homes.**

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

Commissioner Blank stated that he took issue with a comment made regarding the Commission not being clear about density. He indicated that he had read the Minutes; all five Commissioners expressed concern about density, and four of the five Commissioners recommended removal of a unit or a significant reduction in floor area ratios (FAR).

Mr. Otto agreed that the Commission concurred about reducing the FAR; however, with respect to density or the number of units, he understood from his reading of the Minutes that some Commissioners did support the proposed density.

Mr. Dolan added that intensity would be measured by the FAR and that density is measured as units per acre.

Commissioner Blank noted that the number of units is the same and it appears that with respect to the house sizes, Plan 1 has been reduced by 10 square feet, and Plan 2 has been reduced by 32 square feet. He inquired if staff considers this to be a significant enough reduction to make a real impact, given the number of Plan 1 and Plan 2 units and only one unit of Plan 3.

Mr. Otto replied that staff did not feel there was an exact number that the homes had to be reduced by. He added that staff agrees that the square footage of the first two models was not reduced substantially; however, the third model which was originally over 2,000 square feet has been reduced to 1,920 square feet.

Commissioner Blank corrected his earlier statement that there was only one unit of Plan 3; he noted that there are three Plan 3 units.

Commissioner O'Connor stated that there had been a lot of discussion and concern from the Commission and the public regarding parking. He inquired if parking would be an issue if everything were done according to the proposal. He further inquired how the City would police the parking and the restriction of not utilizing garages for storage.

Mr. Otto replied that ideally, the City would not police the parking or garage use. He stated that it would be included in the requirements of the CC&R's and recorded with the properties, and the residents themselves would take care of it. He added that there



may be situations where the City may have to go in and enforce the conditions of approval imposed on the project.

Commissioner O'Connor inquired if there was a condition that this be included in the CC&R's.

Mr. Otto replied that it is generally stated in the condition regarding separate recorded documents, but staff could add this to ensure it is included in the CC&R's.

Chair Olson noted that parking has been improved by adding guest parking on site. He inquired if there would be issues with the fire turn-around if all guest spaces were occupied by automobiles.

Mr. Otto replied that the Fire Department has reviewed the turn-around and has signed off on it.

Commissioner O'Connor acknowledged that a fee is being paid to the City to plant trees elsewhere; however, he would like the developer to plant trees back into this site to provide immediate shade. He inquired if any of the trees would be as big as they are today and if any were oak trees.

Commissioner Pentin noted the large cedar tree in the front is proposed to be removed, the canopy of which will take a long time to replace. He noted, however, that the rest are fast-growing species.

Mr. Otto replied that there are a variety of sizes of trees proposed and generally, the size of the circle on the plans represents the size of the trees. He indicated that the trees will be a combination of redwoods, liquid ambers, and magnolias. He added that staff's preference would be to mitigate the tree removal by planting trees on site, but there are space limitations on the site.

Commissioner O'Connor stated that he was more interested in looking for coverage for shade and trying to mimic what is currently on Stanley Boulevard to replicate the same feel from the roadway. He agreed that it would take time to replace a large existing tree and requested that the replacement tree be of a species that will get to the same height at some point.

Mr. Otto indicated that a condition could be added to address that.

Commissioner Blank suggested that a condition also be added to have the applicant work with the Director of Community Development to ensure that there be appropriate tree sizes to provide maximum shading.

Commissioner Pentin inquired if the trees to be planted were reviewed by the City's Landscape Architect, Mike Fulford.

Mr. Otto confirmed that they were. He added that the landscape architect is not looking to maximize the amount of shade and size, but rather for species and appropriateness of locations on the site.

Commissioner O'Connor suggested that the Director of Community Development defer the matter to the landscape architect at the appropriate time.

Commissioner Pentin referred to Condition No. 3 of the special conditions of approval which states that all uses and site development standards shall be those of the R-1-6,500 District. He indicated that he thought the zoning was being changed to High Density Residential.

Mr. Otto replied that this is a standard condition used on PUDs, which utilizes single family zoning district (R-1-6,500) for uses and site development, and in the event staff misses something the applicant may want to do in the future.

Commissioner Pentin referred to Condition No. 28 regarding eliminating the 1,375-square-foot parcel that had been previously dedicated to the City. He inquired if this would go back into the project.

Mr. Otto explained that the parcel was dedicated to the City back in the 1980's, and the applicant's plan was still showing it as part of this project. He indicated that it would be a matter of erasing the lines from the plans.

Commissioner Pentin noted the following typographical errors and requested that they be corrected:

- Conditions Nos. 39 and 41: "If the applicant's project ~~precedes~~ proceeds prior to the City's Capital Improvement Project...."
- Condition No. 46: "If the applicant's project ~~preceeds~~ precedes the City's decision to underground...."
- Condition No. 65: "...recommendations of the tree report prepared by Ed Brennan...."

Commissioner O'Connor stated that he believes the fencing would propose a problem. He noted that three different fence structures are proposed: one soundwall back by the railroad tracks, and one type of fencing called a sound wood fence versus a good neighbor fence. He inquired if the wood would overlap or be caulked. He noted that it is specified in the architect's plans as a "standard construction grade fence." He indicated that density is being upgraded and that he is not pleased with utilizing construction-grade fencing as it does not last very long in this type of environment. He recommended upgrading the fencing material to something like con-heart redwood, which is about two levels up from construction grade and would last 15 to 25 years.

Commissioner Pentin asked if Commissioner O'Connor recommended that all wood fences be upgraded to con-heart redwood.

Commissioner O'Connor said yes.

Commissioner Pearce inquired what the approximate sizes of each of the five parcels on the site were and the size of the parcel on which the existing house is located.

Mr. Otto replied that he did not have that information readily available.

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

David DiDonato, applicant, stated that there are 20 trees on site that have not been maintained and are not very healthy. He added that 23 trees are being removing on site and being replaced with 35 trees that meet the City's palette requirement for street trees to be planted in the frontscaping and backyards. He indicated that there are some large cedar trees in the front that are dropping branches, breaking, and dying and that there is no way to replace trees of that magnitude as they are a couple of hundred years old.

Mr. DiDonato stated that they will be meeting the requirements of the City's planting but are limited with what they can plant. He added that they are paying \$60,000 into the tree fund. He indicated that they have worked on this high-quality project for almost three years and are excited to bring it forward. He noted that infill projects are tough because there are many constraints and variables, and it is difficult to please everyone. He stated that they are relying on the General Plan and Specific Plan, meeting with staff and holding workshops, and feels the project is solid, architecturally outstanding, and meets density requirements. He requested the Commission to approve his project.

Commissioner Pearce inquired what the size of the parcel was where the existing house is located.

Mr. DiDonato replied that he believed the lot is about 5,000-6,000 square feet.

Commissioner Pearce inquired if the total area of all the parcels was 46,000 square feet.

Mr. DiDonato replied that he was slightly hesitant on the total square footage of the site because of the parcel that is being donated back to the City. He indicated that this information is outlined on the site plan.

Commissioner Blank stated that he asked at a workshop two or three years ago and inquired what the selling prices of the houses would be assuming the project is approved without any substantive modifications.

Mr. DiDonato replied that this is difficult to determine given the tough economy and declining market but stated that the selling price would probably be in the \$500,000's. He added that there are risks involved and the reason they are pushing the project forward is because they are a small, local developer and he is confident that things are going to get better economically. He indicated that should the economy improve by the

time the project comes forward and the model homes are built, they could probably sell the houses for more, although he doubts this will be the case.

Commissioner Blank noted from the workshop minutes that Mr. DiDonato had indicated then that the project would take a year to 18 months to entitle, that there are a lot of economic concerns, and that he estimated the home prices may be in the \$750,000 to \$800,000 range.

Mr. DiDonato stated that they did not reduce the square footages by much; however, but 10 square feet on a house and where it has been reduced has helped them quite a bit as far as increasing the setbacks. He explained that they must accommodate the economy and what buyers will want, but they want to make money from it as well. He stated that the houses are modest and reasonable at 1,600 square feet to just under 2,000 square feet.

Commissioner Blank inquired if the construction cycle is still 12 to 18 months.

Mr. DiDonato replied that he has been in construction for over 30 years and cannot explain the cycle that they are in. He indicated that in a normal cycle, they could build homes within that timeframe, but given today's economic constraints, it is quite different. He stated that what he envisions is to build the models and then get buyers into consignment, contingent upon construction loans. He added that this would minimize their risks.

Chair Olson commented that reducing the speculative nature of the project is really smart because it is difficult to obtain loans from banks at this time.

Commissioner O'Connor referred back to trees and stated that he was not asking for more trees to be planted but wanted to make sure that whatever is put along the streetscape will grow a little taller over time. He acknowledged, however, that the developer is constrained by the City's requirements for Stanley Boulevard.

Michael Palza, project architect, stated that during the work session in 2008, the 70-percent FAR presented by staff was incorrect and that they believe most of the Commissioners' comments were based on this percentage. He referred to page 18 of the staff report and stated that at that time, one Commissioner suggested that a study be conducted regarding other developments in the area and compare densities and FAR's. He noted that the City did the comparison and indicated that they are at 54-percent average FAR, which is considerably less than 70 percent. He further noted that the new homes built in the area, with the exception of one, are all above 75 percent, 65 percent, and 97 percent.

Emilie Cruzan voiced her objection to the development, stating that she is concerned about the density. She pointed out that at 54 percent, the project's FAR is greater than the townhome complex in which she lives, which is 44 percent. She inquired if there would be a condition addressing residents being required to park in their garages

because she noted that neighbors are already impacted by parking and that after the modernization on Stanley Boulevard, parking will only be allowed on north side of the street and none on the south side.

Ms. Cruzan expressed concern about the type of housing proposed. She stated that she feels there is a need for more affordable housing, and the proposed development is for single-family homes which are among the more expensive types of housing. She suggested developments featuring smaller, affordable homes for younger families and seniors due to the proximity to the Downtown. She added that home prices in the \$700,000's are steep for even moderate incomes and requested that more affordable housing be built in the neighborhood.

Ms. Cruzan objected to the cutting down of almost all but two of the heritage trees. She acknowledged that the developer will pay \$60,000 to replace the trees, but it appeared to her that the trees will be planted elsewhere in the City and inquired whether this was a fair trade for the neighborhood. She added that it will also take a long time for trees to grow back to the size they are now. She disagreed that the existing trees are ugly, noting the existing habitat in the area, and asked that the number of housing units be decreased to save a few more heritage trees. She noted that trees provide more than just aesthetics; they also preserve neighborhoods, filter out particulate matter created by traffic, and provide a noise buffer from trains. She stated that she thinks in many years, the area will be a sea of houses without trees, and indicated that she would appreciate anything the Commission could do in this regard.

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

Commissioner Blank stated that at the last workshop, there was a lengthy discussion about the Pleasanton Heritage Association (PHA). He inquired if staff made a determination as to whether the Association needed to be involved.

Mr. Otto replied that the plans were routed to the Association, and its representatives had provided a comment letter which was attached to the report.

Commissioner Blank referred to Condition No. 8, stating that there was a lot of discussion about the language used on deeds and disclosures being provided. He suggested that the phrase "in plain language" be added so the disclosures are easily understood.

Commissioner Blank added that also of concern in Condition No. 8 is that there is a lot of discussion about noise. He indicated that he understands the City is not going to try and mitigate the train whistle noise, which is not stated in the conditions. He stated that he believes that, having lived near a train track for many years, it is one thing to hear the train going by but quite a different thing when the whistle blows. He suggested that language be added to address the Union Pacific Railroad and possible noise including whistles and vibration impacts of the railroad.



Mr. Otto indicated that the condition could be modified to add the verbiage "in plain language" and to address the possible impacts of whistles and vibration.

Commissioner Pearce requested confirmation that there are 20 trees, including 12 heritage trees, which are proposed for removal, that the trees intended to be preserved are the two along in the Union Pacific Railroad corridor, that the project is not subject to the inclusionary housing ordinance because it has less than 15 units, and that, therefore, in-lieu fees will not be paid.

Mr. Otto stated that Commissioner Pearce's tree figures were correct and added that if the project were at 15 units or more, the developer would be required to provide at least 20 percent of the units at the affordable level.

Chair Olson commented that as far as marketability, he could see healthy seniors who can climb stairs and walk to the Downtown, as well as a young family, wanting to purchase the homes.

**Commissioner Blank moved to find that there are no new or changed circumstances or information which would require additional CEQA review of the project and that the proposed PUD rezoning and development plan are consistent with the General Plan and Downtown Specific Plan; to make the PUD findings for the proposed development plan as listed in the staff report; and to recommend approval of Case PUD-82, subject to the Conditions of Approval listed in Exhibit A of the staff report, with the modifications that: (1) the applicant work with staff to determine the tree species that would ensure appropriate tree sizes and to maximize shading; (2) the fencing material be con-heart redwood; (3) plain language be utilized in the disclosures and restrictive covenants; and (4) train whistle noise and vibration be included in the train disclosure.**

Commissioner O'Connor suggesting including for the record that the project fits with the zoning and Specific Plan for the Downtown Specific Plan as amended a couple of years ago, and that the Pleasanton Downtown will see higher density housing going forward.

Commissioner Blank noted that the applicant was very articulate when he stated that these types of infill projects are tough. He indicated that he likes the idea that, while technically not affordable housing, these units may be affordable.

Commissioner O'Connor agreed, stating they may be considered affordable by design because of the number of units that can be developed per acre.

Chair Olson added that Downtowns do better with higher densities.

Commissioner Blank inquired if there were any concerns by staff regarding the construction duration of the project, such as constructing the houses in phases, and any impacts it may have on the surrounding neighborhoods.

Mr. Otto replied that staff has not discussed phasing with the applicant but that this is something that occurs in projects. He indicated that staff would want to see a plan detailing which units the applicant would want to built first.

Commissioner Blank noted that phasing is not specifically called for in the project conditions and inquired if staff felt that the standard construction conditions would allow for such flexibility or if it would need to be specifically spelled out.

Mr. Otto replied that the Commission could add language that the applicant could propose phasing.

Chair Olson noted that the applicant had indicated that the project would likely be constructed in phases.

Mr. Dolan advised that the applicant had asked the City for flexibility to address the market. He indicated that it might be setting up an artificial construct if it is not known at this point how the construction would roll out.

Commissioner Blank stated that this was not his intent. He indicated that he would just want to ensure that staff has the ability to work with the applicant to phase as appropriate.

Mr. Dolan stated that an extended construction period creates additional challenges not only with the neighbors but also within the project itself. He added that the normal conditions for construction hours are good.

Commissioner O'Connor likened the situation to a custom development where some homes get built and some don't based upon the market.

Commissioner Pearce stated that she appreciates that there is a motion and a second but that she will not be supporting the motion. She indicated that she was not present at the workshop, and, therefore, her thoughts are not included in the Minutes. She added that she recognizes the need for more housing, but is dismayed that the only solution that was created and put before the Commission was one that bulldozes all trees except for two along the train tracks, including 12 heritage trees; bulldozes a house that is 102 years old which, while not in great condition is still a heritage house in the City.

Commissioner Pearce stated that while she did not get information on the parcel size, she would have liked to have seen a proposal that utilized high-density housing on the other four parcels at eight-plus units per acre working around the trees, possibly town homes versus single-family homes, and something that would have had 15 units on this parcel, thereby subjecting the project to the inclusionary housing ordinance. She added that what is missing is affordable housing and does not think the project rises to the standard of City-approved projects.

Commissioner Pearce stated that she is concerned that the City is bulldozing everything on the site in order to accommodate more single-family homes. She noted that the City considers itself a "*City of planned progress*," but rather, it appears to be a "*City of forging ahead at any cost*" when the only option it looks at is tearing down everything on a site that has stood for so long, including trees that are a few hundred years old and a house that is one hundred years old. She concluded that she is saddened that the Commission chooses, by approving this project, to not respect the history of the site. She reiterated that she would not support the motion.

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, O'Connor, Olson, and Pentin.

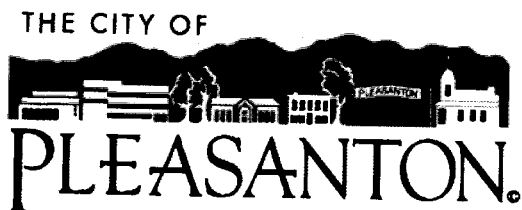
**NOES:** Commissioner Pearce.

**ABSTAIN:** None.

**RECUSED:** None.

**ABSENT:** Commissioner Narum.

Resolution No. PC-2010-29 recommending approval of Case PUD-82 was entered and adopted as motioned.



**Planning Commission  
Staff Report**

February 9, 2011  
Item 6.b.

- SUBJECT:** Work Session for PUD-82
- APPLICANT:** David DiDonato, Donato Builders, Inc.
- PROPERTY OWNER:** Robert Molinaro
- PURPOSE:** Work session to review and receive comments on a proposal to construct 13 detached single-family homes on an approximately 1.17-acre site.
- GENERAL PLAN:** The General Plan Land Use designation for the parcels is High Density Residential.
- SPECIFIC PLAN:** The Downtown Specific Plan Land Use designation for the parcels is High Density Residential.
- ZONING:** The current zoning is R-1-6,500 (One-Family Residential) District.
- LOCATION:** 4171 and 4189 Stanley Boulevard
- EXHIBITS:**
- A. Revised Site Plans and Letter from Applicant, dated January 5, 2011
  - B. Planning Commission Work Session Discussion Points
  - C. Minutes of the December 7, 2010, City Council Meeting
  - D. Memorandum from the City Landscape Architect
  - E. Shadow Study from Darell Walterson
  - F. Email received after publishing of the December 7, 2010, City Council Staff Report
  - G. December 7, 2010, City Council Staff Report with the following Attachments:
    - 1. Exhibit B: Proposed Plans, FAR Table, Site Development Standards, Green Point Checklist, Tree Reports, and Noise and Vibration Study
    - 2. Shadow Study and State Solar Shade Control Act

3. Revised Letter from Linda Garbarino, Pleasanton Heritage Association, dated "Received" November 1, 2010
  4. Excerpts of the Planning Commission meeting minutes, dated September 15, 2010
  5. Emails received after publishing the September 15, 2010, Planning Commission Staff Report
  6. September 15, 2010, Planning Commission Staff Report with the following Attachments:
    - a. Exhibit C - Downtown Specific Plan Land Use Map
    - b. Exhibit D - Location Map
    - c. Exhibit E - Photographs of the Property
    - d. Exhibit F - Preliminary Site Plan from the May 21, 2008, Planning Commission Work Session Meeting
    - e. Exhibit G - Minutes of the May 21, 2008, Planning Commission Work Session Meeting
    - f. Exhibit H - Neighborhood Petition Submitted at the May 21, 2008, Planning Commission Work Session Meeting
    - g. Exhibit I - California Department of Parks and Recreation Survey Form-523 Prepared by Architectural Resources Group
    - h. Exhibit K - Public Noticing Map
- 

## **I. BACKGROUND**

A PUD rezoning and development plan application for a 14-unit residential development was reviewed and recommended for approval by the Planning Commission (4-1 vote) at a public hearing held on September 15, 2010. The City Council reviewed the application at its December 7, 2010, public hearing. The Council identified several concerns it had with the project, requested additional information be provided for some of the studies, and returned the project to staff, the Planning Commission, and the applicant to address these concerns and requests.

The Council provided the following specific comments on the project (additional comments made by the Council are located in the attached minutes):

### Green Building

Since the proposed homes would not exceed 2,000 sq. ft., the project is exempt from the City's Green Building Ordinance, but would need to comply with the new State-adopted CALGreen Building Code requirements that took effect January 1, 2011. The applicant voluntarily proposed to incorporate approximately 75 points on the Single-Family Green Building Rating System. Some Councilmembers requested that the applicant increase the number of Green Building points. The applicant indicated that he would look into increasing the number of Green



Building points. This information will be provided in conjunction with the Planning Commission's formal review of the development plan.

#### Noise Study

Councilmember Sullivan requested that train whistle (horn) noise levels be provided for the inside of each home. This information will be provided in conjunction with the Planning Commission's formal review of the development plan.

#### Tree Report

Some Councilmembers requested clarification of the analysis and conclusions provided in the July 16, 2010, tree report prepared by HortScience and had requested that the City's Landscape Architect provide input. The City's Landscape Architect has prepared a memo (Exhibit D) explaining the analysis in the tree report and his justification for approving the removal of one of the deodar cedar trees.

#### Density

The Council indicated that it would like the Commission to review the proposed density (i.e., the number of dwelling units).

#### Open Space

Some Councilmembers desired an open space area for children to play.

#### Demolition of Existing House

Some Councilmembers supported retaining the existing house while other Councilmembers supported its demolition as proposed.

#### Shadow Study

Darell Walterson, adjacent resident at 4151 Stanley Boulevard, contacted staff after the Planning Commission hearing for this project and voiced concern that the proposed homes would block sunlight from reaching the photovoltaic (PV) panels that are located on the roof of his detached garage. Mr. Walterson also questioned if there were any State laws protecting his PV panels from the proposed development.

There is no State law which provides an existing property owner solar rights to prevent an adjacent property owner from building a structure which affects a solar array. The State Solar Shade Control Act (CA Public Resources Code sections 25980 *et. al.*, Exhibit G, Attachment 2) does provide certain protections to solar collectors (e.g., PV panels or solar water heating panels) from the shading effects of trees or shrubs provided certain conditions are met. For instance, the solar collector must be set back at least 5 feet from a property line and located at least 10-feet above grade, except that a solar collector may be less than 10 feet in height if the solar collector is set back 5 feet from the property line plus an additional three times the amount lowered below 10 feet. It appears that Mr. Walterson's eastern PV panel array complies with the setback requirements, but the western array may not comply. Assuming they both comply,

Mr. Walterson would be protected from the installation of future trees or shrubs on the adjacent properties if they were to cast a shadow greater than 10 percent of the collector absorption area at any one time between the hours of 10:00 a.m. and 2:00 p.m., local standard time. Staff notes that any violation of the Solar Shade Control Act would be a civil (private) matter between property owners and the City would not be responsible for enforcing.

Although there are no State laws applicable to the proposed structures' affects on Mr. Walterson's PV panels, staff requested the applicant provide a shadow study which would show the shading of the proposed homes located immediately west of Mr. Walterson's PV panels. The applicant's architect had provided a shadow study for the City Council hearing (please see Exhibit G, Attachment 2) showing the shading from the proposed front yard trees and from the proposed homes. The applicant's shadow study indicates the shading at 2:00 p.m. on the day of the year when the sun reaches its lowest level, December 21<sup>st</sup>, thereby casting the longest shadows. Staff notes that 2:00 p.m. was selected for the applicant's shadow study because it is the latest time considered for impacts by the State Solar Shade Control Act. The applicant's shadow study shows there would be no shading impacts from the proposed front yard trees. The study shows there would be some, but minimal, shading impacts from the proposed buildings (staff notes that the shading on the neighbor's roof is shown as the hatched area and that the western PV panel array does not extend to the edges of the roof).

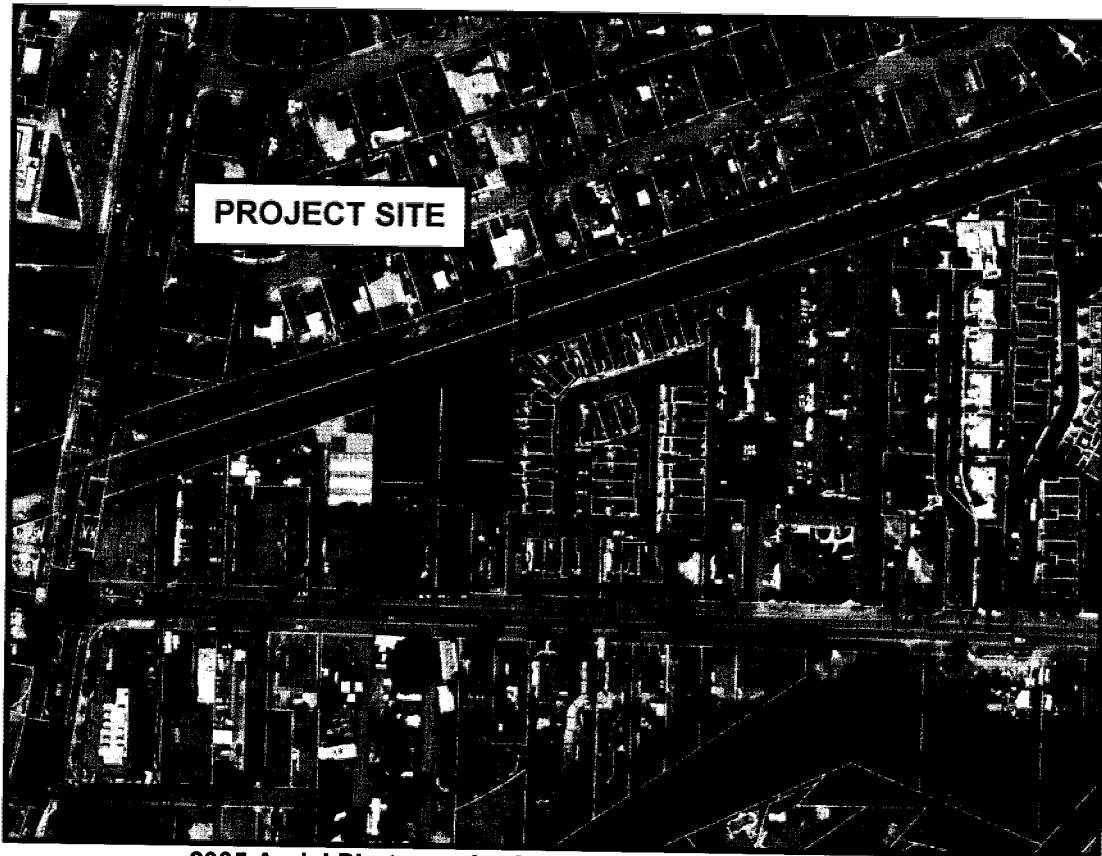
At the Council meeting, Mr. Walterson voiced concerns regarding shading impacts and indicated to the Council that he was going to have an independent shadow study done. Councilmember Sullivan requested a copy of the neighbor's shadow study. The neighbor's shadow study has been attached to this report (Exhibit E). The neighbor's shadow study appears consistent with the applicant's shadow study for 2:00 pm on December 21<sup>st</sup> except that the applicant's shadow study did not include the shadows cast by the chimneys of the proposed homes. The neighbor's shadow study also shows the shadows cast at 4:00 pm on December 21<sup>st</sup> and includes a separate sheet showing the shadows at 2:00 pm and 4:00 pm on March 21<sup>st</sup> and September 21<sup>st</sup>.

In response to the Council's comments, the applicant created several conceptual site plan revisions before selecting his preferred site plan. Prior to proceeding further with plan revisions, the applicant requested a Planning Commission work session to obtain the Commission's feedback on the revised site plan as well as any other items it would like addressed. The work session will also provide the public with an opportunity to comment on the revised site plan and development of the site. After the work session, the applicant would determine the plan revisions to make and return to the Planning Commission with the revised plans for its review and recommendation. The revised plans and the Commission's recommendation would then be brought back to the City Council for review and final determination.

## II. SITE DESCRIPTION

### Subject Property and Surrounding Area

The project site, comprised of five parcels, is located on the north side of Stanley Boulevard (please see the aerial photographs of the site and surrounding area below and on the following page). The site topography is relatively flat and contains an existing single-family dwelling built in 1908 (see photograph on page 7) and a variety of trees, shrubs and grasses.

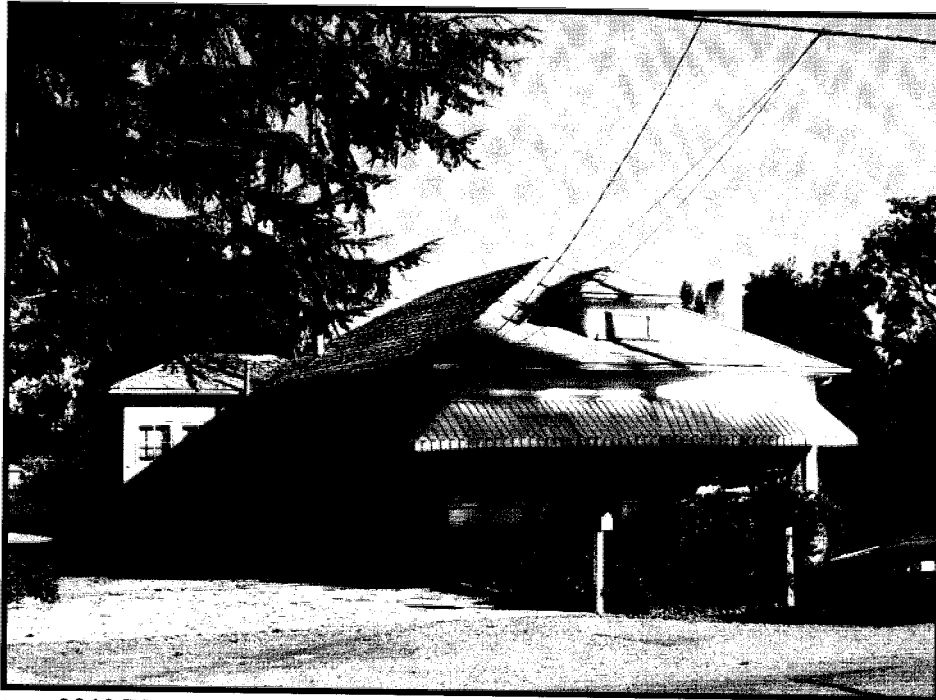


2005 Aerial Photograph of the Site and Surrounding Area



**Aerial of the Subject Property (Google Maps 2010)**

The property is bordered on the east by a single-family home and the Del Valle Manor townhome development. Window-ology (window covering sales office and warehousing) borders the site to the west. The Union Pacific Railroad borders the site to the north. Single-family homes in the Jensen Tract neighborhood are located on the opposite side of the railroad tracks. Pleasanton Mobile Home Park and single-family homes are located to the south of the subject site, opposite Stanley Boulevard.



**2010 Photograph of the Existing House at 4189 Stanley Boulevard**

### **III. PROJECT DESCRIPTION**

The previously proposed project was described in detail in the attached City Council and Planning Commission staff reports. Key changes between the proposal reviewed at the prior hearings and that now before the Commission include the following:

- A lot with a dwelling unit was eliminated (former Lot 12 with a Plan 2 model)
- A common open space area was added with possible tot lot/play equipment
- Two guest parking spaces were added (seven total)

Staff has included the applicant's preferred site plan (11" by 17" size) along with three conceptual site plans (8½" by 11" size). The applicant's preferred site plan is the same as the "Concept A" site plan except one guest parking space was eliminated and the location of the guest parking spaces was adjusted.

### **IV. CONSIDERATIONS FOR THE WORK SESSION**

This workshop is the Commission's opportunity to direct the applicant and staff as to issues it wishes to be addressed. The areas noted below are those on which staff would find the Commission's input most helpful.

## **Density**

Thirteen units on 1.17 acres would result in a density of 11.1 dwelling units per acre (11.1 du/ac). The proposed density complies with the site's General Plan and Downtown Specific Plan Land Use Designation of "High Density Residential" which requires projects to have densities greater than eight dwelling units per acre (8 du/ac). The General Plan requires Low Density Residential and Medium Density Residential designated properties to provide public amenities such as the dedication of parkland or open space beyond the standard City requirements in order to exceed the midpoint densities of these land use designations. The midpoint density of the High Density Residential land use designation is 15 du/ac and there is no public amenity requirement to exceed the midpoint density of High Density Residential designated properties.

### **Discussion Points**

- *Is the proposed density acceptable?*

## **Affordable Housing**

The City's Inclusionary Housing Ordinance requires single-family home or townhouse projects with 15 units or more to provide at least 20 percent affordable housing units at very low, low, or moderate income households. For example, three affordable housing units would be required for a 15-unit single-family home project.

### **Discussion Points**

- *Should a minimum of 15 units be built in order to require affordable housing units be constructed per the City's Inclusionary Zoning Ordinance?*

## **Site Plan**

### **Discussion Points**

- *Are the single-family home lot locations and sizes acceptable?*
- *Is the open space parcel acceptably located and sized? The applicant had considered locating the open space parcel at other locations and created conceptual site plans for Lots 5 and 6 (see Exhibit A). However, the applicant indicated that these other locations are not preferred for several reasons: they are not centrally located in the development; they are not as visible as the proposed location; they would not accommodate as many guest parking spaces; they would not reduce shading impacts on the neighbor's PV panels; and they would affect the placement and/or quantity of the Plan 3 model. Another possible location for the open space parcel is Lot 1, which may allow one or two of the large deodar cedar trees (#61 and #62) to be saved. However, it may not be ideal to have an open space/play area in close proximity to Stanley Boulevard due to noise impacts from traffic and possible safety concerns with children. Furthermore, retaining one or two of the deodar cedar trees would*



*limit the available space to install amenities such as play equipment and there could be a safety concern with falling branches.*

- *Does the Commission have a preference for the improvements in the open space parcel? For example, should play equipment be installed? The applicant is unsure if the homeowners would have small children and would like the flexibility to install no play equipment if the majority of the homeowners do not have small children. The applicant suggests waiting until the houses are sold to determine the amenities for the open space parcel. Since the applicant could construct the project in phases and since it could take many months to sell all of the homes, staff believes that the open space amenities need to be determined now as part of the project.*

### **Demolition of the Existing House**

The existing single-family home built in 1908 would be demolished to accommodate the proposed development. The applicant has also indicated that he would donate the house to anyone that desired it. The home is not included in the Historic Neighborhoods and Structures table of the General Plan nor was it included in the Downtown Historic Resource List and Map that was created for the 2002 update of the Downtown Specific Plan to identify individual properties and neighborhoods that contain outstanding examples of heritage structures. The project site is also not located in one of the four Heritage Neighborhoods that are identified in the Downtown Design Guidelines. The structure has been determined to have no historical significance through a DPR-523 survey conducted by experts in the field of historic preservation.

### **Discussion Points**

- *Does the Commission support the demolition of the existing house?*

### **Parking**

Two garage parking spaces would be provided per unit. In addition, residential driveways would be at least 18-foot long to accommodate parked vehicles with the garage door in a closed position. Seven guest parking spaces would be provided on site. In total, 59 parking spaces would be provided for the 13 units (resulting in 4.5 spaces per unit). For comparison purposes, the adjacent 36-unit Del Valle Manor townhome development has two garage spaces per unit, short (5 ft. long) driveways that do not accommodate parking, and 16 guest parking spaces (resulting in 2.4 spaces per unit).

An additional guest parking space could be added to the open space parcel (e.g., on the north side of the two proposed spaces). The applicant believes adding another parking space would block views of the open space parcel.

Staff believes that the compact space on the open space parcel should be angled counterclockwise a bit more to enable easier access into and out of this space.

### Discussion Points

- *Is the proposed parking adequate? Should an additional guest parking space be added to the open space parcel?*

### **Tree Removal**

A tree report by Ed Brennan, consulting arborist, was prepared for the project that specifies the species, size, health, and value of the existing trees on the site that exceed six-inches in diameter (Exhibit G, Attachment 1). As originally proposed, all 20 of the existing trees on the subject property would be removed to accommodate the proposed development, including 12 heritage-sized trees (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference). A fruitless mulberry tree in the City right-of-way along the project frontage will also be removed as part of the City's Stanley Boulevard reconstruction project. The applicant is currently evaluating whether it would be possible to retain two trees: tree no. 65, a heritage-sized Douglas fir tree near the northern property line of Lot 3; and tree no. 76, a heritage-sized California black walnut tree near the southern property line of Lot 11.

In July 2010, the current property owner, Robert Molinaro, requested to remove the three heritage-sized deodar cedar trees near the front of the property due to safety concerns with large falling branches. The City's Landscape Architect hired HortScience to conduct a thorough examination of these three trees. The tree report by HortScience dated July 16, 2010 (Exhibit G, Attachment 1), indicates that all three trees are healthy and unlikely to fall over, although each had some defects in structure. Tree no. 62 (the middle tree) has had several large branch failures over the years and has an asymmetric form and the arborist recommended removal of this tree. The City's Landscape Architect agreed with the arborist's findings and approved the removal of the tree. The City's Landscape Architect has prepared a memo (Exhibit D) further explaining the analysis in the tree report and justification for approving the tree's removal. At the time this report was written, the property owner had not yet removed the tree.

In the past, the Planning Commission and/or City Council have attempted to discourage tree loss in developments by adding an extra requirement to contribute the value of removed trees to the City's Urban Forestry Fund. The Urban Forestry Fund is used to plant new trees in the City as well as conservation, promotion, and public education in regard to Pleasanton's street trees, park trees, and trees on private property. The arborist has valued the trees to be removed at \$65,050, which excludes the value of the mulberry tree along Stanley Boulevard that will be removed for the Stanley Boulevard reconstruction project. Staff normally tries to mitigate tree removal by requiring additional trees be planted on the site beyond what is normally required in production home developments (i.e., street trees and other trees installed in the front yards). In some developments, tree mitigation is required at a 6:1 ratio for each tree removed with a certain percentage of those trees being box-sized. Given the small size of the lots, staff does not believe

there is adequate room to install additional trees, particularly if a 6:1 ratio is used for the 18 or 20 trees to be removed. Therefore, at the prior hearings, staff had recommended that the applicant pay the appraised value of the trees to be removed into the City's Urban Forestry Fund. Staff recommended that the value of tree no. 62 (\$16,000) should not be included since the City's Landscape Architect already approved the removal of this tree. The value of the trees to be removed is \$49,050 if tree no. 62 is excluded and is \$40,850 if tree nos. 65 and 76 are saved. The applicant has indicated that he may install landscaping for all yard areas around the homes. Should the applicant decide to install landscaping for all yard areas, staff would recommend the applicant receive credit for the cost of the trees installed in the rear and side yard areas beyond that currently shown on the development plan.

Discussion Points

- *Does the Commission support the proposed tree removal and mitigation?*

**Housing Type, Sizes, Height, Setbacks, FARs, and Design**

The applicant is proposing the same housing type, sizes, height, and designs as previously proposed: Spanish-style single-family homes ranging from 1,599 square feet to 1,920 square feet in area and 26 ft. 1 in. to 27 ft. 9 in. in height. Floor area ratios (FARs) remain the same and would range from 48-67% using the net lot area (net area excludes the access easement area generally containing the private street and guest parking areas) and would range from 32-62% using the gross lot area. Setbacks also remain the same as with the previously reviewed site plan and would vary from lot to lot.

Discussion Points

- *Does the Commission wish to make any suggestions regarding the housing type, sizes, height, setbacks, FARs, or design?*

**Sunlight Impacts**

The removal of the house from former Lot 12 would reduce some of the shadows cast on the 4151 Stanley Boulevard neighbor's PV panels, particularly at 4:00 p.m.

Discussion Points

- *If the location of the open space parcel remains as currently proposed, should the location and species of the new trees and tall-growing shrubs planted in the open space parcel be selected to prevent shading impacts on the neighbor's PV panels?*
- *Should the applicant further modify the project to reduce shading impacts on the neighbor's PV panels?*

## **V. PUBLIC COMMENT**

Public notices were sent to all property owners and tenants within a 1,000-foot radius of the project site. Public comments received during the prior hearings for this project have been attached to this report. At the time this report was written, staff had not received any additional public comment regarding the work session. Staff will forward to the Commission any additional public comments as they are received.

## **VI. ENVIRONMENTAL ASSESSMENT**

Since the Planning Commission will take no formal action on the project at the work session, no environmental document accompanies this work session report. Environmental documentation will be provided in conjunction with the Planning Commission's formal review of the rezoning and PUD applications.

## **VII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the attached material, take public testimony, and make suggestions/comments to the applicant and staff regarding the development of the site.

*For questions or comments about this proposal, please contact: Steve Otto, Senior Planner at 925-931-5608 or [sotto@ci.pleasanton.ca.us](mailto:sotto@ci.pleasanton.ca.us).*

**Exhibit B**  
**Planning Commission Work Session Discussion Points**

1. *Is the proposed density acceptable?*
2. *Should a minimum of 15 units be built in order to require affordable housing units be constructed per the City's Inclusionary Zoning Ordinance?*
3. *Are the single-family home lot locations and sizes acceptable?*
4. *Is the open space parcel acceptably located and sized?*
5. *Does the Commission have a preference for the improvements in the open space parcel? For example, should the open space area have play equipment?*
6. *Does the Commission support the demolition of the existing house?*
7. *Is the proposed parking adequate? Should an additional guest parking space be added to the open space parcel?*
8. *Does the Commission support the proposed tree removal and mitigation?*
9. *Does the Commission wish to make any suggestions regarding the housing type, sizes, height, setbacks, FARs, or design?*
10. *If the location of the open space parcel remains as currently proposed, should the location and species of the new trees and tall-growing shrubs planted in the open space parcel be selected to prevent shading impacts on the neighbor's PV panels?*
11. *Should the applicant further modify the project to reduce shading impacts on the neighbor's PV panels?*

**PUD-82, David DiDonato, Donato Builders, Inc.**

**Work Session to review and receive comments on a proposal to construct 13 detached single-family homes on an approximately 1.17-acre site located at 4171 and 4189 Stanley Boulevard. Zoning for the property is R-1-6,500 (One-Family Residential) District.**

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

Commissioner Blank noted that the list of questions did not include the noise issue.

Mr. Otto explained that information on the noise issue, such as the train, would be presented at the next meeting.

Commissioner Blank stated that he reviewed his own property's deed of trust and disclosures and noted that the train and railroad tracks were disclosed on three pages in verbiage that could not be understood by a common lay person. He commented that disclosures should be written in plain language. He then inquired what could be done if noise from the train is at 60 dBA.

Chair Narum suggested that this issue be added as Question #12. She added that there was a noise and vibration study report in the reading materials which provided information on noise inside the house.

Mr. Otto stated that the report indicated what mitigation would be required in order to meet the General Plan standards inside the homes. He added that as discussed in the prior staff report, it does not address the train whistle or horn noise.

Commissioner Blank indicated that he specifically was concerned about the whistle and the horn. He concurred with Chair Narum's suggestion to add this as Question #12.

Commissioner Pearce noted that the applicant had indicated that he was planning to install 93 new trees. She stated that the number of trees in Exhibit A does not total 93.

Mr. Otto replied that the number of trees is in the range of 40. He added that the total number of trees could be 93 if the applicant adds trees in the side and rear yards.

Chair Narum referred to the Tree Survey Map and inquired whether Trees #67 and #68 were located inside the wall on the property or outside the wall, or whether the wall was going through them.

Mr. Otto replied that it is not clear from the Map. He added that if the trees were extremely close to the wall, the trees could not be saved due to impacts from the wall footings.



Chair Narum requested that staff clarify this when the applicants return with a formal project.

Mr. Otto replied that he would.

Commissioner Blank commented that Question #6 should be answered prior to answering Questions #1 or #2 because the answer to whether or not the Commission supports the demolition of the existing house would lead to different kinds of issues that would need to be addressed.

Chair Narum suggested that Question #6 be answered first.

The Commissioners concurred.

Mr. Dolan stated that the most important questions should be addressed first. He added that the Commission should recognize that it has already answered all of these questions, and if the Commission ends up in a different position, there would be specific reasons for doing that.

Commissioner O'Connor noted that a study was done and a consultant was hired to determine whether or not the existing house had significant value. He inquired what the City's position is regarding the recommendations of a consultant, generally accepted as an expert in a specific field, who is hired to do a study to be paid for by the developer. He also inquired if, from the City perspective, the City is willing to agree with the consultant who says the house has no significant value so the house can be torn down; or should the City still desire to save the house regardless of the consultant's recommendation, would the City then inform the applicant that he cannot tear down the house. He further inquired if staff informs the developer up front that there are no guarantees on the expert's conclusions would be and what the City would recommend.

Mr. Otto explained that while the developer pays for the consultant's services, it is the City that actually chooses, hires, and pays the consultant. He added that the consultant works directly through staff and not through the developer, that the consultant answers staff's questions, and that staff then comments on the consultant's work. He confirmed that there are no guarantees on what the study's findings would be with respect to whether or not the house needed to be saved, and what staff's recommendation would be.

Mr. Dolan stated that when the City asks the applicant for additional funds for a consultant to do a study, it is implied that the City is asking for an expertise that staff cannot provide, that the study will have a certain outcome, and that staff will defer to that expert. He indicated that it is reasonable for the applicant to understand that staff does not guarantee a particular outcome and that staff's recommendation will be based on the results of the study.

Commissioner Pearce noted that it could also be just as easily argued that there is a factor being used in getting any kind of consultant's opinion. She indicated that she has never heard an applicant return and say that he or she was relying on the study and expected the City to agree with it.

Mr. Dolan agreed that there is a factor involved and that there may be circumstances where other things come into play as well. He noted, for example, that if there were four studies done, three of the studies could say one thing and the fourth say another thing; additionally, there are other professional opinions. He indicated that in this case, the City asked one reputable firm for its conclusion and got it, and staff's recommendation is consistent with that conclusion.

Commissioner O'Connor stated that he thinks the City does rely on tree studies unless a tree is in good health and it is very clear that it can be saved. He added, however, that when a tree is studied and is found to be diseased and will die within a year, he thinks the City would take this as an expert opinion. He acknowledged that a developer would generally expect staff to support a consultant's conclusions; however, this does not guarantee anything because the Commission or City Council could overrule that conclusion due to extenuating circumstances.

Mr. Dolan stated that he thinks this is a reasonable expectation on the developer's part because the City would not otherwise ask for an expert opinion.

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

Paul Martin, representing the applicant, stated that representatives from the project's architectural firm as well as the project's landscape architect could answer questions the Commission may have regarding the proposal.

Chair Narum requested the landscape architect to respond to the earlier question regarding the location of Trees #67 and #68.

Terry Camp, Camp & Camp Associates, stated that both trees are located off the property on the other side of the property line.

Bonnie Krichbaum, 44-year Pleasanton resident and Vice President of the Pleasanton Heritage Association (PHA), referring to Commissioner O'Connor's statement regarding relying on experts' opinions, stated that on page 1 of the Downtown Specific Plan (DTSP), it states that the Specific Plan is intended to serve as the primary regulatory guide for preserving and enhancing the 308-acre Downtown area. She added that the DTSP continues that under California law, once a specific plan is adopted, as the City's was after 35 committee 65 subcommittee meetings, and three town meetings, no rezoning, subdivision, or use permit for construction within the Plan Area can be done unless it is in substantial conformance with the Specific Plan. She indicated that while there are many items in this proposed project on Stanley Boulevard that need a tremendous amount of re-direction, the demolition of the house is unnecessary because

it is habitable although it is now uninhabited. She added that this would set a terrible precedent leading to a very slippery slope of destruction of small street-side cottages, homes, and rentals that are on property listed as high density in the heritage neighborhoods. She pointed out that on page 68 of the DTSP, #7 very clearly states that, *"Future residential development should generally provide for the preservation and rehabilitation of existing on-site street frontage homes which exceed 50 years of age or which substantially contribute to the 'small town' character of the neighborhood in terms of architecture and scale."*

Ms. Krichbaum stated that a home does not need to be a perfect historic example or a beautiful, maintained home to be valuable to the history and heritage of the City. She noted that new homes, regardless of amenities, never look like older homes or have their character, and new trees never really replace old trees either. She referred to the Land Use map on page 18 of the DTSP and noted that most of the DTSP area is zoned either Downtown Commercial or High Density Residential. She noted that Rose Avenue, Harrison Street, Augustine Street, Peters Avenue, Division Street, and St. Mary Street are blocks of small and interesting historic homes that are over 50 years old which are valuable pieces of property. She added that if the mindset of the property owners, City staff, and the Commission is for these homes to be demolished to make way for the development of high density homes, the small-town character feel and look of the City's heritage neighborhoods would be completely destroyed. She indicated that there are examples in town of street-side older homes that are being preserved with the construction of multiple-family units behind them. She noted that the PHA has consulted with City staff on several proposals by local developers to leave the original home, enhance it with a remodel, and build a moderate amount of homes behind it.

Ms. Krichbaum indicated her appreciation for the concern and effort put forth by City staff, the Planning Commission, and the City Council to make this project the best it can possibly be. She added that it is very important that the City's historic areas be preserved and enhanced as the Downtown commercial and residential areas, as well as the future and feel of the Downtown, depend upon that. She concluded that this can be achieved, but it takes community, political, and staff dedication, with respect and pride for Pleasanton's heritage as the point of consensus in these matters.

Linda Garbarino, President of the Pleasanton Heritage Association, spoke about the character and integrity of historic neighborhoods. She stated that Stanley Boulevard is one of the gateways into the City, and its historic integrity is slowly being eliminated due to thoughtless demolition, as characterized by a leading historian in a report: *"...a street that is losing the inventory that once defined it as a historic neighborhood."* She commented that this is a critical statement for a historian to make about a city that prides itself in its history. She questioned who was to blame for this loss of historic inventory.

Ms. Garbarino concurred with Ms. Krichbaum that the City has a certified plan in the Downtown Specific Plan, but questioned if its policies and directives are being followed and if it needs to be amended to address the need to save historic properties in the City.

She noted that the DTSP was developed in 2001, and many of the homes pictured in the Plan are no longer in existence. She indicated that some of these homes have been replaced through just saving a wall of the original home, which is a strange way of preserving history, or by saving a small portion of the front of the house but certainly not representing what has been there in the past. She commented that she thinks the City is placing too harsh criteria on what would actually qualify for historic significance. She noted that there are criteria from the National Registry and the California State Registry; however, the City does not have an inventory full of those kinds of homes but a good number in-between those criteria such as cottages and street-side properties, such that each loss is keenly felt and makes holes in neighborhood.

Ms. Garbarino stated that she feels Stanley Boulevard is in a historic, neighborhood crisis, with a Craftsman home slated for demolition to make way for a high-density project. She noted that the existing house is not really a throw-away home and that homes like this have been saved. She showed a picture of a similar home in San Diego where the developer took the original home and remodeled it to make it look presentable as a business. She commented that this was a win/win situation.

Ms. Garbarino stated that the Heritage trees that line Stanley Boulevard are typical and are cared for by homeowners and associations along the street because they value those trees. She indicated that the City has a Heritage Tree Ordinance, but noted that payment of fines for removal of trees for the convenience of the developer is not the hallmark of the Ordinance. She noted that there are heritage trees at the entrance to the property that should be protected and, according to Camp & Camp Associates, have a good potential for longevity. She added that there are six trees in good health and suitable for preservation: three Deodar cedars, one Canary Island date palm, one Douglas fir, and one Coast live oak. She pointed out that the tree report almost sounds like there may be a chance to preserve the trees, but then the recommendation makes it sound like what the City has is a Tree Removal Ordinance.

Ms. Garbarino then addressed the project's impacts to Stanley Boulevard. She stated that the proposed project is more than just a question of an old house and existing trees; it is the loss of a vintage property that can be curbed by the City with thoughtful designation of historic neighborhoods. She noted that no thought is given to truly maintaining and protecting vintage homes, and each demolition becomes a lost opportunity they can never be reclaimed as the house is gone forever. Some added that the home at 4189 Stanley Boulevard presents the Commission with an opportunity to address this issue. She recommended that the DTSP be updated with language that will protect the diminishing inventory of vintage homes, which are the true hallmark of this historic community.

Emilie Cruzan, a neighbor, expressed concern about the trees, the house, and parking. She requested that a question be added to the list with respect to parking allowed on only one side of Stanley Boulevard following the proposed City street construction to modernize and underground utilities. She inquired if the limited number of guest

parking spaces provided for the many families and visitors has been taken into consideration.

Chair Narum advised that this would be considered under Question #7.

Ms. Cruzan stated that several years ago, residents along this section of Stanley Boulevard did not feel that this particular development was right and had submitted statements of wanting to see four to eight homes which would maintain the existing zoning requirements. With respect to the Deodar cedar trees, she indicated that the developer had noted that these were unattractive and would never be allowed on a school campus; however, these are the same trees that stand in front of Amador High School. She indicated that if maintained properly, these trees are part of the beauty of the street, and she would like every effort be made to preserve them. She stated that these trees form part of the viewscape from her house; they filter out particulate matter and are also fairly close to the watershed. She added that it is possible to preserve heritage trees while providing open space for those who live in the development.

Ms. Cruzan then requested that the nature of the street with the old house be preserved. She noted that the development calls for houses to be built very close to the rear yards of Del Valle Manor next door. She requested that the proposed homes have the same rear yard setback from the fence that Del Valle Manor has, which is about 15 feet.

Darrell Walterson, neighbor, noted that the City encourages people to install Photovoltaic (PV) panels on their homes and that he installed PV panels in his property in 2007. He stated that no one had approached him regarding the proposed project or even noticed that he had PV panels, and voiced concerns about being left out of the process. He indicated that while he will be protected from the noise of the train, the proposed project will affect he in that it will be like living in a canyon with two, two-story buildings on his property line. He added that the efficiency of his PV panels would be negatively impacted by any kind of shade, and he questioned how he would be reimbursed for this.

Mr. Walterson stated that there will be realignment and undergrounding of utilities on Stanley Boulevard, with sidewalks and parking only on one side as the south side will be set aside for a bike lane. He noted that this would cause congestion, and people will be parking in front of the existing houses.

Christine Bourg, Downtown resident, stated that she is distressed to learn about the proposed demolition of the 1908 bungalow and concurred with the comments of other speakers regarding the removal of trees. She noted that this project has been discussed in their neighborhood for some time and that a local contractor who is familiar with the house had indicated that it would be easy to restore and renovate the bungalow; the contractor added that because the renovation would require a new foundation, the house could also easily be moved to accommodate a driveway that

would go back to the proposed units behind it. She indicated that preserving the house would be greener than demolishing it.

Ms. Bourg stated that Craftsman homes are currently very popular and have been for years. She presented three periodicals on 1900 Craftsman homes: American bungalows, Arts and Crafts homes, and the Revival homes. She noted that she sees houses like these listed on the market, and, if fairly priced, they are purchased immediately. She commented that she would think that the profit derived from a renovation would be greater than that of one unit.

Ms. Bourg then cited a passage from page 39 of the Downtown Design Guidelines (DTDG) of May 2006, under Multi-Family Zones: *"Duplexes or triplexes located behind single-family homes are preferred over large-scale structures to maintain the small town character of Downtown neighborhoods and to retain the single-family residential streetscape."* She then read from page 61 of the DTSP, under Historic Preservation: *"The rich character of Downtown Pleasanton stems from its abundance of historic buildings that have been constructed over the past 150 years. The architectural styles, small town scale of buildings, and tree-lined streets all combine to create a setting unique to Pleasanton."* Lastly, she read from page 76, #22: *"Discourage the demolition of single-family homes which exceed 50 years of age. The replacement of any single-family home should be compatible with the neighborhood scale and architectural style."*

Ms. Bourg then thanked staff for their assistance with the neighbors.

Mr. Martin stated that he has been at all the hearings for this project and listened to the passion and emotion surrounding the old home. He agreed that Pleasanton does have a rich history. He indicated that he lives in a home that was built in the 1940's and added that while it is a public benefit to everyone, it can be a burden to the owner. Mr. Martin noted that the City has a good method that requires an expert to evaluate the structure and arrive at a recommendation, and this procedure should be given some deference. He stated that in this case, the report concludes that the house does not rise to the level of recognition as a historic structure. He asked the Commission to weigh this in its decision.

With respect to parking, Mr. Martin stated that the project has a good ratio with 59 parking spots for 13 homes, seven of which are for guest parking and 26 are uncovered.

Regarding shading, Mr. Martin stated that ironically, the removal of the Deodar cedar trees might improve shading. He added that they tried to be sensitive to this issue when they proposed an open space area adjacent to the PV panels on the neighboring property.



Mr. Camp stated that they agree that some of the Deodar cedar trees (#61 through #64) are healthy, but they have split trunks and some are very tall and very large. He noted that they have adopted an aggressive mitigation program that would replace the cedar trees with California native species throughout the project and in the backyards. He indicated that one of the most important issues is the public health and safety issues of the trees. He pointed out that the Deodar cedar trees produce small round cones in abundance that land on streets and sidewalks and present great danger to anyone walking by the trees. He added that this specie also has a history of limb breakage, even with maintenance, which may cause damage to the homes.

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

Commissioner Pearce requested that Mike Fulford, City Landscape Architect, be present at the meeting when the actual application is presented. She indicated that she appreciates the Council's direction to return the item to the Commission. She stated that she has learned more about historic homes after she and Chair Narum attended a California Preservation Foundation workshop on historic preservation and that she does not support the demolition of the house.

Commissioner Pearce stated that the Commission does not look at whether this is a great house, but rather, it tries to evaluate if the house has any historical significance in conformity with Federal and State guidelines, with respect to whether or not the house is associated with an important period or important people in Pleasanton history. She noted that the report concludes that the house does not have these associations; however, the report also states that the footprint, form, and structure of the house has been unchanged, it has good integrity and design, and that if minor modifications were undertaken, primarily the removal of the stucco cladding, the house would be in great shape.

Commissioner Pearce stated that her entire belief regarding preservation of the house has nothing to do with whether or not anyone important ever lived there or whether this particular part of the street was important in Pleasanton history, but rather, with whether or not this is a structure worth saving. She noted that based on the expert report, she believes that it is. She indicated that she thinks a lot can be done with houses like this, especially in looking at what has been presented of the San Diego house. She continued that she believes a lot should be done with houses in Pleasanton based not on whether or not they meet Federal or State guidelines for historic importance, but on whether or not they are good examples of older homes and can help the City retain the integrity of the older districts in town. She stated that she appreciates the applicant's suggestion that the house be relocated to another place, but clearly this is where the house belongs.

As a final note, Commissioner Pearce noted that the applicant talks about the current state of the structure. She stated that, as she understands it, the structure has been owned by the applicant for 30 years, and she is not in favor of rewarding someone for allowing the house to fall into disrepair and then approving it for demolition.

Commissioner Blank stated that this is a tough issue and that while he agrees with some of the things Commissioner Pearce stated, he does not have the same passion or commitment that she has. He noted that the challenge is that the home is an older home, and because a house is old does not, in and of itself, merit its preservation. He stated he has driven by and walked the property several times and does not have the impression that preserving the property at all costs would be of value to the neighborhood. He added that he is not sure how much it will cost to restore the house and whether or not it is economically feasible. He noted that if preserving the house makes this project uneconomical in terms of density, then the Commission might be having a completely different discussion.

Commissioner Blank stated that when the Commission first heard this project, he was in agreement with allowing the house to be demolished, and he did not find anything in the consultant's report that changed his mind. He agreed that the house has integrity; however, the structural portion of the house is not in question. He indicated that the guidance he has operated under is whether or not the house falls under historical preservation, and the report does not support this.

Commissioner Blank stated that he thinks this project indicates that Pleasanton does not need a Historical Preservation Ordinance but an ordinance to preserve older homes and determine the definition of what constitutes this; for example, any home over 50 years or 100 years, and categories of preservation without the word, "historic."

Commissioner O'Connor agreed with Commissioner Blank that older homes should be preserved. He stated that he fears if the Commission limits itself to these criteria, there would be many houses in town that will fail to meet the criteria, even within the DTSP. He added that he thinks it is unfortunate that the wording is the way it is, as many of the older homes that he would like to save would not be saved.

Commissioner O'Connor stated that it is unfortunate that the City has given developers and property owners the idea that if they follow this process they should expect a certain response from the City. He indicated that there are developers and owners spending a lot of money to get direction, and to have the Commission or Council refute this and say they would like to save the older home anyway is not right. He noted that he is torn because while he thinks this home would be nice to save, he does not think that proper direction has been given to developers and builders.

Commissioner O'Connor stated that he does not think the Commission has been given a choice based on how the City's documents are written. He noted that while he is not happy about it, he supports the demolition of the house. He acknowledged that each Commissioner has the individual right to not support it and that it would be nice if the developer saved the house.

Commissioner Pentin stated that he is in the same quandary as other Commissioners. He noted that he has only seen the project once, and from what he has read and what has been presented, he has been trying to find a compelling reason to save the house as he has seen many houses in town that have been renovated and are gorgeous. He continued, however, that when he looks at this project, he sees how far it has come through the process and how the applicant has developed an entire plan without the house. He commented that the Commission has really not made a finding to save it. He pointed out that staff has asked an authority to tell the Commission what the house really means, and the consultant has indicated that it does not rank as a heritage house to be saved. He noted that he has also questioned what the house would look like with high density development built around it and what would be accomplished by doing this. He added that the street will also change with the addition of curbs and sidewalks; he indicated that he would support the demolition of the house.

Chair Narum agreed with Commissioner Blank that this is a very tough decision. She stated that she also attended the California Preservation Foundation Conference, and she supported demolishing the house but for a different reason. She noted that the integrity of the street is already gone, and there is only one other house left on that street that is more than 50 years old. She indicated that she believes the bigger question is that there are a lot of other neighborhoods that have been identified as having many historic, older homes which may not meet any of the preservation criteria evaluated here but which does not mean they should be torn down. She indicated that those areas are more consistent and where the attention should be.

Commissioner Pearce stated that she would like the Commissioners to remember this discussion and this house when they return and talk about putting together some kind of Historic Preservation Ordinance for the City. She noted that if something were in place 30 years ago, this conversation would not be happening, and the street would be intact with lovely houses. She indicated that she would hate to see this happen to the rest of the City.

Commissioner Blank stated that he was very much in support of a conservation ordinance and that if something were in place five years ago, this discussion would not be happening.

Chair Narum agreed that there is a need to protect the integrity of older neighborhood homes.

The Commission then discussed the questions listed in Exhibit B of the staff report:

Commissioner Narum stated that Question #6, "*Does the Commission support the demolition of the existing house?*" has been answered, with the majority of the Commission supporting the demolition.

The Commission considered Question #1 and Question #2 together.

1. Is the proposed density acceptable?
2. Should a minimum of 15 units be built in order to require affordable housing units be constructed per the City's Inclusionary Zoning Ordinance?

Commissioner O'Connor stated that he previously supported this density but is now having second thoughts. He indicated that he understands that the plan for the Downtown is to have more density, but he thinks this is too tight. He noted that there will be a shortage of parking with the revamping of Stanley Boulevard. He added that while the project includes 26 covered and 26 uncovered parking spaces, the reality is that people do not park in their garages, and there is not enough guest parking for visitors. He suggested more on-site parking, more open space, and the elimination of one more unit. He indicated that he would not support increasing the density.

Commissioner Pentin stated that he would not support increasing the density and likes the removal of the one unit [from 14] in order to increase the parking and possibly the tot lot, but he would much prefer if another unit were removed.

Commissioner O'Connor added that depending on which unit is removed, some of the trees might also be saved.

Commissioner Blank stated that he supported the original configuration, but after having heard some of the public testimony and reviewing the materials received, he thinks the project should be brought down to 12 total units, which would be the elimination of an additional unit. He noted that this would allow for additional open space, more trees, and perhaps less shading issues on the PV panels. He indicated that he was not supportive of 15 units on the property.

Commissioner Pearce stated that she supported a reduction in density and more open space but that she thinks there could be 15 units if they were not single-family homes. She noted that the staff report states that retaining some of the cedar trees limits the space to install play equipment, and if the project is that tight, then some of the units need to be removed. She indicated, however, that given discussions at the Housing Element Task Force regarding the need for affordable housing, she would not be opposed to 15 non-single-family homes with decreased living space and increased open space.

Chair Narum stated that she supported 13 units but believes the floor area ratio (FAR) is too high and suggested decreasing the size of the homes in order to increase rear yard setbacks.

Commissioner Pearce suggested a significant house size decrease, as the developer may return with ten square feet less off of each home.

Chair Narum agreed and stated that she thinks a 67-percent FAR is too high.

Commissioner Blank suggested that the FAR be identified for each home when the project returns and asked staff to provide both the original and the revised plans in order to identify differences.

3. Are the single-family home lot locations and sizes acceptable?

Commissioner O'Connor stated that he would be supportive of the developer returning with a plan for attached units, such that a significant amount of space could be used in-between homes and for open space.

4. Is the open space parcel acceptably located and sized?

5. Does the Commission have a preference for the improvements in the open space parcel? For example, should the open space area have play equipment?

Commissioner Pentin stated that if the FAR was reduced or another house was removed, this would open up the possibility of having more open space and parking; however, he stated that the plan must pencil out for the developer.

Commissioner Blank agreed but said if the same numbers of lots are kept but with reduced FARs, depending on how the houses are sited, having open space centrally located to all units is a good idea.

Commissioner Pearce agreed.

Commissioner Pearce stated that she has seen a number of different proposals for the tot lot, and she was not sure she had a strong preference as to where it should be located. She added, however, that there should be no encroachment of parking on the tot lot. She indicated that she thinks it is silly to include a tot lot without some play equipment and supported its inclusion. She added that there is also no guarantee that there will not be children moving in or living there at some point in time, and she inquired who would be responsible for the installation of the play equipment at that time.

Chair Narum stated that of the three plans, she likes the "A" location for the tot lot because it is central and alleviates shading for the neighbor. She concurred with Commissioner Pearce that there should be play equipment on the tot lot

Commissioner O'Connor agreed that there should be no parking encroaching on the tot lot. He also agreed that there definitely should be equipment on the tot lot, but if the plan came back to reduce the number of units to 11 or 12, without knowing what the mix is going to be, he would hate to spend a lot of money putting in the tot lot if there are no small children living there or if there is only one unit with children. He added that if there are no children, he would like to see something for adults such as a picnic bench, a

bench swing, and maybe a small tot area. He stated that they definitely should be an amenity.

Chair Narum suggested that the project be conditioned that when 50 percent of the homes are sold, a homeowners meeting be held to vote for or against a tot lot, with the developer devoting a certain dollar amount.

Commissioner Pentin inquired if the Commission could include such a condition.

Commissioner Blank inquired if the project would have a homeowners association (HOA) or a maintenance association.

Mr. Otto replied that the project was originally proposed to have a maintenance association because there was no common open area; however, if the open space parcel becomes common area, there will most likely be an HOA. He noted that there have been some exceptions where the City has implemented maintenance associations for open space areas.

Julie Harryman stated that these types of questions have arisen in the past, and what staff routinely hears from developers is that the cost of setting up an HOA and implementing it on a small project like this does not make sense. She added that staff has also been leaning towards maintenance associations and maintenance agreements for projects of this size.

Commissioner Blank stated that if he were moving into a home, he would want to be represented by an HOA because they are independent of the City and can take legal actions, whereas a maintenance association cannot.

Ms. Harryman concurred and added that they both have their pro's and con's.

Commissioner O'Connor inquired whether or not an open space parcel would belong to the City under a maintenance association.

Ms. Harryman said no. She explained that the open space can be owned in a variety of different ways.

Commissioner O'Connor inquired whether the City could include play equipment if the project were a maintenance association.

Ms. Harryman said yes. She added that the City could also include other things like utilities, shared driveways, and storm water requirements. She noted there would be CC&Rs for the development, and those would set forth maintenance responsibilities.

Commissioner O'Connor inquired if the City could have the developer fund the maintenance area with items not initially installed for the project.

Ms. Harryman said yes.

7. Is the proposed parking adequate? Should an additional guest parking space be added to the open space parcel?

Commissioner Pearce stated that if the number of home decreases, parking will improve. She indicated that she is not in favor of adding more parking to the open space parcel and did not believe parking was adequate for the 13 units. Commissioners unanimously concurred.

Chair Narum noted that if the developer chooses the option for 13 units and decreases the square footage of homes, there will be additional room for parking.

Commissioner Blank stated that if the FARs are decreased equivalent to the size of one lot, that much more space would be available to address parking.

Commissioner O'Connor stated that he did not support adding more parking spaces in the open space areas.

Commissioner Pentin stated that an entire lot opening up should create a design factor that allows for more open space and more parking if needed.

The Commissioners agreed.

8. Does the Commission support the proposed tree removal and mitigation?

Commissioner Blank stated that he would like to retain as many trees as possible and did not support the current plan to remove trees or their mitigation. He noted that reducing the FARs or removing a unit would provide the ability to keep more trees. He indicated, however, that if the density were reduced, he possibly could support a new tree removal and mitigation plan.

Commissioner Pearce agreed and did not support the tree report and mitigation. She indicated that she was also strongly in favor of saving at least two of the three Deodar cedar trees as they represent the character of the area and are in good shape. She requested to have Mike Fulford, City Landscape Architect, to come and talk to the Commission about this.

Commissioner Pentin stated that he would like to see all of the trees stay but suggested a reworking of the map. He agreed that at some point, the development must be realistically feasible; otherwise, the developer may do nothing, which would not serve the entire purpose.

Commissioner O'Connor likened the situation of a consultant providing an opinion on the historic home as with the trees and felt that most of them were worth saving. He



noted that if space can be created through the elimination of at least one or two units, a better design might allow saving the more marginal trees slated for removal.

Chair Narum agreed and supported the priority to save the healthier heritage trees, given a re-design.

Commissioner Blank noted that developers are asked to replace a tree being removed with another, or contribute toward the cost of it in another location.

Commissioner Pearce stated that staff does not believe there is adequate room to do that on this lot, but this may be possible with the reduction of a unit or two.

Commissioner O'Connor stated that if the Commission wants the development to move forward, the DTSP envisions sometimes removing a tree that is in good shape as long as there is a good trade-off. He added that this does not mean removing every tree but noted there are exceptions that can be made.

9. Does the Commission wish to make any suggestions regarding the house type, sizes, height, setbacks, FARs, or design?

Commissioner Pentin noted that FARs and density have been discussed, and given the house's removal, he supported the previously approved design. He added, however, that if the house were saved, then the architecture was not right.

Commissioner O'Connor voiced support as well, but indicated that he would also support a plan for attached homes.

Chair Narum stated that her only comment is that there are two homes with rear yard setbacks of seven feet along the railroad tracks. She indicated that she would like these increased to ten feet to be consistent with those on the east side.

The Commissioners agreed.

10. If the location of the open space parcel remains as is currently proposed, should the location and species of the new trees and tall-growing shrubs planted in the open space parcel be selected to prevent shading impacts on the neighbor's PV panels?

Commissioner Blank noted that this would be difficult to discuss without the new design.

11. Should the applicant further modify the project to reduce shading impacts on the neighbor's PV panels?

Commissioner Pentin stated that he would hope the neighbor's shading issues are addressed by the developer when the plan is returned; however, he noted that in order for open space to be useable in the summertime, some trees are needed.

Chair Narum noted that the Commission directionally wants to minimize shading impacts for the neighbor.

The Commissioners concurred not to shade the PV panels.

Commissioner Blank inquired whether this meant zero shading at all times of the year.

The Commissioners agreed that it meant minimizing or avoiding it if possible and that the Commission would need to see the revised plans.

## *12. Noise and Vibration.*

Commissioner Blank inquired if, when a person purchases a house near railroad tracks and there is disclosure, the train is still obligated to meet the 60dBA interior noise limit.

Mr. Otto stated that the requirement is normally 60dBA outside and 45dBA inside, except when the property abuts railroad tracks or is subject to railroad noise, which then becomes 70dBA outside LDN, 50dBA L-max in the bedrooms, and 55dBA L-max in other rooms. He noted that the whistle or horn noise are difficult to mitigate. He added that the General Plan does allow staff and the Planning Commission to look at not necessarily following the standard if it cannot be done. He indicated that in order to meet the actual horn noise inside the homes at 50dBA and 55dBA, a 29-foot high sound wall would have to be installed along the train tracks which would have to wrap all the way up to Stanley Boulevard at varying heights.

Commissioner Blank stated that the Commission has approved projects along the Foothill Road corridor where it did not require the internal mitigation of the train noise but plain language disclosure of the presence of the train, vibration, whistling, and horn blowing. He recommended that staff ensure this language is included because he would hate for this to be used as a reason for the City to be responsible for a 29-foot tall sound wall when the Commission has not required it in other locations.

Mr. Dolan stated that the issue that came up at the City Council meeting was that the Council was supportive of the same approach, that there be some tolerance for those brief periods of time when the whistle blows, and that the City would not try to mitigate or include that in the average. He noted that for information purposes, Councilmember Sullivan inquired what it is the residents would be subjected to at that particular period.

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

Mr. Martin stated that he had received sufficient direction and had no further comments. He confirmed he was clear on what he had heard and will discuss with staff any outstanding questions he has.

Ms. Garbarino stated that she wanted to clarify for the Commission that there are actually 14 older homes on Old Stanley Boulevard that are over 50 years old which are in relatively good shape. She noted that there used to be more but they have been demolished thoughtlessly. She added that there are other homes that have been built to echo some past historic look, but they all look new. She indicated that those owners are also quite concerned about the density of this project and voiced the difficulty in driving slowly by the neighborhood. She noted that there are a couple of contractors in the audience and inquired whether they might want to speak about how much it would cost to rehabilitate the house slated for demolition.

Ms. Cruzan requested the Commission to consider the 15-foot setbacks on the east side for the neighbors because of the fact that homes will be two stories and a ten-foot setback is not very far. She cited the uniqueness of the area and invited the Commissioners to visit the neighborhood. She concluded that she would appreciate anything the Commission can do to preserve the home.

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

Commissioner Pearce stated that she thinks the discussion was very productive. She agreed with Commissioner Pentin's comments about the Commission striving for balance and while she is not opposed to the developer developing the property, she would like balance in the final decision.

Chair Narum asked for feedback regarding the 15-foot setbacks.

The Commissioners felt that the new plan could address the setbacks.

Commissioner O'Connor stated that he thinks with two less units, there will be more preservation of trees. He added that the entire open space does not necessarily have to be one lot in the center; he would love to see either more space between units for a single-family development, or alternatively, more usable space in the backyards of attached homes.

Commissioner Blank commented that the first home he moved into was 1,000 square feet on a tiny lot with a tiny backyard and an attached garage in front. He stated that he had minimum lot lines on both sides of his property, but this was their home. He commented that there does not seem to be many of these types of homes in Pleasanton.

Commissioner Blank stated that he would like to see a 10- or 11-unit development, but every time a unit is removed and the lots as well as the tot lot are made bigger, the price of the homes is significantly raised. He noted that they are either legally affordable housing or \$800,000 housing and cited the need for something well below that range so that new families can afford to live in the City.

Commissioner O'Connor agreed and stated that there are some homes in the historic area which are quite small at 900 square feet with small backyards, but they usually have other backyards that adjoin each other. He indicated that he is more concerned about a backyard that adjoins a 12 foot tall wall because it is not a usable space.

Chair Narum said the proposed homes are not 900-square-foot homes, but she would not mind seeing the house size decrease as it would make it more affordable for a young couple buying their first home.

Commissioner Blank agreed.

No action was taken.

**PREV-695, Dave DiDonato, Donato Builders, Inc.**

**Work session to review and provide comment for a proposal for a PUD rezoning and development plan to construct 14 two-story single-family detached homes on an approximately 1.2-acre site located at 4189 Stanley Boulevard.**

Ms. Soo summarized the staff report and presented the background, scope, and layout of the proposed project.

Commissioner Fox inquired about the layout of the project, particularly about the fire turnaround. She noticed that between Lots 4 and 5, and Lots 6 and 7, there was an extension of landscaping that came out on either side into the fire turnaround area. She inquired whether there was a particular reason why it came out so far. She stated that she believed that if it were to be reduced, the fire turnaround area would be a bit larger.

Ms. Soo replied that the layout of the turnaround met the requirements of the Fire Department.

Commissioner Fox noted that the layout was unusual and that it did not appear to be a typical cul-de-sac configuration. She inquired whether the Pleasanton Heritage Association (PHA) was given notice on this item and whether it had any comments. Ms. Soo noted that the PHA had not been noticed. She added that staff was interested in the Commission's comments and that it was not a project that would need to go to the PHA for comments.

Ms. Decker noted that the fire turnaround evolved from the original application. She stated that the site plan originally came in for review with almost completely paved drive and common area with no landscaping. An effort had been made to provide additional landscaped area, and this particular proposal provided more landscaped areas. She noted that the hammerhead turnaround fit within it, and the amount of green space was optimized up to that turnaround. She noted that this proposal could be modified accordingly.

Commissioner Fox noted that the floor area ratio (FAR) was approximately 70 percent and inquired whether there were other 70-percent FAR's in the Downtown area. She further inquired whether that would push the envelope. Ms. Soo stated that she did not recall any 70-percent FAR's Downtown but that she had not performed the research to verify that information.

Commissioner Narum noted that this was a private road and inquired what criteria were used to determine what constituted a private road and a public road.

Ms. Decker replied that the determination of whether a road was public or private was based on how the structural section may be developed and whether or not the City or the applicant may request to have it be public or private. She stated that there may be subdivisions with 28-foot or 32-foot road widths that comply with the structural section, but the development may request that it be private. She noted that in this case, the width of the road was less than any of the City's standards, and, thus, it was considered more of a driveway than a street. She added that from the City's viewpoint, it would be preferable to have it be a private road and to serve more as an access drive than an actual street.

With regard to the lot on the east side, Commissioner Narum inquired about the setbacks of the townhouses (Lots 9-11) from the property line. Ms. Decker believed that the rear yard setback was three feet. Commissioner Narum inquired about the setback on the adjoining property and inquired whether there were six to seven feet between the houses to the rear and what lay behind them. Ms. Decker noted that staff would confirm those dimensions when the project returns to the Planning Commission. She noted that it appeared from the aerial that it looked to be approximately 15 to 20 feet to the property line but that it was not necessarily an accurate representation.

Commissioner Olson inquired about the rough distance from the railroad tracks to Units 6, 7, and 8. Ms. Decker noted that it was approximately three feet to the property line but was approximately 53 feet to the centerline of the railroad tracks.

Commissioner Olson inquired whether that was roughly equivalent to the property just to the east. Ms. Decker confirmed that was the case and that there was uniformity in terms of the distance between the tracks and the developments.

Commissioner O'Connor noted that he saw two floor plans and had thought there were three floor plans. He noted that they were listed as Residence 1 and Residence 2 twice but with different square footages and different layouts. Chair Blank noted that the Commission could check with the applicant for clarification on the architecture.

Commissioner Fox noted that in looking at Concept C, the plan view of the landscaping, it appeared to look different than the actual DR-2 site plan. She noted that it appeared that the fingers were tapered back and inquired whether Concept C was meant to be the same as the DR-2 site plan or whether it was the original concept. Chair Blank noted that the dates on the plans were 10/07 and 3/08 and suggested that the Commission ask that question of the applicant.

Commissioner Fox noted that it appeared to her that there were no sidewalks since this was a private road. She inquired about the width of the proposed private road versus the width of a normal public street. Ms. Decker replied that a normal street with one side available for parking would be 28 feet and that typically, most developments were 32 to 36 feet in width. The applicant proposed a width of 20 feet, which was the same dimension used for EVAs; this road had no sidewalks and potentially would have a curb.

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

Dave DiDonato, applicant, noted that he had created responses to the staff report and added that there were some inconsistencies that were lost in the translation. He distributed those responses and believed that the information would clarify some of the confusion. He noted that his architect and landscape architect would address the technical questions and that he would address the questions of density. He noted that the initial staff comments, dated November 9, 2007, indicated that the densities of the 14-unit development were consistent with the land use designations. At that time, staff asked whether the applicant would be able to increase the densities for the site, which he took under consideration. He noted that after review, he returned with his findings and had determined that it was not feasible for this site for economic and

environmental reasons, including the additional cost and liability associated with multifamily attached housing. He stated that he felt the 14-unit layout with the mixture of the existing greenery, the houses, and the layout created a good blend of a high-density site in that area. He noted that he believed that to go any higher would require more concrete, congestion, and roofs; those were the reasons they proceeded with this project. He noted that there was some conversation about setbacks and the heights of buildings and that the document he distributed should clarify some of those concerns.

Terry Camp, Camp + Camp Associates, Landscape Architect, complimented staff on being extremely helpful. He added that he had a long-term relationship with Mike Fulford, City Landscape Architect, who had been very helpful in identifying the streetscape on an otherwise nondescript street tree theme. He displayed a PowerPoint presentation and noted that they were able to attempt to unify the streetscape. He added they had received the improvement section for the right-of-way from George Farrell of the Engineering Department so they could see how they would interface with the public right-of-way, and how the private access drive has its own character. He noted that Commissioner Fox was correct in that his site plan was different. He noted that there were some descriptions of the fire apparatus turnaround on the slide, which was the defining criterion for the amount of space. He noted that they pierced the perimeter of the turnaround with the planting islands and described a grass ring product within the island. He noted that it was built similar to turf stone, built on a road base that was built on a fiberglass mat, backfilled with soil, and had a compressive strength to handle the 40,000-pound apparatus. He noted that the cities and Fire Departments buy off on this material, which enables them to get away from a three-point turn quasi-cul-de-sac design just for the purpose of the apparatus. He added that it would also enable them to get more greenery.

Mr. Camp noted that they included private courtyard entries with three different examples of Mediterranean motifs in the vernacular of the architectural characters and materials, including a flagstone, a pattern tile, and an impressed concrete product. He stated that a visitor into the courtyard would see a deep outdoor living environment in addition to the private open space. He noted that the private open space ranged anywhere from 500 to 800 square feet, which was slightly under one-quarter acre or 9,800 square feet of usable private open space. He added that they examined the potential sociology of the units and carefully crafted the outdoor living environments to work with the indoor space plan. He noted that while there was a fair amount of hardscape, they had outdoor living areas associated with family rooms, outdoor kitchens, dining rooms, a wall fountain, and a pathway connecting the two outdoor living areas. He noted that in effect, a garden environment could be imported into the dining room, a design which, in his opinion, reflected an appropriate indoor and outdoor spatial relationship.

Michael Paulza, Hunt, Hill, Jones Architects, addressed the discussion points brought up by the Commission. With respect to Point 3 (parking), he stated that he understood they were required to provide two parking spaces per home enclosed in a garage, plus, the layout provided two on-site spaces on the unit driveways for guests. They also provided four off-site spaces on Stanley Boulevard, creating 32 parking spaces for the complex, which brought 30 spaces overall in addition to what was required for the project. He stated that with respect to the setbacks, the Pleasanton Municipal Code dictates five-foot setbacks, which were provided and in conformance. He added that the rear setback for the units was five feet and pointed out the



setbacks on the screen, noting that the media center and fireplace encroached into the setback, as allowed by the Pleasanton Municipal Code. He noted that the City suggested that there be 18-foot parking aprons, potentially bringing the rear to seven feet rather than three feet. He noted that there were no rear setbacks less than five feet in the complex.

Mr. Paulza noted the open space provided for the units and displayed the two plans on the screen. He noted that each plan was designed to act together, and each one was provided with a maintenance easement which essentially created a zero lot line development. The combination of the easements provided open space not less than 10 feet in any direction, creating the private open space. He noted that in the entire complex, there was an average of 421 square feet of private open space as defined under the 10-foot width, 150-square-foot minimums in the Code. He noted that their handout included a list of all the open spaces provided on-site. He noted that they came up with a 62-percent FAR rather than 70 percent and that they would be glad to demonstrate how they arrived at that figure. He noted that they had three plans, not two, with two elevations per plan, for a total of six elevations. He noted that there was a repetition of two to three elevations throughout the entire complex, which they believed was a good variety for 14 homes. He clarified that the heights were not 39 feet to the ridge. The highest point was 27 feet. He noted that most of the homes are gabled back at the front, and the highest point is always at the back and at the center of the home.

Commissioner Olson noted that the site plan included a sound wall along the northern section, presumably to mitigate the sound of the trains. Mr. DiDonato confirmed that was correct. Commissioner Olson inquired whether, in addition to the soundwall, they planned to include any special materials in Units 5 through 8 with a wall that would face the railroad. Mr. DiDonato confirmed they would do that. He added that they did not believe the wall itself would be sufficient and that they were examining window systems and wall systems that will give the proper mitigation for the units in relation to the railroad noise. They were also considering buffering that edge with landscaping.

Chair Blank inquired whether vibration from the trains would be an issue for the units and whether they planned to have any mitigation strategies for that. Mr. DiDonato replied that they had not yet addressed that but they were aware of that issue and would design to address it. Chair Blank noted that he would look for that solution when the application came back to the Commission.

In response to an inquiry by Commissioner O'Connor about the sound wall, Mr. DiDonato replied that it would be a minimum of 10 to 12 feet but that it had not been designed yet.

Commissioner Fox noted that the rear yard setback was three feet and inquired whether all the buildings were three feet from the fence. Mr. DiDonato noted that the setback to the buildings was five feet and that the three-foot dimension was to the media center, which was an encroachment into the setback as allowed by the City. Commissioner Fox inquired about the notation on page 3 of the staff report. Mr. DiDonato replied that technically, that was not correct because the setback for the project was five feet to the building; the distance from the property line to the media center or fireplace was three feet. He suggested that the City clarify its definition as to what the setback would be.

Commissioner O'Connor requested that staff clarify that item.

Ms. Decker stated that encroachments into setback areas do not include media centers. She indicated that the Code allowed for bay windows and fireplaces to encroach, which were generally found in sideyard setback areas. She noted that the rear yard area did not meet the current standards and that the media center could not be considered an allowable encroachment. The setback was per the staff report, which was three feet.

Commissioner Fox noted that the applicant indicated there was a difference in height between 39.5 feet per staff and 29.7 feet per the applicant. She inquired whether there was a difference in the way the applicant measured the height. Ms. Soo noted that the height was measured based upon the distance from the lowest point to the peak of the building.

Mr. DiDonato noted that the drawings were scaleable and that the height was up to 27 feet.

Chair Blank noted that should be clarified.

Ms. Decker noted that as the plans are developed more fully, staff will confirm what the dimension is and whether it would be based on the midpoint or the ridge. She added that staff will return with the appropriate information.

Commissioner Fox noted that the landscaping plan did not appear to show landscaping in the back or the side yards and asked if that was accurate. She inquired whether there would be landscaping or if it would be finalized when the houses were bought.

Mr. Camp replied that they showed landscaped entry courtyards and streetscapes, front yards by the builder, and side yards to the side yard fencing. He added that they would develop typical techniques for buyers to landscape their own side and rear yards, which would be offered as an option if the buyer decided to do that.

Commissioner Fox noted that since there was no guest parking and assuming that it would be striped red, she inquired what the service vehicles would do if there were no parking allowed. Mr. Paulza noted that four parking stalls would be provided on Stanley Boulevard and that the homes would face the interior road rather than Stanley Boulevard. Commissioner Fox inquired whether Comcast would have to park on Stanley Boulevard if it had to service the house on Lot 9. Mr. Paulza noted that they would be able to drive in and coordinate parking with the owners. Commissioner Fox inquired whether trucks would have to use the driveways since no guest parking was allowed. Mr. Paulza replied that depending on the kind of trucks, they may be able to come in, but they would generally park on Stanley Boulevard.

In response to an inquiry by Commissioner O'Connor regarding whether the paving on the drive would be standard asphalt, Mr. Paulza replied that the program was to have textured paving at the front of the project. He added that as drivers continued through the private access drive, they would show an AC paved area, and the driveway aprons would be textured, colored, and scored

with a design concrete. The driveways would be parking stalls, so workmen and vans coming to work on specific homes would be able to park in the driveway.

Commissioner O'Connor asked whether there would be weight limitations for either the private drive or the driveway. Mr. Paulza replied that the live loads accommodate a fire apparatus so they would be able to accommodate most vehicles.

Commissioner O'Connor inquired whether the developers would be amenable to condition the project in the Homeowners Association (HOA) documents to prohibit storage within the garage. Mr. Paulza replied that they would look into that.

Chair Blank requested that the applicant display where the parking on Stanley Boulevard would be. Mr. Paulza pointed out the four spaces on the overhead screen. Chair Blank requested verification that there would be two spaces within the garage and that the driveway would be wide enough to accommodate two additional vehicles. Mr. Paulza confirmed that was correct. Chair Blank inquired whether they would be completely off the private road. Mr. Paulza replied that was correct. He noted that the aprons were currently 20 feet deep to accommodate a car. He added that they may become 18 feet deep in order to accommodate a better rear setback, which would still accommodate a parked car.

In response to Chair Blank's request, the applicant displayed a slide showing Units 3 and 4 and pointed out the main entry to the units. Chair Blank inquired whether the area between Units 3 and 4 would be a joint use area for both units. Mr. DiDonato replied that it was for Unit 3, with a use easement and a solid wall; Unit 4 would get the space on the other side. Mr. Paulza noted that it would maximize the private open space for each unit by utilizing five additional feet.

Commissioner O'Connor inquired whether the parking spaces that would be created on Stanley Boulevard existed today. Mr. Paulza replied that there was currently a home there with parking curb cuts. He added that they proposed having one entry with room for potentially two cars on each side of that entry. Mr. DiDonato noted that the City has engineered street improvements that allow for a travel lane, a bicycle lane, and eight feet of on-street parallel parking.

Chair Blank inquired whether this would be classified as affordable housing. Mr. Paulza replied that he did not believe it would be. Chair Blank inquired about the approximate selling price of the homes. Mr. DiDonato noted that the project would take about a year to 18 months to entitle and that there would be a lot of economic concerns for the project. He estimated that the home prices may be in the \$750,000-800,000 range.

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

Barbara Adams noted that she was impressed by what was being proposed for the new homeowners: one-quarter acre of open space, appropriate outdoor living space, open space for units not less than ten feet in every direction. She noted that she lived in a townhome that bordered this property. She submitted a petition with 65 signatures obtained in a short period of time and read the language into the record:

“We the undersigned hereby request the Planning Commission to adhere to the City’s current General Plan, which was in place when all of us bought our property, and not rezone the approximately 1.2 acre site at 4198 Stanley Boulevard from Medium to High Density. We respect the right of the property owner to develop his property and make a profit on his investment. We ask that the City, the property owner, and the builder take into consideration the quality of life of current residents, many of whom have lived on Stanley over 10 to 20 years, as well as the new development homebuyers.

“In an effort to consider our as well as our new neighbors’ quality of life, we ask that the project setbacks be a minimum of 15 feet from existing property lines and that as many trees as possible be retained for the sake of wildlife habitat, as well as privacy and their native beauty.”

Ms. Adams noted that at this time, they have had the good fortune of being able to see as far as to the ridge from their property. She noted that that ability contributed to their own quality of life. She hoped that whatever decision was made for the new homebuyers, the current residents should be given equal consideration and that some of the trees should be retained for privacy and for the habitat they provide. She hoped that when the location of the new homes is determined, they will consider the potential blockage of views for the existing homes and move them slightly to avoid that blockage. She noted that they requested that the density not be changed from Medium to High Density Residential and inquired whether staff had asked for the increase to High Density Residential. Chair Blank noted that the public hearing was intended for members of the public to make statements, and that the questions by the Commission would occur later. At Chair Blank’s request, Ms. Adams pointed out the location of her property on the overhead screen, bordering Lots 8, 9, 10, and 11. She noted that “Windowology” was located on the west side and did not believe they cared about setbacks as much as the residents of her townhome community because that side of the property did not have any windows.

Don Adams pointed out the location of their property on the overhead screen and agreed with his wife’s request to adhere to the current zoning and not allow a higher density. He noted that there would be parking, traffic, and other issues to contend with if a higher density were to be approved. He noted that there were 36 units in their complex, with 18 guest parking spots and two-car garages. He noted that even if the use of the garage were conditioned to not allow storage, in reality, the garage was their domain and they can do what they want with it. He noted that it was very difficult to obtain compliance even though it was spelled out in the CC&R’s. He noted that their CC&R’s have the same no-storage provision and that some owners do not comply. He noted that parking would be an issue and that people would have to move parked cars to allow neighbors to back out of their garages. He stated that he believed that it would be very difficult logistically and that eight homes would be an appropriate number of homes. He added that there may be noise issues as well and that this development would be too close to their complex. He noted that if the developers were to aim for maximum profit, then they would want a larger number of units or go three stories up. However, he stated that he believed that quality of life was very important.

Commissioner O'Connor asked Mr. Adams how many units were in his development. Mr. Adams replied that there were 36 units on approximately 2.3 acres; they had a 15-foot setback. He noted that some of his neighbors had three cars, and they were working on a placard system for extended parking to accommodate those neighbors. He noted that anybody can park on Stanley Boulevard and that the four parking places on Stanley Boulevard would be available to anyone and not just the proposed development. He noted that they could not guarantee those parking places and added that there were often ten cars parked in front of his complex.

Darell Walterson pointed out the location of his home on the overhead screen and noted that it was built in 1914 and was built on the property line. He stated that he had a detached garage in the back left-hand side of the lot and that the backyard of a potential neighbor would have a demising wall adjacent to their lot. He noted that he had a backyard shop and that he uses power tools, as well as creating metal sculpture, which was sometimes noisy. He noted that he would be installing solar panels on his garage and that there would be a sunlight easement, both of which may be a concern. He noted that the house on 4189 Stanley Boulevard was an older house and inquired whether the Pleasanton Heritage Association should look at it. He noted that there were some very large trees at that location as well. He stated that he believed a winery would be a good addition to Downtown Pleasanton and provide a connection at this site. He noted that Old Stanley Boulevard may be realigned, that sidewalks may be placed on the north side, and that they would lose an eight-foot gravel swale with natural percolation. He noted that they did not have any natural drainage and that the percolation kept the water from going into the arroyo. He stated that he believed impervious surfaces with accelerated runoff would put more pollutants into the arroyo. With respect to the realignment of Stanley Boulevard, he stated that he understood they wanted to put the parking on the north side and leave the south side of Stanley Boulevard in a natural state with the older homes.

In response to an inquiry by Chair Blank regarding whether he had a recorded view easement, Mr. Walterson replied that he did not yet have a recorded view easement. He noted that he had been looking into it for the last two months and was worried about it.

David Walker agreed with the previous speakers and was concerned about density-related issues, particularly parking, residents with more than two cars, and those who fill their garages with things other than cars. He noted that he believed it would be very difficult to control that and encouraged the Commission to not compromise the parking requirements for this area.

Wilona Perry noted that she had lived in the neighborhood since 1964 and had seen many changes in the neighborhood. She believed the density of the proposed project would be too high for the neighborhood and expressed concern about the height limit. She was concerned about the parking for 14 homes, which would bring in at least 28 more cars to the neighborhood. She noted that the homes would be 2,000 square feet, with teenage drivers, which would potentially allow for 35 to 40 cars. She believed there should be one guest parking space per person, per house. She believed that there should be a maximum of ten homes if the development were to proceed and that 14 homes was too many. She was concerned about the ability of the Fire Department to access the development and about the safety of people coming off of Main Street or Santa Rita Road, making a left-hand turn to go down Stanley Boulevard, and then making another quick left turn to get into the property, especially during the afternoon

drive time. She noted that the traffic on Stanley Boulevard has worsened and that it was especially bad during rush hour. She was concerned that there would be accidents and that it did not make any sense to have so many homes. With respect to the garage, she stated that some of her neighbors with teenage drivers had four cars and a two-car garage. She stated that she did not believe it was feasible to tell someone that they could not have three cars when they only had two parking spaces. She expressed concern that their guests would not have room to park. She stated that she understood that the south side of the street was part of the Historic Downtown area and that the historic homes should be maintained. She stated that she did not believe the modern, high buildings fit into the area at all. She opposed this project as proposed and believed the density was too high.

Paul Martin noted that he lived in one of the historic houses on Foothill Road and that he and his family moved to Pleasanton for the quality of life. He noted that developments like this were created to meet the housing needs. He was concerned about the ability of his children to be able to afford to live in Pleasanton. He noted that he worked in real estate and believed the median home price in Pleasanton was almost a million dollars. He noted that everyone had to have a quality of life but that housing must also be provided for the residents. He noted that the 2002 Specific Plan was the reason for this property being high density and did not know why the General Plan was not in compliance; he trusted that staff was working on that issue. He stated that he believed the applicant did a good job and that the houses were attractive. He noted that some adjustment could be made to the elevations so they would be more in keeping with the existing homes on that side of the road, and he stated that he believed the applicant would be able to do that. He stated that he liked the landscaping plan and noted that previous areas affected everyone. He indicated that he believed that the landscape architect had tried to address that issue and that he understood this would be a tough decision. He stated that he believed the applicants had thought the issues through and had worked with staff and that a project like this would taken advantage of the land that was available to house Pleasanton's residents.

In response to an inquiry by Commissioner Fox regarding whether he was affiliated with the applicant, Mr. Martin replied that he was not affiliated with the applicant, was not a realtor for the applicant, and did commercial property management. He noted that he had an interest in what was going on in the community.

Mr. DiDonato noted that the staff report stated that he was applying for a General Plan Amendment, which he stated he thought to be incorrect. He noted that they were following the guidelines in the Downtown Specific Plan and that they were not requesting increased density; they intended to fit into the density set forth in that Plan. He noted that they wished to rezone the property from R-1-6,500 to the current density. He noted that they came up with the development and design based on the guidelines set forth by the City for this particular site. He stated that he did not believe they were too far from what was proposed in the Specific Plan. He noted that they were a local builder that they were conscious of the area, and tried to create quality products. He noted that he had just completed a project in Livermore, on the corner of Chestnut and L Street, which was a redevelopment project. He noted that they turned that blighted property into eight nice homes. He noted that was their main focus and added that creating infill housing was challenging. He noted that there were developers who would not do infill housing. He noted that they had a strong background in construction for over 30 years and

that they started the company in 2005. He noted that they focused on quality of life issues and that they intended to provide a high-quality product. He noted that they tried to put a product forward that worked both with the community and were economically feasible to go forward. He noted that they will be happy to work with Pleasanton staff to move forward on this project.

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

Commissioner Fox noted that it seemed that the applicant disagreed with whether they needed to do a rezoning.

Ms. Decker clarified that the staff report identified one of the entitlements as required was a General Plan Amendment, and the correction was that they did not need to do so. She noted that the current General Plan land use designation was High Density Residential, in conformity with the Specific Plan land use designation. She noted that with respect to density for this particular designation, High Density Residential was eight-plus units per acre. At a density of eight units per acre, there would be a net of 9.6 or 10 units on that site. She noted that there was no midpoint or maximum for High Density Residential and that this particular calculation for the 1.2-acre site was approximately 11.6, which was approximately 12 units per acre, which was the density being proposed at this time. She noted that the Stanley reconstruction would remove parking on the south side of the street. She stated that currently, there was parking on both sides of the street and that only the parking on the south side would be removed with those street improvements.

Ms. Decker noted that with respect to the discussion about homeowner associations, there was no real common open space area; the lots were divided to the street frontage, which was the 20-foot access way. She noted that a maintenance agreement would be provided because there was no landscaping or other common area to manage. She noted that a maintenance association would probably be the preferred method for this site, which led to the question of parking and storage in garages. She noted that the Planning Commission and staff have discussed the issue numerous times with developments and that particular requirement was generally placed in CC&R's because the City did not want to act as garage policemen. She noted that was an issue with many developments and that this particular project, like many others, would not be conditioned where the City would be responsible for insuring that garages did not have storage. She noted that would be an instrument or disclosure and that the residents in this particular PUD would be self-managing in terms of storage of materials or ensuring that the garages remained clear to provide parking.

With respect to the lack of common open space area, Commissioner Fox inquired if staff would recommend a common open space area as was done in similar types of developments of this size, such as the one on Vineyard Avenue with a tot lot. She noted that some of the statistics provided by the applicant stated that the community park was a ten-minute walk. She indicated that she was confused by that as the Dolores Bengtson Aquatic Park was a five-minute walk, which was in the Amador Valley Community Park. She noted that Main Street Green was a five-minute walk but that it did not have a tot lot. She noted that Kottinger Village Community Park may be more than a ten-minute walk. She inquired whether staff ideally would like to see a common open area with a tot lot.



Ms. Decker replied that when this project originally came in, staff was concerned that this particular development did not provide any open space area for a common area, even if the units were to be moved together. She noted that they had discussed attaching the units, having duets, and several different alternatives, thinking it would be appropriate to have a common open space area. She noted that the argument for the Silverstone project was that there was a park across the street. Although the Kottinger Park was across the street from Silverstone, the Planning Commission and City Council felt that there should be some open space for the families there, and a very small tot lot was created for the residents on that site. She noted that this project would not be required to have open space on-site because of the proximity of existing parks. She noted that staff requested direction from the Planning Commission for area, particularly with respect to revisiting the site plan in some manner.

Commissioner Fox inquired whether the closest tot lot play structure was at Amador Valley Community Park, which was a ten-minute walk.

Commissioner Narum noted that she had not walked it, but believed it was less than ten minutes.

Chair Blank noted that staff had posed seven questions for this workshop.

1. Will the proposed density be acceptable?

Commissioner Narum noted that this was a difficult question and that she liked the idea of creating infill housing. She stated that she believed that the density was too high and was one or two houses too many and that the space should be used for some parking and some kind of tot lot/climbing apparatus.

Commissioner Olson noted that when he looked down Stanley Boulevard, he was surprised that the density was as low as it was on this project. He believed that the project next door to the east had a much higher density. He noted that the project at Rachel Place appeared to have a much higher density as well. He stated that he believed the proposed density was fine.

Commissioner Fox did not believe the proposed density was acceptable. She would like to see ten units, ten guest spaces, and a common area with a tot lot.

Commissioner O'Connor stated that he believed that the adjacent development to the east had about 12 units. Like Commissioner Olson, he was not sure that the density was a big issue and that more parking should be created if it fit on the lot. He indicated that he would also like to see one or two units less but did not believe density was the big issue. He was more concerned about the size of the homes and the FAR and suggested that if 14 units were to be retained in the development, the square footage should be examined.

Chair Blank indicated that he believed that part of the problem was the order in which the questions were posed. He noted that the FAR, open space, and setbacks would all drive density. He agreed with Commissioners Narum and O'Connor that given the current proposal, a one- to two-unit reduction would be appropriate. He noted that if the FAR or the layout were different,

it might be a different issue. He noted that as Commissioner Olson pointed out, there were other areas that appeared to be just as dense but the architect did something else to make them more acceptable.

2. Would the proposed site plan be acceptable?

Commissioner O'Connor noted that he did not have a problem with the site plan specifically. He noted that if the size of the house remained, the setback should be bigger and that with the site plan and house size, the three- to five-foot rear setback may become a problem. He stated that he did not have a problem with the tot lot or open space issues and added that this was a court of houses. He noted that he lived in a court of houses in a much larger development and the closest tot lot was a 15-minute walk. He stated that he did not believe every development needed a tot lot or a big open space. He was more concerned about how much space there was between the homes and especially with the rear setbacks.

Chair Blank suggested handling site plans and setbacks together.

Commissioner O'Connor did not have a problem with the site layout, but was concerned with the proximity to the property line.

Commissioner Fox stated that she did not like the site plan and believed there should be a tot lot because these were smaller houses. She added that in an infill development, the houses themselves did not have enough open space, with the exception of a dining table and a grill. She indicated that if there were no tot lot or open space, the children would play in the cul-de-sac, which served as a fire turnaround, and she did not want to see the kids playing in the street. She would like to see a common open space on the site. She was concerned that there was no sidewalk within the development and noted that there should be a sidewalk, even if it may not be a standard sidewalk, so people would not walk on the road. She was concerned about the number of houses as well as the proposed site plan with the fingers. She noted that the situation could obscure visibility of pedestrians and that she would like to see them scaled back so that when the pedestrians were walking, there would not be any visibility problems with no sidewalks or any hazards with the constructs near the cul-de-sac.

Commissioner Olson noted that the site plan was acceptable and that with respect to density, it was the number of units that would drive the number of vehicles on this property. He noted that the development just east would have more vehicles associated with it than this one would. He stated that he believed this development could sell out to older people who have decided to downsize; in this case, he agreed with Commissioner O'Connor that a tot lot may not be necessary in a development like this. He indicated that he liked the proposed site plan.

Commissioner Narum noted that she liked the site plan as well and believed it was creative. She stated that the rear yard setback should be larger on the east side and that she thought it was not fair to the neighbors on the east side, who bought their home with an open lot, to have houses right up against their lot line. She noted that the setback should be at least ten feet. She indicated that she liked the layout and concurred with Commissioner Olson's point that if the development were to be made smaller, the house size could be the same. She noted that was a

market-driven question for the builder, as opposed to the Planning Commission dictating that the houses should be smaller. She noted that was a decision for the developer and that the Commission should not tell him what that should be. She noted, however, that there was some give-and-take, that either the houses should be smaller or the number of units should be reduced. She noted that she tended to favor tot lots or places for children to play, but she did see children playing in the court and she did not object to that. She noted that her own children had done the same.

Chair Blank noted that as proposed, the site plan was fine, but that the site plan and density were somewhat related. He recalled his earlier comment that the homes should be smaller or that there should be fewer units. He did not object to the setbacks between the houses and noted that he had lived six feet from a neighbor for many years which worked out fine for him. He shared Commissioner Narum's concern about the rear yard setbacks that they were too tight. Regarding the tot lot, he noted that it was a companion question to the open space consideration. He added that the rear yard setbacks were more critical than the side yard setbacks.

Commissioner Narum wished to confirm that the Commissioners had referred to the rear setbacks on the east side. Commissioner O'Connor noted that he was concerned about all of the rear setbacks.

### 3. Guest Parking

Commissioner Narum noted that this was a difficult issue and that in her neighborhood, all four houses in the cul-de-sac had teenagers who drive. She believed that if the size of the houses were to be reduced or if one or two houses were removed, she would like to see several parking spots specifically for guest parking. She noted that many of the neighbors in the houses fronting Stanley Boulevard had "no parking" signs in front of them and that the parking on the south side of Stanley Boulevard that will be eliminated will further exacerbate the current parking problem.

Commissioner Olson believed that guest parking was an issue and that the Comcast truck, for instance, could park in the driveway on a service call. He noted that visitors would not be able to find a place to park if the homeowner's garage was filled with stored items. He stated that he believed there should be some spaces available in the development for guest parking but was unsure how that would be accomplished.

Commissioner Fox stated that she did not believe the guest parking situation was very good and suggested that there be at least one guest parking place per unit. She noted that staff had requested in another high density development that guest parking spaces in the driveway area be provided. She stated that it was important to have consistency in the planning process and that guest parking consistent with other projects should be included.

Commissioner O'Connor stated that he did not believe there was enough on-site guest parking but was unsure about the appropriate number. He noted that if there were fewer units, there would be more room for guest parking and more space between units. He added that he did not believe parking would be an issue for this development before he found out that half of the parking on Stanley Boulevard would be taken away, which exacerbated the problem.

Chair Blank stated that parking was a major issue and that he also lived on a cul-de-sac. He noted that most houses had teenagers who drove, that many of the houses could fit only one car in the garage, and that most people parked in the driveway. He noted that the homes with teenagers parked two cars in the driveway and two cars in the street. He stated that there should be guest parking.

5. Would the proposed open space for the development and for each home be acceptable?

Commissioner O'Connor did not have a problem with having private lots with no common open space. He would like to see the larger setback, specifically in the rear yard. He noted that there should be a bigger setback, particularly near the townhome development and against the railroad track.

Commissioner Fox noted that she had discussed the open space, but not the setbacks. She would like to see a bigger rear yard setback than the three feet, and stated that there should be a front yard setback but did not know the exact measurement. She did not want the front of the house to be right on the road. She liked the idea of a common open space area and a tot lot. With respect to the small private courtyards for each home, she noted that there should be some standards for what they could contain and not contain in a high-density residential development or upper medium-density residential development. She noted that she has seen water features and fireplaces and would like to see the CC&R's specifically address what would be allowed or not allowed in the private open space, particularly since some of the areas were right next to each other.

Commissioner Olson noted that he had already addressed the tot lot. He stated that he believed the current design provided enough open space. He was concerned that if the Planning Commission wanted fewer units on this property, the price per unit would be driven up, which would reduce the developer's reasonable profit. He suggested that reducing the size of the units and freeing up some ground for parking may work for the developer. He further suggested keeping the same number of units with a slightly smaller square footage per unit and freeing up land for parking that way. He was conscious of the fact that if there are too few units on the property, it would no longer be high-density or economically viable. He found the proposed open space area for each home acceptable as presented.

Commissioner Narum noted that she could accept the proposed open space as presented but would like to see some open space such as you see when turning into Del Valle Court. She noted that some of these decisions should be market-driven and that she supported housing at a better price. She noted that she could support the project without a tot lot if some of the other items were addressed. She considered the east side setbacks to be more of a priority than a tot lot. She stated that having a couple of dedicated parking spaces for guests would be a higher priority than common open space.

Chair Blank stated that in terms of priority, the setbacks were important as was the guest parking. He would like to see some common open space as well as a tot lot, but he did not think that was as important as parking and setbacks. He noted that his priorities were parking, setbacks, open

space, and tot lot. He respectfully disagreed with Commissioner Fox that there should be any limitation as to what went into the backyards. He noted that when he first purchased a home, they were six feet from one neighbor and six feet from another. He noted that the front yard was landscaped and the back yard was up to them. He noted that they lived in a community with 35 to 40 homes, and there was never any problems in that respect. He was not keen on having such conditions on what went into someone's backyard and added that there were no CC&R's because there would be a homeowners association.

6. Will the proposed Floor Area Ratios be acceptable?

Commissioner Narum noted that she had not done the math, but that 70 percent was not acceptable to her. She stated that she believed it needs to be adjusted either by removing a house or scaling down some of the houses to get more room in the rear, as well as parking. She would like to see the 70-percent FAR reduced.

Commissioner Olson stated that to improve the FAR and maintain the same number of units, the square footage of the units should be reduced. He noted that given the parking problem, the current FAR was probably too high.

Commissioner Fox would like to see the size of the houses be 1,200 to 1,800 square feet instead of 1,650 to 2,050 square feet, which would lower the 70-percent FAR. She noted that instead of making the smaller lots 2,300 square feet, they should be smaller to go with the smaller-sized houses. She would like to see some of the units be single-story to accommodate seniors who did not want to have two stories.

Chair Blank noted that the Planning Commission was not addressing architecture at this point.

Commissioner O'Connor noted that rather than discussing averages and because the information was not included on the staff report, he would rather use the applicant's list of square footages. He noted that the FAR seemed to range from 52 percent to 71 percent and that he believed those FAR's were still too high. He noted that there were several ways of dealing with that and that if several lots were eliminated and the size of the homes was to be reduced, space could be freed to decrease the FAR. He noted that these were fairly sizable units and that a smaller square footage may cost less to build and would be more affordable. He indicated that he would like to see the square footages come down to allow for increased setbacks and guest parking and for the FAR's to come down.

Chair Blank agreed that the FAR was too high, given the parking and other issues the Commission had discussed; however, he stated that he did not want to dictate how the applicant would accomplish lowering it.

7. Will the proposed architecture be acceptable?

Commissioner Narum believed that the proposed architecture was acceptable.

Commissioner Olson believed that the proposed architecture was acceptable.

Commissioner Fox noted that on the elevations, there were several styles of garages, some with and some without windows. She noted that she would like all of the garages to have windows to be able to monitor that two cars could be parked in the garage, because otherwise, people would fill their garages up with a lot of extra stuff. She noted that these elevations looked similar to the Standard Pacific homes near Trenery Drive. She further noted that the front elevation on page DR-4 had a small window that appeared to be barred. She inquired whether it was a decorative window or whether that would prevent someone from crawling out of a window in an emergency. Ms. Decker replied that those windows were decorative only and that the actual egress windows would be larger to meet the Building Code.

Commissioner Fox noted that on the other elevations, she noted that some of the elevations appeared to be bright white such as on DR-6. She added that they did not have color samples at this point. She would like to see some one-story homes.

Commissioner O'Connor liked the architecture and believed there was enough variation between them. He noted that each plan had a porch over the garage door and cautioned against having too many of them, perhaps no more than 50 percent.

Chair Blank would not want windows in his garage from a security perspective, and he did not believe that windows would prevent anyone from piling things up in their garage. He believed that the overall architecture was generally good; however, he would like to see more articulation. They appeared to him to appear stamped out or tract housing. He indicated that it may be clearer when they have the visuals.

Commissioner Narum noted that when the item comes back, she would like to ensure that the Commission was clear on the height. She believed that 39 feet was too tall and would like to see it reduced to a more reasonable height. She inquired whether this item would come back in another workshop or as a hearing item. Ms. Decker replied that would be at the direction of the Planning Commission in terms of what kinds of comments had been received. Commissioner Narum noted that if it did come back for approval, she would like to have some conditions about sound and vibration on the back side of the tracks.

With respect to another workshop, Mr. Dolan suggested that it be left to staff's discretion and to determine how close the applicant has come to the Commission's desires. If the applicant was not ready, it would be worth that effort; however, if he is responsive or able to respond, a workshop may not be necessary.

Commissioner Narum noted that would be fine with her.

Chair Blank noted that in the past, Commissions have been partial to HOAs versus maintenance associations because HOAs could also officially represent the residents of the development, whereas maintenance associations cannot. He did not know whether that would be feasible in such a small environment.

Chair Blank did not believe that a single-story home would be workable here, but if it could be accomplished, that would be fine.

Ms. Decker wished to revisit what she heard as consensus:

- In general, the Planning Commission feels that the site plan is good and would like increased setbacks.
- There is a desire to see greater setbacks at least on the east side, next to the townhomes
- The sizes of the homes need to be reduced in order to reduce the FAR.

Ms. Decker stated that in terms of the example of a high FAR in the Downtown area, there have been variances up to 56 percent on a 50-foot by 100-foot lot on Second Street, which came before the Zoning Administrator, not the Planning Commission.

Chair Blank wished to clarify that the FAR may be reduced by reducing the size of the individual units and maintaining density or by removing units.

Ms. Decker commented that the Commission agreed that the FAR should be reduced and that staff will verify that calculation. Staff was unsure how staff's calculation differed in terms of the applicant's calculation with respect to whether or not the road was considered part of the calculation, which would make a tremendous difference. She noted that they may have counted the road, which would lead to a 52-percent to 71-percent FAR instead of an overall average of 70 percent. Staff will return with that information. She added that the parking requirement was noted as well.

Commissioner Fox inquired whether the Pleasanton Heritage Association would see this item before it returned to the Planning Commission. Ms. Decker replied that she did not believe that staff has made a determination on whether or not the PHA would look at this particular project because it was not that close to Downtown. She noted that could be revisited if the Planning Commission would like that to be considered.

Chair Blank suggested that it be left to the discretion of staff.

Commissioner Fox inquired whether the PHA was concerned with everything within the Pleasanton Downtown area or just in the Heritage part of town. Chair Blank believed that was something that staff could research. Ms. Decker noted that it was on a case-by-case basis and that if the Commission wished, staff could revisit that issue to determine whether it should go to the PHA. She noted that sometimes the PHA was interested in projects, and staff understood that this project was not necessarily one of those projects.

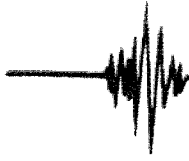
Commissioner O'Connor requested further clarification of the PHA's role and whether it was sanctioned by the City.

Chair Blank noted that was a discussion for another time. He then thanked the applicant and the public speakers.

No action was taken.



**EDWARD L. PACK ASSOCIATES, INC.**



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May 10, 2011  
Project No. 41-011-3

Mr. David J. DiDonato  
Donato Builders  
1854 Warsaw Avenue  
Livermore, CA 94550

Subject: Interior Maximum Noise Levels, Single-Family Development,  
Stanley Boulevard, Pleasanton

Dear Mr. DiDonato:

This report will provide you with the interior noise levels in the planned homes from train horn blasts. Shown in Table I. below. are the maximum noise levels in the Master Bedrooms and in the Second Bedrooms of worst-case Lots 6, 7 and 8 and in the best-case Lot 1. All of these rooms are on the second floors of the homes. Shown in the Table are the lot numbers, the plan type, the maximum sound level at the exterior of the building, the recommended STC ratings of the windows, the noise reduction of the train horn noise provided by the building shell and the interior sound levels. A range of train horn maximum noise levels is shown as the horn noise levels vary at any given location due to variations in intensity of the horn blast and location of the train when the horn is sounded.

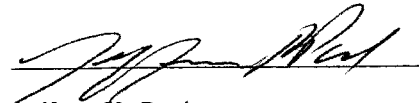
TABLE I									
Train Horn Interior Maximum Noise Levels, dBA									
Lot	Plan Type	Meas. Sound Level, dBA	Meas. Dist.	Sound Level @ Setback	Setback Dist.	Window STC Rating	Noise Reduction	Interior Sound Level, dBA	
								M. Bed	Bed 2
6.8	3	89-112 dBA	75 ft.	92-115 dBA	57 ft.	46	41 dB	44-67	51-74
7	2	89-112 dBA	75 ft.	92-115 dBA	57 ft.	46	41 dB	51-74	45-68
1	1	89-112 dBA	75 ft.	72-95 dBA	265 ft.	28	20 dB	41-64	52-75

Note that the maximum sound level, by definition, is the highest 1 second sound level that occurred with each train passby.

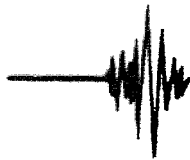
If you need any additional information or if I can be of further assistance, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

A handwritten signature in black ink, appearing to read "Jeffrey K. Pack", written over a horizontal line.

Jeffrey K. Pack  
President



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April 20, 2010  
Project No. 41-011-1

Mr. David J. DiDonato  
Donato Builders  
1854 Warsaw Avenue  
Livermore, CA 94550

Subject: Noise and Vibration Assessment Study for the Planned Single-Family Development, Stanley Boulevard, Pleasanton

Dear Mr. DiDonato:

This report presents the results of a noise and vibration assessment study for the planned single-family development along Stanley in Pleasanton, as shown on the Site Plan. Ref. (a). The noise exposures at the site were evaluated against the standards of the City of Pleasanton General Plan Noise Element. Ref. (b). The railroad induced ground vibration levels were evaluated against guidelines established by the Federal Transit Administration (FTA). Ref. (c). An analysis of the on-site noise measurements indicates that the noise environment is created primarily by traffic sources on Stanley Boulevard and railroad operations on the adjacent Union Pacific Railroad/Altamont Commuter Express line. The results of the study reveal that noise exposure and noise level excesses occur and mitigation measures will be required. The study also revealed that ground-borne vibration levels within the planned structures will exceed the criteria established by the FTA.

Sections I and II of this report contain a summary of our findings and recommendations, respectively. Subsequent sections contain site, traffic, railroad and project descriptions, analyses and evaluations. Appendices A, B and C contain the list of references, descriptions of the standards, definitions of the terminology, descriptions of the instrumentation used for the field survey, ventilation requirements, general building shell controls and the on-site noise and vibration measurement data and calculation tables.

## I. Summary of the Findings

The noise exposures presented herein were evaluated against the noise standards of the City of Pleasanton Noise Element, which utilizes the Day-Night Level (DNL) 24-hour descriptor to define acceptable noise levels for various land uses. The standards specify a limit of 60 dB DNL for multi-family residential exterior areas and 45 dB DNL for residential interior living spaces. However, when the noise source is a railroad, the exterior noise exposure standard is 70 dB DNL as the noise environment is characterized by few loud events rather than a relatively constant source such as vehicular traffic. Because of the less restrictive exterior noise levels, short-term interior noise limits are applied to bedrooms and other living spaces. The limit for bedrooms is 50 dBA maximum ( $L_{max}$ ) while the limit for other living spaces is 55 dBA  $L_{max}$ . Because the noise levels from the train horns would preclude development along the railroad tracks, the City of Pleasanton Planning Department is allowing disregarding of the train horns' noise levels and the City is allowing the use of the maximum noise level from the train (engine) itself.

The vibration levels shown in the findings are expressed in units of dB re:  $1 \times 10^{-6}$  in/sec (peak velocity). The human response to vibration can vary within wide limits, as it depends on the position and inherent motion of the person perceiving the vibration, as well as the physical and psychological makeup of the particular person.

The City of Pleasanton does not currently have any quantifiable standards for vibration in residential areas. The vibration analysis presented in this report uses the criteria established by the Federal Transit Administration (FTA). For residences near rail lines that carry fewer than 70 trains per day, which is considered infrequent, the FTA recommends a limit of 80 decibels of vibration (VdB) inside the dwelling. The FTA guidelines provide adjustment methodologies to vacant site vibration levels to determine the approximate vibration levels in various floor elevations of residential structures.

The noise and vibration levels shown below are without the application of mitigation measures, and represent the noise and vibration environment for the existing site conditions.

A. **Exterior Noise Exposures and Noise Levels**

- The existing exterior noise exposure in the most impacted planned rear and side yards closest to Stanley Boulevard (35 ft. from the roadway centerline) is 63 dB DNL. Under future traffic conditions, the noise exposure is expected to increase to 66 dB DNL. Thus, the noise exposures will be up to 6 dB in excess of the City of Pleasanton Noise Element standards. The future 60 dB DNL noise contour will be 86 ft. from the centerline of the road.
- The existing exterior noise exposure at the most impacted planned building setback from Stanley Boulevard (45 ft. from the roadway centerline) is 62 dB DNL. Under future traffic conditions, the noise exposure is expected to increase to 65 dB DNL.
- The existing exterior noise exposure at the most impacted planned rear and side yards and at the planned building setback closest to the UPRR/ACE tracks (50-57 ft. from the track centerline) is up to 76 dB DNL. Thus, the noise exposures are up to 6 dB in excess of the City of Pleasanton Noise Element standards. The 70 dB DNL noise contour is 135 ft. from the tracks.
- The  $L_{max}$  values at the most impacted planned building setback from the UPRR/ACE tracks ranged from 77 to 91 dBA during train passbys.
- Noise from Amador Valley High School marching band practice/sports events is noticeable at the site. Band sound levels were measured at 44-50 dBA and P.A. announcements were measured to be 45-52 dBA.

**B. Interior Noise Exposures and Noise Levels**

- The interior noise exposures in the most impacted living spaces of dwelling units closest to Stanley Boulevard will be 47 and 50 dB DNL under existing and future traffic conditions, respectively. Thus, noise exposures will be up to 5 dB in excess of the City of Pleasanton Noise Element standards.
- The interior noise exposures in the most impacted living spaces of dwelling units closest to the UPRR/ACE will be up to 61 dB DNI.. Thus, noise exposures will be up to 16 dB in excess of the City of Pleasanton Noise Element standards.
- The interior  $L_{max}$  noise levels in the most impacted living spaces of dwelling units closest to the UPRR/ACE tracks will range from 67-81 dBA. Thus, the  $L_{max}$  noise levels will be up to 31 dB in excess of the 50 dBA limit for bedrooms and up to 26 dBA in excess of the 55 dBA limit for other living spaces.

The findings reveal that exterior and interior noise exposure excesses occur at the site and mitigation measures will be required. The recommended measures are described in Section II of this report.

**C. Ground-Borne Vibration**

- The railroad induced ground-borne vibration levels at the most impacted planned building setback 60 ft. from the centerline of the railroad tracks (ground level) ranged from 73 VdB for an ACE train and 79 VdB for a freight train. Using the adjustment methodologies of the FTA, the vibration levels in the first floor living spaces of the project will be up to 83 VdB. At the second floor elevations, the vibration levels will be up to 82 VdB. Thus, the vibration levels within the dwelling units will exceed the 80 VdB criterion established by the FTA for infrequent rail operations.

Mitigation measures for ground-borne vibration will be required. The recommended measures are described in Section II. below.

**II. Recommendations**

**A. Exterior Noise**

To achieve compliance with the 60 dB DNL standard of the City of Pleasanton Noise Element for the exterior living areas impacted by Stanley Boulevard traffic, the following noise control barrier will be required:

- Construct a 6 ft. high acoustically-effective barrier along the property lines of Lots 1 and 14 contiguous with Stanley Boulevard. Continue the barriers along the westerly property line of Lot 1 and along the easterly property line of Lot 14. The barriers may terminate at the property boundaries with Lots 2 and 13, respectively. Turn the barriers to connect air-tight to the sides of the houses. The barrier height is in reference to the nearest building pad elevation.



To achieve compliance with the 70 dB DNL standard of the City of Pleasanton Noise Element for the exterior living areas impacted by railroad operations, the following noise control barrier will be required

- Construct an 8 ft. high acoustically-effective barrier along the property lines of Lots 5, 6, 7, 8 and 9. The barrier heights is in reference to the nearest building pad elevation.
- Please see Figure 1 for the locations and heights of the recommended noise control barriers.

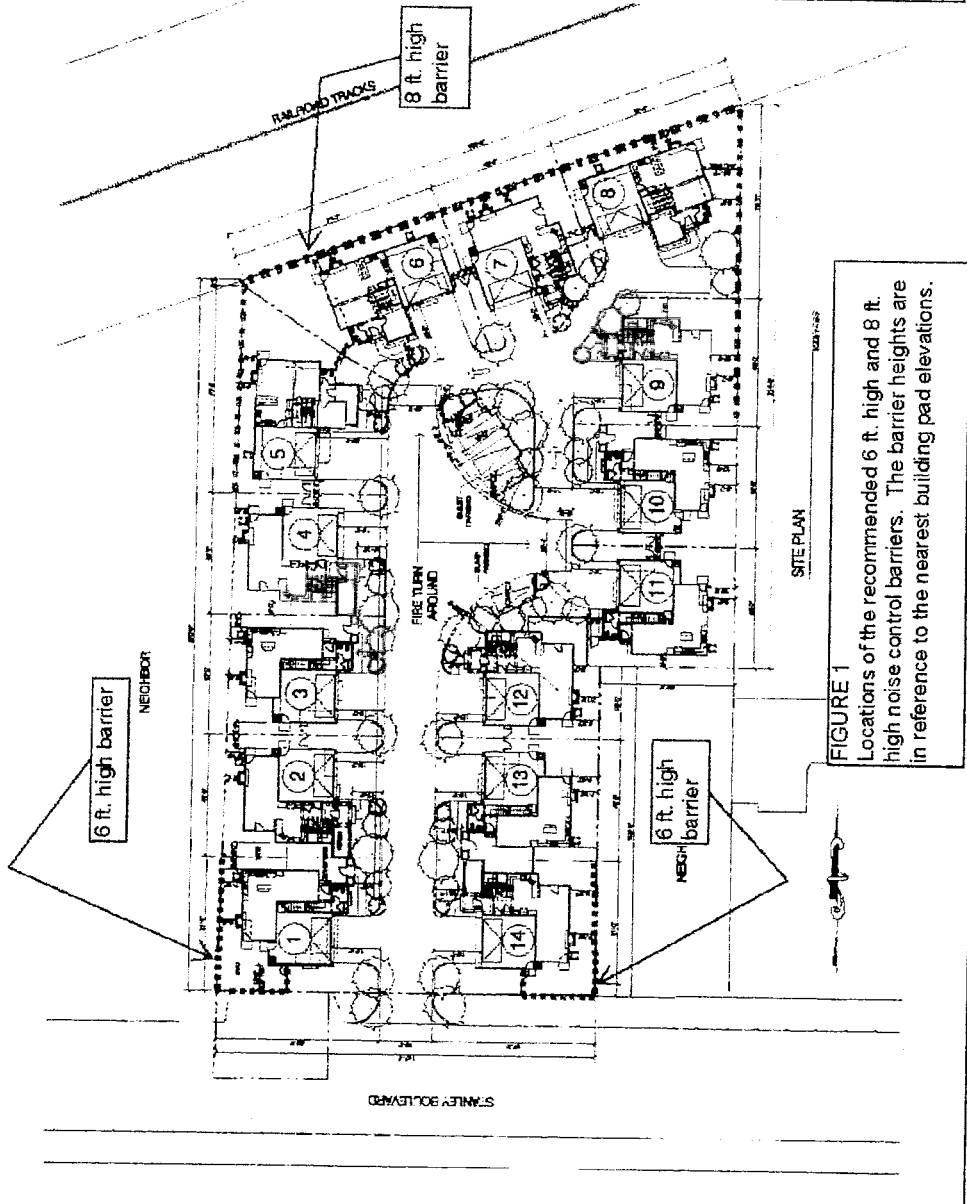
To achieve an acoustically-effective barrier, it must be made air-tight, i.e., without cracks, gaps, or other openings and must provide for long-term durability. The barriers can be constructed of wood, concrete, stucco, masonry, metal, earth berm or a combination thereof and must have a minimum surface weight of 2.5 lbs. per sq. ft. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight, tongue-and-groove, shiplap, or board and batten construction can be used, provided the minimum surface weight requirement is met and the construction is air-tight. Gates may be incorporated into the barrier return segments at the sides of Lots 1 and 14. The gates must be of the same height as the main barrier, must meet the minimum surface weight requirement and must fit tight to the main barrier when closed. The gaps at the hinge and closure jambs shall be covered with astragals/stops. The gap below the gate shall be no more than 1" high. The noise control barriers must be constructed so that all joints, including connections with posts, pilasters or the building shell are sealed air-tight and no openings are permitted between the upper barrier components and the ground.

The implementation of the above recommended measures will reduce exterior noise exposures to 69 dB DNL or lower in the noise impacted exterior areas along Stanley Boulevard and to 70 dB DNL or lower in the exterior areas impacted by railroad noise.

<b>PROJECT DATA</b>	
APR 9 9:45 AM '07 043-188-016 043-188-016	
STANLEY BOULEVARD	
4171 & 4189 STANLEY BLDG., PLEASANTON, CA	
PROJECT AREA CALCULATION	
GROSS PROJECT SITE	88,523 S.F.
INDIVIDUAL LOT SIZE	2,900 S.F. - 3,000 S.F.
BUILDING TYPE	UNITS
SINGLE-FAMILY HOMES	14
	28 COV.
	28 UNITS
	SUNROOM GUEST
	BT SPACES
TOTAL UNITS AND PARKING	14
UNIT MIX	
(A) PLAN 1: 1,000 - 1,500 S.F. EACH UNIT	
2 - 3 BEDROOMS	
2 CAR GARAGE	
(B) PLAN 2: 1,700 - 4,700 S.F. EACH UNIT	
2 - 4 BEDROOMS	
2 CAR GARAGE	
(C) PLAN 3: 1,800 S.F. - 2,000 S.F. EACH UNIT	
3 - 4 BEDROOMS	
2 CAR GARAGE	
PROJECT SETBACKS	
FRONT YARD: 10' 0" AVERAGE (50' MINIMUM)	
SIDE YARD: 5' 0" AVERAGE (10' 0" MINIMUM)	
REAR YARD: 5' 0" MINIMUM	
<b>CONTACT INFO.</b>	
PROJECT CONTACT:	LANDSCAPE ARCHITECT:
DONATO BUILDERS INC.	HUNT HALE JONES
1884 WINTERGARDEN	2540 CHANDELIER BLVD. SUITE 201
PLEASANTON, CA 94566	1800 W. CREEK CANYON
TEL: 925-465-0885	PLEASANTON, CA 94566
FAX: 925-465-0885	TEL: 925-465-0885
<b>VICINITY MAP</b>	

**SITE PLAN**  
**DR 2**

SCALE AS NOTED  
DATE: 11-08-06  
PROJECT: 043002



**FIGURE 1**  
Locations of the recommended 6 ft. high and 8 ft. high noise control barriers. The barrier heights are in reference to the nearest building pad elevations.

**STANLEY BOULEVARD**  
**DONATO BUILDERS INC.**  
4171 & 4189 STANLEY BOULEVARD  
PLEASANTON, CA



Architecture | Planning | Interiors

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**B. Interior Noise Controls**

To achieve compliance with the City of Pleasanton interior standard of 45 dB DNL, the following measures will be required. In addition, general construction measures affecting the building shell are also recommended, as described in Appendix B.

- Maintain closed at all times all second floor and unshielded (not behind a noise control barrier) first floor windows and glass doors of living spaces of Lots 1 and 14 that have a direct or side view of Stanley Boulevard. Install windows and glass doors rated minimum Sound Transmission Class (STC) 28.

To achieve compliance with the City of Pleasanton interior standards of 45 dB DNL, 50 dBA  $L_{max}$  for bedrooms and 55 dBA  $L_{max}$  for other living spaces against railroad noise, the following measures will be required.

- Maintain closed at all times all windows and doors of all living spaces of the project. Install windows and doors with the minimum STC ratings shown in Table I, below. In addition, implement the glazing requirement also shown in the Table. The window and door specifications assume the implementation of the noise control barrier recommended above.
- Provide some type of mechanical ventilation for all living spaces that have a closed window condition.

All windows not specified to be maintained closed may have any type of glass and may be kept opened as desired.

<b>TABLE I</b>			
<b>WINDOW AND DOOR STC RATINGS</b>			
<b>Lots 6, 7, 8 w/view to RR</b>	<b>Floor</b>	<b>STC Rating</b>	<b>Glazing Requirements</b>
Beds	2	46	Triple pane >1" air space, laminated glass
Living Spaces	2	40	>1" air space, laminated glass
Beds	1	40	>1" air space, laminated glass
Living Spaces	1	36	Laminated glass
<b>Lots 6, 7, 8 w/o view to RR</b>			
Beds	2	40	>1" air space, laminated glass
Living Spaces	2	36	Laminated glass
Beds	1	36	Laminated glass
Living Spaces	1	32	None
<b>Lots 5 &amp; 9 w/view to RR</b>			
Beds	2	40	>1" air space, laminated glass
Living Spaces	2	36	Laminated glass
Beds	1	36	Laminated glass
Living Spaces	1	32	None
<b>Lots 5 &amp; 9 w/o view to RR</b>			
Beds	2	36	Laminated glass
Living Spaces	2	32	None
Beds	1	32	None
Living Spaces	1	28	None
<b>Lots 3, 4, 10, 11 w/view to RR</b>			
Beds	2	32	None
Living Spaces	2	28	None
Beds	1	32	None
Living Spaces	1	28	None
<b>Lots 3, 4, 10, 11 and all remaining windows of development</b>			
Beds	All	28	None
Living Spaces	All	28	None

Please be aware that many dual-pane window and glass door assemblies have inherent noise reduction problems in the railroad and traffic noise frequency spectra due to resonance that occurs within the air space between the window lites, and the noise reduction capabilities vary from manufacturer to manufacturer. Therefore, the acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce railroad and traffic noise to acceptable levels.

All windows and doors must be of good quality and provide tight seals to prevent sound infiltration. To achieve an acoustically-effective window construction, sliding panels must form an air-tight seal when in the closed position. In addition, the window and door frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound or acoustical sealant.

When windows are maintained closed for noise control, they are to be operable, as the requirement does not imply a "fixed" condition. Also, under the closed window requirement some type of mechanical ventilation should be provided to assure a habitable environment, as specified by the Uniform Building Code (UBC) and described in Appendix B. In addition, general construction measures to assure an acceptable acoustical environment are recommended, as described in Appendix B.

The implementation of the above recommended measures will reduce interior noise exposures to 45 dB DNL or lower and to 50/55 dBA  $L_{max}$  to comply with the standards of the City of Pleasanton Noise Element.

### **C. Railroad Induced Ground-borne Vibration**

To achieve compliance with the 80 VdB criterion of the FTA, one of the following alternative measures will be required.

#### Alternative 1

Construct of the homes on Lots 6, 7 and 8 on spread footing or post/beam foundations rather than slab on-grade foundations.

Alternative 2

Limit freight train speed to no more than 15 mph within 100 ft. of the site.

The implementation of the above recommended measures will reduce ground-borne vibration levels within the homes to less than 80 VdB.

**III. Site, Traffic, Railroad and Project Descriptions**

The planned project site is a 52,510 sq. ft. parcel located along Stanley Boulevard between Main Street and First Street in Pleasanton. The site is relatively flat and at-grade with Stanley Boulevard. The railroad tracks are on a 2 ft. high gravel berm. Surrounding land uses include multi-family residential adjacent to the east, single-family residential across Stanley Boulevard to the south, commercial uses adjacent to the west and single-family residential is across the railroad tracks to the north.

The primary sources of noise at the site are traffic on Stanley Boulevard and rail operations on the UPRR/ACE rail line. Stanley Boulevard carries an existing Average Daily Traffic (ADT) of 7,800 vehicles, as shown in the City of Pleasanton Noise Element, Ref. (d).

The UPRR rail line operated 8 daytime freight trains and 2 nighttime freight trains on the first day of measurements, 6 daytime freight trains and 2 nighttime freight trains on the second day of measurements and 7 daytime and 4 nighttime trains on the third day of measurements.

The ACE rail line services 4 westbound trains in the morning and 4 eastbound trains in the afternoon, as reported by Altamont Commuter Express, Ref. (d). Note that two of the westbound trains occur during the nighttime hours before 7:00 a.m.

The planned project includes the construction of 14 two-story single-family homes. Ingress and egress to the development will be by way of a project access street off of Stanley Boulevard.

#### IV. Analysis of the Noise and Vibration Levels

##### A. Existing Noise Levels

To determine the existing noise environment at the site, continuous recordings of the sound levels were made at two locations. Location 1 was 45 ft. from the centerline of Stanley Boulevard corresponding to the planned minimum setback the homes from the road. Location 2 was 75 ft. from the centerline of the railroad tracks. This location was chosen for security of the sound measuring equipment. The measurements were made on March 10-13, 2009 using Larson-Davis 812 Precision Integrating Sound Level Meters. The meters yield, by direct readout, a series of descriptors of the sound levels versus time. The measured descriptors included the  $L_1$ ,  $L_{10}$ ,  $L_{50}$ , and  $L_{90}$ , i.e., those levels that are exceeded 1%, 10%, 50%, and 90% of the time. Also measured were the maximum and minimum levels, and the continuous equivalent-energy levels ( $L_{eq}$ ), which are used to calculate the DNL. The measurements were made for a total period of 24 hours at each location and included recordings of the noise levels during representative hours of the daytime and nighttime periods of the DNL index. The results of the measurements are shown in the data table in Appendix C.

As shown in the tables, the  $L_{eq}$ 's at Location 1 measured on the first day at 45 ft. from the centerline of Stanley Boulevard ranged from 57.7 to 66.7 dBA during the daytime and from 41.0 to 61.2 dBA at night. On the second day of measurements, the  $L_{eq}$ 's ranged from 57.5 to 65.1 dBA during the daytime and from 41.7 to 62.1 dBA at night. On the third day of measurements, the  $L_{eq}$ 's ranged from 56.4 to 63.2 dBA during the daytime and from 40.5 to 64.9 dBA at night. These sound levels were significantly influenced by rail operations.

The noise levels at Location 2 measured on the first day at 75 ft. from the railroad tracks ranged from 43.2 to 76.9 dBA during the daytime and from 36.1 to 71.9 dBA at night. On the second day of measurements, the  $L_{eq}$ 's ranged from 43.5 to 75.2 dBA during the daytime and from 39.3 to 74.6 dBA at night. On the third day of measurements, the  $L_{eq}$ 's ranged from 44.2 to 70.8 dBA during the daytime and from 35.1 to 77.0 dBA at night.



Noise levels generated by rail traffic only were derived from 1 minute time-history data measured at the site. Tables I, II and III, below, provide the  $L_{eq}$  noise levels for each train passby, the hourly  $L_{eq}$  for the train passby hour (which does not include other sources) and the resulting DNL.

<b>TABLE I</b>			
<b>Railroad Noise Levels, dBA <math>L_{eq}</math> – DAY 1</b>			
Time	Passby $L_{eq}$	Hourly $L_{eq}$	Train Type
2:56 p.m.	75.3	63.5	Freight
3:17 p.m.	81.1	66.4	Freight
4:28 p.m.	69.16	51.3	ACE
5:22 p.m.	72.8	77.0	ACE
5:37 p.m.	91.7		Freight
6:18 p.m.	70.2	52.4	ACE
7:33 p.m.	74.5	62.8	Freight
12:18 a.m.	76.9	62.1	Freight
5:20 a.m.	80.8	71.9	ACE
5:32 a.m.	85.4		Freight
6:37 a.m.	72.1	57.3	ACE
7:40 a.m.	84.1	66.3	ACE
8:01 a.m.	88.0	73.5	Freight
8:59 a.m.	75.1		Freight
10:35 a.m.	81.9	65.7	Freight
10:49 a.m.	78.3		ACE
12:48 p.m.	69.8	52.0	ACE
DNL = 70 dB			

TABLE II			
Railroad Noise Levels, dBA $L_{eq}$ - DAY 2			
Time	Passby $L_{eq}$	Hourly $L_{eq}$	Train Type
2:01 p.m.	85.9	75.2	Freight
2:28 p.m.	89.1		Freight
3:24 p.m.	79.7	64.9	Freight
4:19 p.m.	69.2	67.7	ACE
4:35 p.m.	85.4		Freight
5:19 p.m.	74.9	60.1	ACE
6:17 p.m.	71.8	57.0	ACE
7:07 p.m.	87.7	73.0	Freight
12:58 a.m.	82.4	69.4	Freight
5:18 a.m.	76.5	74.5	ACE
5:37 a.m.	92.2		Freight
6:34 a.m.	79.9	65.9	Freight
6:53 a.m.	72.5		ACE
7:37 a.m.	77.8	60.0	ACE
8:47 a.m.	78.5	60.7	Freight
10:29 a.m.	83.4	65.6	ACE
12:54 p.m.	69.1	51.3	ACE
DNL = 73 dB			

TABLE III			
Railroad Noise Levels, dBA $L_{eq}$ - DAY 3			
Time	Passby $L_{eq}$	Hourly $L_{eq}$	Train Type
2:42 p.m.	83.4	68.6	Freight
4:21 p.m.	71.9	69.1	ACE
4:34 p.m.	82.0		Freight
5:18 p.m.	68.8	54.1	ACE
6:16 p.m.	74.5	56.7	ACE
7:21 p.m.	75.4	63.6	Freight
10:10 p.m.	85.9	71.2	Freight
4:57 a.m.	76.8	62.0	Freight
5:18 a.m.	81.6	76.6	ACE
5:40 a.m.	91.1		Freight
6:34 a.m.	76.1	61.9	ACE
6:53 a.m.	74.1		Freight
7:46 a.m.	82.1	64.3	ACE
10:36 a.m.	79.6	61.8	ACE
11:23 a.m.	75.7	70.8	Freight
11:46 a.m.	82.1		Freight
12:55 p.m.	71.7	53.9	ACE
1:16 p.m.	68.9	54.1	Freight
DNL = 74 dB			

The exterior  $L_{max}$  values were determined from the 1-minute time-history data for each train passby. At measurement Location 2, 75 ft. from the centerline of the tracks, the highest  $L_{max}$  noise level due to train passbys without horn noise was measured to be 89 dBA. This  $L_{max}$  sound level occurred during four separate train passbys.

At the planned minimum setback of 57 ft. from the tracks, the  $L_{max}$  noise level increases to 91 dBA. The exterior  $L_{max}$  value at the building setback is the noise level from which the interior  $L_{max}$  value is calculated.

Traffic and rail noise diminish at a rate of 3-6 dB for each doubling of the distance from the source to the receiver. Thus, other locations on the site at greater distances from the roadways or railroad will have lower noise levels. Additional acoustical shielding will be provided by interposed buildings of the project.

**B. Future Noise Levels**

Future traffic volume data for Stanley Boulevard were acquired from information contained the City of Pleasanton Noise Element. The Noise Element provides traffic volume data for many roadways throughout the City for year 2008 (time of the General Plan) and for future year 2025. The traffic volume for Stanley Boulevard is predicted to increase from the existing 7,800 ADT to 14,000 ADT for 2025. This increase in traffic volume yields a 3 dB increase in the traffic noise levels.

**C. Ground-Borne Vibration**

To determine the levels of railroad induced ground vibration, vibration level measurements were made at a location 70 ft. from the centerline of the railroad tracks. The measurements were made on March 13, 2009 using a PCB Piezotronics 393A03 accelerometer and a Larson Davis 2900 Dual Channel Real Time analyzer. The analyzer measured real time 1/3-octave band vibration levels, in dB re:  $1 \times 10^{-6}$  in./sec. for the three orthogonal directions over the frequency range of 0.8 to 10 kHz. The vibration levels from 8 Hz to 80 Hz were used to assess the impact of ground borne vibration on homes of the project. Table IV on the following page provides the measured vibration levels for each type of train operation.

TABLE IV												
Measured Ground Vibration Levels, VdB												
Freq. (Hz)	8	10	12.5	16	20	25	31.5	40	50	63	80	TOTAL
Freight	44.2	51.0	52.1	49.1	56.7	64.0	68.7	72.4	72.6	66.4	64.6	77.3
ACE	31.4	31.7	38.4	42.5	47.4	52.9	61.7	67.1	66.6	57.0	51.4	70.8

V. **Evaluation of the Noise Exposures and Vibration Levels**

A. **Exterior Noise Exposures**

To evaluate the on-site noise exposures against the City of Pleasanton Noise Element standards, the DNL's for the survey locations were calculated by decibel averaging of the  $L_{eq}$ 's as they apply to the daily subperiods of the DNL index. A nighttime weighting factor was applied to account for the increased human sensitivity to noise at night. Adjustments were made to the measured noise levels to account for the difference in distance between the measurement locations and the various building setbacks, using methods established by the Highway Research Board, Ref. (e), and Wyle Laboratories, Ref. (f). The DNL formula is shown in Appendix B. The results of the calculations are shown in Appendix C.

The calculations show that the existing noise exposure at measurement Location 1 45 ft. from the centerline of Stanley Boulevard ranged were from 63, 64 and 65 dB DNL on days 1, 2 and 3, respectively. However, these noise exposures are a combination of both Stanley Boulevard traffic noise and rail noise. To segregate the two sources, the information contained in Tables I, II and III were extrapolated to Location 1 then subtracted from the total sound levels. The railroad noise exposures at Location 1 were 57, 59 and 60 dB DNL. The results of these calculations yielded noise exposures of 62 dB DNL for each of the three measurement days from Stanley Boulevard traffic. Under future traffic conditions, the noise exposure from Stanley Boulevard traffic is expected to increase to 65 dB DNL. At the property lines of Lots 1 and 14 closest to Stanley Boulevard, the noise exposures are 63 and 66 dB DNL under existing and future traffic conditions, respectively. Thus, the noise exposures will be up to 6 dB in excess of the City of Pleasanton Noise Element in the most noise impacted rear and side yards.

The noise exposures at measurement Location 3, 75 ft. from the centerline of the UPRR/ACE rail tracks were calculated to be 70, 73 and 74 dB DNL on days 1, 2 and 3. In the most impacted rear yards along the rail line, 57 ft. from the tracks, the noise exposures were calculated to be 72, 75 and 76 dB DNL on days 1, 2 and 3, respectively. Thus, the noise exposures are up to 6 dB in excess of the 70 dB DNL railroad noise standard of the City of Pleasanton Noise Element.

## **B. Interior Noise Exposures and Noise Levels**

### **Noise Exposures**

To determine the interior noise exposures, a 15 dB reduction was applied to the exterior noise exposures at the minimum building setbacks to represent the attenuation provided by a typical building shell under *annual-average* conditions. The *annual-average* condition assumes that residential dwellings have single-pane windows of single-strength glass that are kept open 50% of the time for natural ventilation.

The interior noise exposures in living spaces of homes closest to Stanley Boulevard will be 47 and 50 dB DNL under existing and future traffic conditions, respectively. Thus, the interior noise exposures will exceed the City of Pleasanton standard of 45 dB DNL by up to 5 dB.

The interior noise exposures in the most impacted living spaces of homes closest to the railroad tracks will be up to 61 dB DNL. Thus, the noise exposures will be up to 16 dB in excess of the 45 dB DNL standard of the City of Pleasanton Noise Element.

### **Noise Levels**

To determine the interior  $L_{\max}$  noise levels, a 10 dB reduction was applied to the exterior  $L_{\max}$  values at the minimum building setbacks to represent the attenuation provided by a typical building shell under an *open window* condition. The *open window* condition assumes that residential dwellings have single-pane windows of single-strength glass that are open during train passbys.

As the highest exterior  $L_{max}$  was recorded to be 91 dBA, the interior maximum noise levels will be up to 81 dBA. Thus, the short-term rail noise levels will be up to 31 dB in excess of the 50 dBA limit for bedrooms and up to 26 dB in excess of the 55 dBA limit for other living spaces.

### C. Vibration Levels

To determine the levels of vibration in the project structures, the FTA methodologies uses factors for coupling loss or the way the house or structure is tied to the ground, how the floors resonate and the small amounts of vibrational energy that are lost as it travels through the building.

A slab on grade structure has no adjustment for coupling loss. A spread footing or post/beam foundation of a single-family reduces ground-borne vibration by 5 dB. A 6 dB increase is added for floor resonances and a 2 dB reduction per floor elevation is subtracted. Therefore, under the highest ground vibration level caused by freight trains of up to 79 dB on the bare ground, the vibration levels in the structure will be up to 83 VdB at the first floor and 81 VdB at the second floor. Thus, the vibration levels in slab on-grade homes are expected to be up to 3 dB in excess of the 80 VdB criterion established by the FTA and used by the City of Pleasanton.

Homes constructed on spread footings or post/beam foundations will have vibration levels of 78 VdB at the first floor and 76 VdB at the second floor. The vibration levels, therefore, will be in compliance with the criterion.

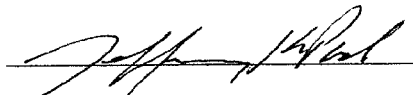
As shown by the above evaluations, exterior and interior noise exposure and interior noise level excesses will occur and mitigation measures will be required. Ground-borne vibration levels are also expected to exceed the limits of the FTA criterion. Mitigation measures will be required for the noise and vibration level excesses. The recommended measures are described in Section II of this report.

The above report presents the results of a noise and vibration assessment study for the planned single-family development along Stanley Boulevard in Pleasanton. The study findings for present conditions are based on field measurements and other data and are correct to the best of our knowledge. The future noise level predictions are based on estimates made by Edward L. Pack Associates, Inc. from published information. Significant deviations in the predicted traffic or rail volumes, future changes in motor vehicle or railroad technology, speed limits, noise regulations, or other changes beyond our control may produce long-range noise results different from our estimates.

If you need any additional information or an elaboration on this report, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

A handwritten signature in black ink, appearing to read "Jeffrey K. Pack", written over a horizontal line.

Jeffrey K. Pack  
President

Attachment: Appendices A, B and C



## **APPENDIX A**

### **References:**

- (a) Site Plan, Stanley Boulevard, by Hunt, Hale, Jones Architects, November 3, 2008
- (b) Noise Element of the General Plan, City of Pleasanton, 2003
- (c) FTA Guidance Manual, Transit Noise and Vibration Impact Assessment, Sections 8 and 11, Prepared by Harris, Miller, Miller & Hanson, Inc., 1995 - [www.hmmh.com/rail05.html](http://www.hmmh.com/rail05.html)
- (d) <http://www.acerail.com/schedules/train-schedule.htm>
- (g) Highway Research Board, "Highway Noise-A Design Guide for Highway Engineers". Report 117, 1971
- (f) Wyle Laboratories Report WCR 73-5, "Assessment of Noise Environments Around Railroad Operations", July, 1973

**APPENDIX B**

**Noise Standards, Terminology, Instrumentation  
Ventilation Requirements, and Building Shell Controls**

**1. Noise Standards**

**A. City of Pleasanton Noise Element Standards**

The City of Pleasanton Noise Element. Chapter VIII. Adopted August 6, 1996. specifies exterior and interior noise exposure standards.

**Residential Exterior**

<u>Source</u>	<u>Standard</u>
Traffic	60 dB DNL
Railroad	70 dB DNL, 50 dBA $L_{max}$ Bedrooms 55 dBA $L_{max}$ Living Spaces If more than 4 trains daytime or any trains nighttime
Aircraft	55 dB DNL 50 dBA $L_{max}$ Bedrooms 55 dBA $L_{max}$ Living Spaces

**Residential Interior**

45 dB DNL

**Commercial Interior**

45 dBA  $L_{eq}$

The noise standards contained in the 2005-2025 Draft General Plan Noise Element are the same.

## 2. Terminology

### A. Statistical Noise Levels

Due to the fluctuating character of urban traffic noise, statistical procedures are needed to provide an adequate description of the environment. A series of statistical descriptors have been developed which represent the noise levels exceeded a given percentage of the time. These descriptors are obtained by direct readout of the Community Noise Analyzer. Some of the statistical levels used to describe community noise are defined as follows:

- $L_{10}$  - A noise level exceeded for 10% of the time, considered to be an "intrusive" level.
- $L_{50}$  - The noise level exceeded 50% of the time representing an "average" sound level.
- $L_{90}$  - The noise level exceeded 90 % of the time, designated as a "background" noise level.
- $L_{eq}$  - The continuous-equivalent level is that level of a steady noise having the same energy as a given time-varying noise. The  $L_{eq}$  thus represents the decibel level of the time-averaged value of sound energy or sound pressure squared. The  $L_{eq}$  is the noise descriptor used to calculate the DNL and CNEL descriptors.

**B. Day-Night Level (DNL)**

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dBA weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured  $L_{eq}$  in accordance with the following mathematical formula:

$$DNL = [(L_d + 10 \log_{10} 15) \& (L_n + 10 + 10 \log_{10} 9)] - 10 \log_{10} 24$$

Where:

- $L_d$  =  $L_{eq}$  for the daytime (7:00 a.m. to 10:00 p.m.)
- $L_n$  =  $L_{eq}$  for the nighttime (10:00 p.m. to 7:00 a.m.)
- 24 indicates the 24-hour period
- & denotes decibel addition.

**C. A-Weighted Sound Level**

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

### 3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the sound analyzer listed below. The instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level ( $L_{eq}$ ). Input to the meters were provided by microphones extended to a height of 5 ft. above the ground. The "A" weighting network and the "Fast" response setting of the meters were used in conformance with the applicable standards. The Larson-Davis meters were factory modified to conform with the Type 1 performance standards of ANSI S1.4. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter

Larson Davis LDL 812 Precision Integrating Sound Level Meter

Larson Davis 2900 Real Time Analyzer

### 4. Ventilation Requirements

Ventilation requirements to be applied when windows are maintained closed for noise control are specified in the Uniform Building Code (UBC), 2001 edition, Section 12.03.3 as follows:

"In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per hour in guest rooms, dormitories, habitable rooms, and in public corridors with a minimum of 15 cubic feet per minute (7L/s) of outside air per occupant during such time as the building is occupied."

Based on our previous experience, a "summer switch" on the furnace fan is normally considered acceptable as a ventilation system by FHA and other agencies. Air-conditioning is also an acceptable system.

## 5. **Building Shell Controls**

The following additional precautionary measures are required to assure the greatest potential for exterior-to-interior noise attenuation by the recommended mitigation measures. These measures apply at those units where closed windows are required:

- Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction with effective weather seals around the full perimeter. Mail slots should not be used in these doors or in the wall of a living space, as a significant noise leakage can occur through them.
- If any penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations can be controlled by sealing all cracks and clearance spaces with a non-hardening caulking compound.
- Fireplaces should be provided with tight-fitting dampers.

**APPENDIX C**

**On-Site Noise Measurement Data and Calculation Tables**





### DNL CALCULATIONS

CLIENT: DONATO BUILDERS  
 FILE: 41-011  
 PROJECT: STANLEY BLVD SINGLE-FAMILY  
 DATE: 3/10-13/2009  
 SOURCE: STANLEY BLVD UPRR/ACE RAIL

TIME	Stanley Blvd Distl. To Source 45 ft. Leg	10 <sup>n</sup> Leg/10
7:00 AM	60.9	1230567.5
8:00 AM	63.3	2128700.8
9:00 AM	61.4	1367869.2
10:00 AM	60.1	1020015.9
11:00 AM	60.2	1047127.5
12:00 PM	60.1	1016686.1
1:00 PM	64.3	2691533.8
2:00 PM	61.0	1258924.4
3:00 PM	62.5	1766315.1
4:00 PM	61.5	1412536.5
5:00 PM	66.7	4677350.4
6:00 PM	61.2	1318296.7
7:00 PM	61.0	1251681.1
8:00 PM	57.6	581260.6
9:00 PM	57.7	588842.7
10:00 PM	54.5	281837.3
11:00 PM	51.2	131824.7
12:00 AM	49.2	83747.8
1:00 AM	41.0	12588.3
2:00 AM	44.5	28182.8
3:00 AM	42.1	16217.1
4:00 AM	47.2	52479.7
5:00 AM	56.3	672602.5
6:00 AM	55.5	357802.2
		<b>SUM=</b>
		<b>Ld=</b>
		23357668
		61.9
		1637282
		52.6
Daytime Level=		73.7
Nighttime Level=		72.1
<b>DNL=</b>		<b>62</b>
24-Hour Leg=		60.2

TIME	Stanley Blvd Distl. To Source 45 ft. Leg	10 <sup>n</sup> Leg/10
7:00 AM	62.4	1736592.5
8:00 AM	62.5	1770723.0
9:00 AM	61.1	1286248.6
10:00 AM	59.5	895772.4
11:00 AM	59.6	912009.8
12:00 PM	60.6	1148152.6
1:00 PM	60.4	1096477.2
2:00 PM	63.3	2113918.1
3:00 PM	62.3	1690875.9
4:00 PM	62.2	1659989.8
5:00 PM	63.1	2046638.2
6:00 PM	61.5	1412537.5
7:00 PM	61.9	1547694.9
8:00 PM	57.5	562340.3
9:00 PM	57.5	562340.3
10:00 PM	53.8	238882.3
11:00 PM	51.0	129891.5
12:00 AM	46.0	63094.7
1:00 AM	39.3	8457.2
2:00 AM	41.7	14790.1
3:00 AM	42.7	18619.9
4:00 AM	48.3	67607.3
5:00 AM	56.5	446912.5
6:00 AM	58.3	674792.1
		<b>SUM=</b>
		<b>Ld=</b>
		20444311
		61.3
		1060048
		52.7
Daytime Level=		73.1
Nighttime Level=		72.2
<b>DNL=</b>		<b>62</b>
24-Hour Leg=		59.6

TIME	Stanley Blvd Distl. To Source 45 ft. Leg	10 <sup>n</sup> Leg/10
7:00 AM	61.5	1401359.4
8:00 AM	62.8	1905499.7
9:00 AM	61.6	1445438.8
10:00 AM	60.5	1110332.1
11:00 AM	60.2	1056473.1
12:00 PM	61.5	1400514.9
1:00 PM	59.9	977236.2
2:00 PM	60.7	1177113.2
3:00 PM	62.2	1659585.9
4:00 PM	62.4	1750452.0
5:00 PM	62.7	1847961.8
6:00 PM	62.0	1594893.2
7:00 PM	59.8	951629.3
8:00 PM	58.3	676082.0
9:00 PM	56.4	436514.0
10:00 PM	56.2	417960.8
11:00 PM	49.9	97722.7
12:00 AM	47.1	51285.1
1:00 AM	46.3	42657.0
2:00 AM	40.5	11219.2
3:00 AM	41.9	15487.2
4:00 AM	45.6	36306.8
5:00 AM	60.7	1184834.7
6:00 AM	56.6	459570.3
		<b>SUM=</b>
		<b>Ld=</b>
		18381046
		61.1
		2317053
		54.1
Daytime Level=		72.9
Nighttime Level=		73.0
<b>DNL=</b>		<b>62</b>
24-Hour Leg=		59.6

### DNL CALCULATIONS

CLIENT: DONATO BUILDERS  
 FILE: 41-011  
 PROJECT: STANLEY BLVD SINGLE-FAMILY  
 DATE: 3/10-13/2009  
 SOURCE: STANLEY BLVD. UPRR/RACE RAIL

LOCATION 1			
TIME	Rail Only Leq	10*Leq/10	
7:00 AM	50.5	112201.8	
8:00 AM		1.0	
9:00 AM		1.0	
10:00 AM	48.1	64565.4	
11:00 AM	56.6	457088.2	
12:00 PM	40.8	12022.6	
1:00 PM		1.0	
2:00 PM	54.8	301995.2	
3:00 PM		1.0	
4:00 PM	55.3	338844.2	
5:00 PM	41.5	14125.4	
6:00 PM	43.3	21379.6	
7:00 PM	49.8	95499.3	
8:00 PM		1.0	
9:00 PM		1.0	141772.8
10:00 PM	57.3	537031.8	49.8
11:00 PM		1.0	
12:00 AM		1.0	
1:00 AM		1.0	
2:00 AM		1.0	
3:00 AM		1.0	
4:00 AM		1.0	
5:00 AM	62.8	1905460.7	
6:00 AM	44.8	30199.5	
			SUM= 2472699
			Ld= 54.4
Daytime Level=			61.6
Nighttime Level=			73.9
DNL=			60
24-Hour Leq=			52.1

LOCATION 1			
TIME	Rail Only Leq	10*Leq/10	
7:00 AM	46.2	41686.9	
8:00 AM	46.9	48977.9	
9:00 AM		1.0	
10:00 AM	51.8	151356.1	
11:00 AM		1.0	
12:00 PM		1.0	
1:00 PM		1.0	
2:00 PM	60.5	1122018.5	
3:00 PM	51.1	128825.0	
4:00 PM	53.9	245470.9	
5:00 PM	46.3	42658.0	
6:00 PM	43.8	23988.3	
7:00 PM	59.3	851138.0	
8:00 PM		1.0	
9:00 PM		1.0	2656126
10:00 PM		1.0	52.5
11:00 PM		1.0	
12:00 AM		1.0	
1:00 AM	55.6	363078.1	
2:00 AM		1.0	
3:00 AM		1.0	
4:00 AM		1.0	
5:00 AM	60.7	1174897.6	
6:00 AM	51.4	138038.4	
			SUM= 1676020
			Ld= 52.7
Daytime Level=			64.3
Nighttime Level=			72.2
DNL=			59
24-Hour Leq=			52.6

LOCATION 1			
TIME	Rail Only Leq	10*Leq/10	
7:00 AM	52.8	181970.1	
8:00 AM	59.5	891250.9	
9:00 AM	46.5	44668.4	
10:00 AM	51.9	154881.7	
11:00 AM		1.0	
12:00 PM	38.2	6806.9	
1:00 PM		1.0	
2:00 PM		1.0	
3:00 PM	54.4	275422.9	
4:00 PM		1.0	
5:00 PM		1.0	
6:00 PM	63.2	2089296.1	
7:00 PM	38.6	7244.4	
8:00 PM	49.0	79432.8	
9:00 PM		1.0	3730780
10:00 PM		1.0	54.0
11:00 PM		1.0	
12:00 AM	48.3	67608.3	
1:00 AM		1.0	
2:00 AM		1.0	
3:00 AM		1.0	
4:00 AM		1.0	
5:00 AM	58.1	645654.2	
6:00 AM	43.5	22387.2	
			SUM= 735656
			Ld= 49.1
Daytime Level=			65.8
Nighttime Level=			68.6
DNL=			57
24-Hour Leq=			52.7

## DNL CALCULATIONS

CLIENT: DONATO BUILDERS  
 FILE: 41-011  
 PROJECT: STANLEY BLVD SINGLE-FAMILY  
 DATE: 3/10-13/2009  
 SOURCE: STANLEY BLVD, UPRR/ACE RAIL

LOCATION 2 UPRR/ACE RAIL		Dist. To Source 75 ft.	
TIME	Leq	10 <sup>n</sup> Leq/10	
7:00 AM	66.4	4365158.3	
8:00 AM	73.3	21379620.9	
9:00 AM	60.5	1122018.5	
10:00 AM	65.7	3715352.3	
11:00 AM	46.1	40738.0	
12:00 PM	53.6	230674.7	
1:00 PM	50.1	102329.3	
2:00 PM	47.9	61659.5	
3:00 PM	66.2	6606834.5	
4:00 PM	63.4	2187761.6	
5:00 PM	76.9	48977881.6	
6:00 PM	53.0	199526.2	
7:00 PM	62.8	1905460.7	
8:00 PM	43.9	24547.1	
9:00 PM	43.2	20893.0	SUM= 90940537
10:00 PM	41.3	13489.6	Ld= 67.8
11:00 PM	41.3	13489.6	
12:00 AM	62.1	1621810.1	
1:00 AM	37.1	5128.6	
2:00 AM	36.1	4073.8	
3:00 AM	38.4	6918.3	
4:00 AM	40.3	10715.2	
5:00 AM	71.9	15488166.2	
6:00 AM	57.6	575439.9	SUM= 17739231
			Ld= 62.9
Daytime Level=	79.6		
Nighttime Level=	62.4		
DNL=	70		
24-Hour Leq=	66.6		

LOCATION 2 UPRR/ACE RAIL		Dist. To Source 75 ft.	
TIME	Leq	10 <sup>n</sup> Leq/10	
7:00 AM	62.3	1098243.7	
8:00 AM	61.0	1258925.4	
9:00 AM	46.6	457068.8	
10:00 AM	65.6	3630780.5	
11:00 AM	48.3	67608.3	
12:00 PM	53.0	199526.2	
1:00 PM	47.2	52480.7	
2:00 PM	75.2	33113112.1	
3:00 PM	65.0	3162277.7	
4:00 PM	67.8	6025595.9	
5:00 PM	60.5	1122018.5	
6:00 PM	57.6	575439.9	
7:00 PM	73.0	19952623.1	
8:00 PM	44.5	28183.8	
9:00 PM	43.5	22387.2	SUM= 70954912
10:00 PM	41.4	13803.8	Ld= 66.7
11:00 PM	41.4	13803.8	
12:00 AM	40.1	10232.9	
1:00 AM	69.4	8709633.9	
2:00 AM	39.3	6511.4	
3:00 AM	40.1	10232.9	
4:00 AM	42.7	18820.9	
5:00 AM	74.6	28840315.0	
6:00 AM	65.2	33113111.2	SUM= 40936468
			Ld= 66.6
Daytime Level=	78.5		
Nighttime Level=	65.1		
DNL=	73		
24-Hour Leq=	66.7		

LOCATION 2 UPRR/ACE RAIL		Dist. To Source 75 ft.	
TIME	Leq	10 <sup>n</sup> Leq/10	
7:00 AM	65.6	3630780.5	
8:00 AM	48.9	77624.7	
9:00 AM	46.0	39810.7	
10:00 AM	61.9	1548816.5	
11:00 AM	70.8	12022044.3	
12:00 PM	54.6	288403.2	
1:00 PM	49.8	95499.3	
2:00 PM	68.6	7244359.6	
3:00 PM	51.2	131825.7	
4:00 PM	69.2	5317637.7	
5:00 PM	55.3	338944.2	
6:00 PM	57.1	512861.4	
7:00 PM	63.7	2344228.8	
8:00 PM	45.4	34673.7	
9:00 PM	44.2	26302.7	SUM= 36654313
10:00 PM	71.1	12882495.5	Ld= 63.9
11:00 PM	41.7	14791.1	
12:00 AM	39.6	9120.1	
1:00 AM	35.4	3467.4	
2:00 AM	35.1	3235.9	
3:00 AM	36.6	4570.9	
4:00 AM	39.1	8128.3	
5:00 AM	77.0	50118723.4	
6:00 AM	58.6	724436.0	SUM= 63768969
			Ld= 68.5
Daytime Level=	75.7		
Nighttime Level=	66.0		
DNL=	74		
24-Hour Leq=	66.2		

### DNL CALCULATIONS

CLIENT: DONATO BUILDERS  
 FILE: 41-011  
 PROJECT: STANLEY BLVD SINGLE-FAMILY  
 DATE: 3/10-13/2009  
 SOURCE: STANLEY BLVD, UPRRI/ACE RAIL


LOCATION 2 UPRRI/ACE RAIL		75 ft	
Dist. To Source	Rail Noise Only	10 <sup>n</sup> Leq/10	
TIME	Leq	10 <sup>n</sup> Leq/10	
7:00 AM	64.3	2691534.8	
8:00 AM		1.0	
9:00 AM		1.0	
10:00 AM	61.9	154816.6	
11:00 AM	70.4	10964782.0	
12:00 PM	54.6	288403.2	
1:00 PM		1.0	
2:00 PM	68.5	7244359.6	
3:00 PM		1.0	
4:00 PM	69.1	9128305.2	
5:00 PM	55.3	338844.2	
6:00 PM	57.1	512861.4	
7:00 PM	63.6	2290867.7	
8:00 PM		1.0	
9:00 PM	71.1	12082495.5	1.0 SUM=
10:00 PM		1.0	Ld=
11:00 PM		1.0	
12:00 AM		1.0	
1:00 AM		1.0	
2:00 AM		1.0	
3:00 AM		1.0	
4:00 AM		1.0	
5:00 AM	76.6	45708819.0	
6:00 AM	58.5	724436.0	SUM=
			Ld=
			58315756
			68.2
	Daytime Level=		75.4
	Nighttime Level=		87.7
	DNL=		74
	24-Hour Leq=		65.9

LOCATION 2 UPRRI/ACE RAIL		75 ft	
Dist. To Source	Rail Noise Only	10 <sup>n</sup> Leq/10	
TIME	Leq	10 <sup>n</sup> Leq/10	
7:00 AM	60.0	1000000.0	
8:00 AM	60.7	1174897.6	
9:00 AM		1.0	
10:00 AM	65.6	3630780.5	
11:00 AM		1.0	
12:00 PM		1.0	
1:00 PM		1.0	
2:00 PM	74.3	26915348.0	
3:00 PM	64.9	3090295.4	
4:00 PM	67.7	5888436.6	
5:00 PM	60.1	1023293.0	
6:00 PM	57.6	575439.9	
7:00 PM	73.1	20417379.4	
8:00 PM		1.0	
9:00 PM		1.0	1.0 SUM=
10:00 PM		1.0	Ld=
11:00 PM		1.0	
12:00 AM		1.0	
1:00 AM	69.4	8709635.9	
2:00 AM		1.0	
3:00 AM		1.0	
4:00 AM		1.0	
5:00 AM	74.5	28183829.3	
6:00 AM	65.2	3311311.2	SUM=
			Ld=
			40204782
			66.5
	Daytime Level=		78.1
	Nighttime Level=		80.0
	DNL=		73
	24-Hour Leq=		66.4

LOCATION 2 UPRRI/ACE RAIL		75 ft	
Dist. To Source	Rail Noise Only	10 <sup>n</sup> Leq/10	
TIME	Leq	10 <sup>n</sup> Leq/10	
7:00 AM	66.4	4365158.3	
8:00 AM	73.3	21379820.9	
9:00 AM	60.3	1071519.3	
10:00 AM	65.7	3715352.3	
11:00 AM		1.0	
12:00 PM	52.0	158489.3	
1:00 PM		1.0	
2:00 PM		1.0	
3:00 PM	66.2	6606934.5	
4:00 PM		1.0	
5:00 PM	51.3	134896.3	
6:00 PM	71.0	50118723.4	
7:00 PM	52.4	173780.1	
8:00 PM	62.8	1905460.7	
9:00 PM		1.0	1.0 SUM=
10:00 PM		1.0	Ld=
11:00 PM		1.0	
12:00 AM	62.1	1621810.1	
1:00 AM		1.0	
2:00 AM		1.0	
3:00 AM		1.0	
4:00 AM		1.0	
5:00 AM	71.9	15488166.2	
6:00 AM	57.3	537031.8	SUM=
			Ld=
			17647014
			62.9
	Daytime Level=		79.6
	Nighttime Level=		82.4
	DNL=		70
	24-Hour Leq=		66.5

**TREE PRESERVATION REPORT**  
4171 & 4189 Stanley Boulevard  
Pleasanton, California

PREPARED FOR  
Camp & Camp Associates  
2540 Camino Diablo, Suite 201  
Walnut Creek Ca. 94597

PREPARED BY  
 Ed Brennan  
Consulting Arborist  
979 Lincoln Street  
Benicia CA 94510

January 9, 2009

**TREE PRESERVATION REPORT**  
**4171 & 4189 Stanley Boulevard**  
Pleasanton, California

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**Attachments**

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<i>Tree Survey Map</i>	
<i>Tree Survey</i>	

### **Introduction and Overview**

Camp & Camp Associates. is assisting in the planning of 4171 & 4189 Stanley Boulevard in Pleasanton. There is currently one single-family home on the site. The proposed project would construct 14 homes. Ed Brennan, Consulting Arborist, was asked to prepare a Tree Report for the project for review by the City of Pleasanton.

This report provides the following information:

1. A survey of trees currently growing on the site.
2. An evaluation of each tree's suitability for preservation.
3. An assessment of the impacts of constructing the proposed project on the trees.
4. An appraisal of the value of the trees growing on the site.
5. Guidelines for preserving selected trees during development.

### **Survey Methods**

Trees were surveyed on December 18, 2008. The survey included trees greater than six inches in diameter. The survey procedure consisted of the following steps:

1. Identifying the tree as to species;
2. Tagging each tree with an identifying number and recording its location on a map;
3. Measuring the trunk diameter at a point 54" above grade;
4. Evaluating the health and structural condition using a scale of 1 – 5:
  - 5 - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
  - 4 - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
  - 3 - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
  - 2 - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
  - 1 - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.
5. Rating the suitability for preservation as "good", "moderate" or "poor". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.

**Good:** Trees with good health and structural stability that have the potential for longevity at the site.

**Moderate:** Trees with somewhat declining health and/or structural defects than can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'good' category.

**Poor:** Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes, and generally are unsuited for use areas.

**Description of Trees**

Twenty-three (23) trees were evaluated. Descriptions of each tree are found in the **Tree Survey** and locations are plotted on the **Tree Survey Map** (see Attachments). A summary is provided in Table 1.

There were 13 tree species growing on the site. Three (3) of these, California black walnut, coast live oak, and valley oak, are native to the area.

The tree population is visually dominated by a row of three (3) Deodar cedar trees that grow in an island in the driveway. These are large, mature trees and are in good condition.

Walnut trees, both English and California black, were the most numerous on the site. They appear to be the remains of an orchard. All were in fair or poor condition. They were English walnuts grafted to California black walnut rootstocks. In some cases the English walnut portion had died, while the rootstalk sprouted and kept growing.

Two trees, #69 (valley oak) and #70 (Calif. black walnut) grow near the property border on the adjoining property to the north.

The remaining trees were part of the home's landscaping or for domestic fruit production.

**Table 1: Condition ratings and frequency of occurrence of trees.**

Common Name	Scientific Name	Condition Rating			No. of Trees
		Poor (1-2)	Fair (3)	Good (4-5)	
Deodar cedar	<i>Cedrus deodara</i>	0	0	3	3
Orange	<i>Citrus sinensis</i>	0	0	1	1
Rangpur lime	<i>Citrus X limonia</i>	0	1	0	1
Calif. black walnut	<i>Juglans hindsii</i>	1	4	0	5
English walnut	<i>Juglans regia</i>	2	1	0	3
Glossy privet	<i>Ligustrum lucidum</i>	0	1	1	2
Fruitless mulberry	<i>Morus alba</i>	1	0	0	1
Canary Isl. date palm	<i>Phoenix canariensis</i>	0	0	1	1
Italian stone pine	<i>Pinus pinea</i>	0	1	0	1
Almond	<i>Prunus dulcis</i>	0	0	2	2
Douglas fir	<i>Pseudotsuga menziesii</i>	0	0	1	1
Coast live oak	<i>Quercus agrifolia</i>	0	1	0	1
Valley oak	<i>Quercus lobata</i>	0	0	1	1
<b>Total</b>		<b>4</b> 17%	<b>9</b> 39%	<b>10</b> 43%	<b>23</b> 100%

**Heritage Trees**

Pleasanton's Tree Ordinance defines **Heritage Trees** as those with a trunk of 55 inches or greater in circumference (approximately 18 inches in diameter), or 35 feet in height. Twelve (12) trees met the size criteria (Table 2).



Tree No.	Species	Trunk diameter
61	Deodar cedar	33
62	Deodar cedar	41
64	Deodar cedar	37
65	Douglas fir	23
68	Canary Isl. date palm	28
71	Calif. black walnut	14,12,10,8,7,6
72	Almond	14,10,8
73	Almond	16,16,15,12,8
74	English walnut	21
76	Calif. black walnut	29,23
78	English walnut	16,12
79	Glossy privet	12,11,9

### ***Suitability for Preservation***

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

My goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health presents a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**  
Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.
- **Structural integrity**  
Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.
- **Species response**  
There is a wide variation in the response of individual species to construction impacts and changes in the environment. In our experience, for example, Calif. black walnut is sensitive to construction impacts, while coast is tolerant of site disturbance.
- **Tree age and longevity**  
Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change. The potential longevity of the Monterey pines is low because of the mature age and infection with pitch canker.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (see **Tree Survey** for suitability ratings for individual trees).

**Table 3: Tree Suitability for Preservation**

<b>Good</b>	These are trees with good health and structural stability that have the potential for longevity at the site. Six (6) trees were rated as having good suitability for preservation. These include three (3) Deodar cedars, the Canary Island date palm, a coast live oak, and a Douglas fir.
<b>Moderate</b>	Trees in this category have fair health and/or structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "good" category. Thirteen (13) trees were rated as having moderate suitability for preservation. These include four (4) Calif. black walnuts, two (2) each of almond and glossy privet, and one (1) each of coast live oak, English walnut, Italian stone pine, lime, orange, and valley oak.
<b>Poor</b>	Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Four (4) trees were rated as having poor suitability for preservation. These included two (2) English walnut, one (1) Calif. black walnut, and one (1) fruitless mulberry.

### ***Evaluation of Impacts and Recommendations for Preservation***

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The **Tree Survey** was the reference point for tree condition and quality. Potential impacts from construction were evaluated using the Site Plan and the Stanley Blvd. Concept exhibit, prepared by Camp & Camp Associates, Walnut Creek.

Potential impacts from construction were estimated for each tree. The most significant impacts to the trees would occur as a result of the grading and construction of the new residences, driveways, landscape installations, and trenching for underground utilities.

Based on my analysis of the project, I recommend removing the four (4) trees rated as poor in suitability for preservation, and 17 trees whose locations conflict with the site plan (Table 4). The two (2) off-site trees, #69 and 70, could be preserved. Preservation of these trees is predicated on establishing a **Tree Protection Zone** and other preservation activities described in the Tree Preservation Guidelines that follow.

**Tree Appraisals**

The City of Pleasanton requires that the value of trees growing on development sites be determined. The trees were appraised using the trunk formula method found in the Guide for Plant Appraisal, 9th edition (Champaign IL:2000, International Society of Arboriculture). A regional companion publication, Species Classification and Group Assignment (2004, Western Chapter-International Society of Arboriculture), was also used. The value of landscape trees and plants is based upon four factors: size, species, condition, and location. Size is measured as trunk diameter, at 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the region. Condition reflects the health and structural integrity of the individual tree. The location factor considers the site, placement, and contribution of the tree in the surrounding landscape.

Applying the above-described method to the 22 trees growing on the site yielded an aggregate total value of \$ \$67,850.00. Values for individual trees are shown in Tables 4 and 5.

**Table 4: Trees recommended for removal with appraisal**

Tree No.	Species	Trunk diameter (inches)	Appraised Value
61	Deodar cedar	33	\$11,250
62	Deodar cedar	41	\$16,000
63	Italian stone pine	11	\$800
64	Deodar cedar	37	\$13,700
65	Douglas fir	23	\$4,500
66	Calif. black walnut	8,7,5,4	\$400
67	Coast live oak	6,6,5,4	\$600
68	Canary Island date palm	28	\$600
71	Calif. black walnut	14,12,10,8,7,6	\$1,200
72	Almond	14,10,8	\$2,300
73	Almond	16,16,15,12,8	\$4,700
74	English walnut	21	\$350
75	English walnut	9	\$350
76	Calif. black walnut	29,23	\$3,700
77	Calif. black walnut	7,7,6,6,5	\$300
78	English walnut	16,12	\$900
79	Glossy privet	12,11,9	\$1,300
80	Glossy privet	7	\$150
81	Orange	9,8	\$1,300
82	Rangpur lime	6,5,3	\$650
83	Fruitless mulberry	16	\$550
	<b>Total</b>		<b>\$65,600</b>

**Table 5: Trees recommended for preservation with appraisal**

Tree No.	Species	Trunk diameter (inches)	Appraised Value
69	Valley oak	15	\$2,600
70	Calif. black walnut	7,5	\$200
	<b>Total</b>		<b>\$2,800</b>

### **Tree Preservation Guidelines**

Trees #69 and 70 have been designated for preservation based on their suitability for preservation and location relative to the development plan. The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

#### **Design recommendations**

1. For design purposes the **TREE PROTECTION ZONE** shall be defined at the edge of the dripline. No grading, excavation, construction or storage of materials shall occur within that zone. When trunks are accurately located and development plans refined, the Consulting Arborist will identify specific **TREE PROTECTION ZONES** for each tree.
2. **Tree Preservation Notes**, prepared by the Consulting Arborist, should be included on all plans.
3. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
4. Irrigation systems must be designed so that no trenching will occur not within the **TREE PROTECTION ZONE**.

#### **Pre-construction treatments and recommendations**

1. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Fence trees to enclose the **TREE PROTECTION ZONE** (leaving space for pedestrian entrance) prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link. Fences are to remain until all grading and construction is completed. This is the standard requirement in Walnut Creek.

#### **Recommendations for tree protection during construction**

1. No grading, construction, demolition or other work shall occur within the **TREE PROTECTION ZONE**. Any modifications must be approved and monitored by the Consulting Arborist.
2. Grading within the dripline of any tree shall be monitored by the consulting arborist.
3. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
4. Supplemental irrigation shall be applied as determined by the Consulting Arborist.
5. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
6. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**.
7. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

8. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand differential displacement.
  
9. Transplanting of the European olive trees shall be performed by a contractor who specializes in transplanting large trees.

*Ed Brennan*

Ed Brennan  
Certified Arborist #WE-0105A  
Registered Consulting Arborist #373



**Ed Brennan**  
**Consulting Arborist**

## **Tree Survey**

**Camp & Camp Associates**  
**4171 & 4189 Stanley Blvd.**  
**Pleasanton, California**  
**December 2008**

<b>TREE SPECIES</b>	<b>TRUNK</b>	<b>CONDITION</b>	<b>SUITABILITY</b>	<b>HERITAGE</b>	<b>COMMENTS</b>	
<b>No.</b>	<b>DIAMETER</b>	<b>1=POOR</b>	<b>FOR</b>	<b>TREE</b>		
	<b>(inches)</b>	<b>5=EXCELLENT</b>	<b>PRESERVATION</b>	<b>?</b>		
61	Deodar cedar	33	4	Good	Yes	Multi-stemmed at 20'.
62	Deodar cedar	41	4	Good	Yes	Multi-stemmed at 20'. Recent branch failure .
63	Italian stone pine	11	3	Moderate	No	Leaning trunk, sparse foliage.
64	Deodar cedar	37	4	Good	Yes	Trunk divides at 20'.
65	Douglas fir	23	4	Good	Yes	Lower branches were removed.
66	Calif. black walnut	8,7,5,4	3	Moderate	No	Multi-stemmed at base; stump sprouts?
67	Coast live oak	6,6,5,4	3	Moderate	No	Multi-stemmed at base.
68	Canary Island date palm	28	5	Good	Yes	3' of clear trunk.
69	Valley oak	15	4	Good	No	Multi-stemmed at 14'.
70	Calif. black walnut	7,5	3	Moderate	No	Trunks attach at 1'.
71	Calif. black walnut	14,12,10,8,7,6	3	Moderate	Yes	Multi-stemmed at base.
72	Almond	14,10,8	4	Moderate	Yes	Multi-stemmed at 4'.
73	Almond	16,16,15,12,8	4	Moderate	Yes	Multi-stemmed at 4'.
74	English walnut	21	1	Poor	Yes	Most of crown dead.
75	English walnut	9	3	Moderate	No	Crown leans west.
76	Calif. black walnut	29,23	3	Moderate	Yes	Trunks attach at 4', recent branch failure.
77	Calif. black walnut	7,7,6,6,5	2	Poor	No	Multi-stemmed at 2'.
78	English walnut	16,12	2	Poor	Yes	Trunks attach at 4'.
79	Glossy privet	12,11,9	4	Moderate	Yes	Multi-stemmed at 3'.
80	Glossy privet	7	3	Moderate	No	Crown leans west.
81	Orange	9,8	4	Moderate	No	Trunks attach at 2'.
82	Rangpur lime	6,5,3	3	Moderate	No	Trunks attach at 2'.
83	Fruitless bulberry	16	2	Poor	No	Pollarded, conk at base.

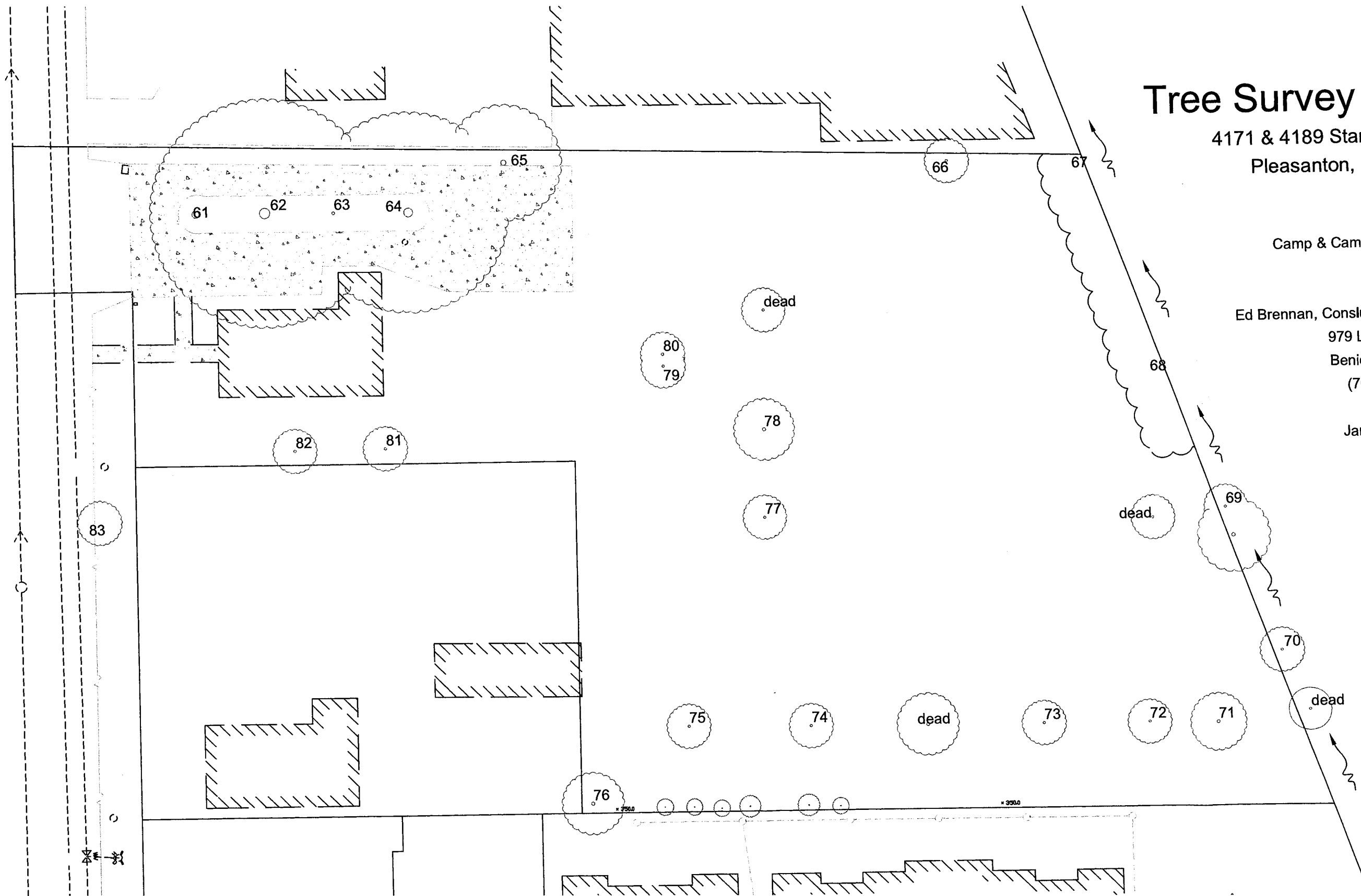
# Tree Survey Map

4171 & 4189 Stanley Blvd.  
Pleasanton, California

prepared for  
Camp & Camp Associates

prepared by  
Ed Brennan, Consulting Arborist  
979 Lincoln Street  
Benicia CA 94510  
(707) 751-0869

January 8, 2009





July 16, 2010

Mr. Mike Fulford  
City of Pleasanton  
200 Old Bernal Avenue  
Pleasanton CA 94566

Subject: Deodar cedar trees  
4189 Stanley Blvd.

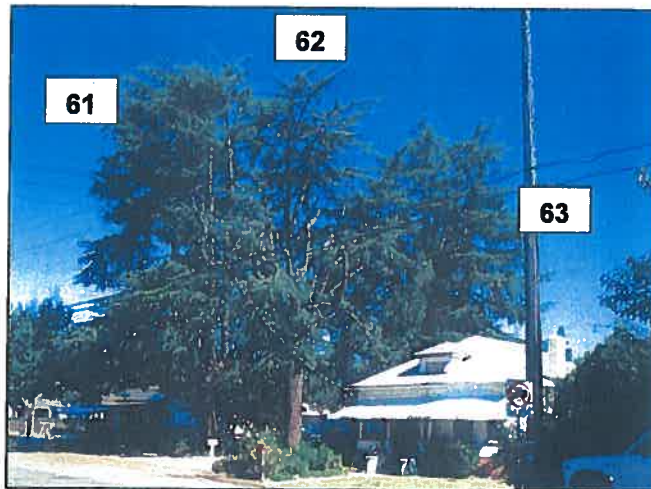
Dear Mr. Fulford:

The owner of the subject property, Mr. Bob Molinaro, has applied for a permit to remove three Deodar cedar (*Cedrus deodara*) trees growing at the site. A 12" diameter branch recently failed from the center tree, one of several branches that have fallen in the past few years. You requested that I evaluate the health and structural condition of the three trees. I visited the property earlier today. This letter summarizes my observations and assessment.

**Description of the Trees**

The cedar trees are located in a 9' wide planting strip between two driveways. Tree trunks were within 2' to 3' of the curb on at least two sides. There was some minor displacement of the curb and adjacent pavement.

All three trees were mature in development (Photo 1). Each had good vigor with healthy foliage. Numerically coded metal tags were attached to the trunks and I will refer to trees by tag numbers.



**Photo 1.** Looking across Stanley Blvd. at Deodar cedars.

**Tree #61**

Located on the south side of the driveway, near Stanley Blvd., this tree had a trunk diameter of 31½". The base of the trunk was covered by ivy but appeared normal. The tree had been topped at approximately 18' many years ago. Six (6) stems arose at the point of topping. All were upright in orientation, although those to the southwest were more bowed than vertical. The attachment was crowded with stems pushing against one another. There were also 2 old pruning wounds in the area of the attachment.

The crown was one-sided to the south, a result of competition with tree #62. The south side of the canopy, however, had been pruned to maintain clearance from power lines along Stanley.



At least two branch failures were evident on the northeast side of the crown. Both failures were out from the branch attachment to the trunk. A hanger was present over the east driveway. This could fall to the ground at any time.

### Tree #62

This 40" diameter tree was the source of most of the failed branches. The base was normal in appearance. The tree had either been topped or lost the central leader at 35' to 40'. As a result, 7 lateral branches sweep upright. Some are more vertical than others. On the west side of the crown, several small diameter branches had poor taper. The very top of the crown was flat-topped, perhaps due to topping. Several horizontally oriented lateral branches arose at this point.

In the center of the crown, best seen from the east driveway, a vertical stem broke approximately 10' above its point of attachment (Photo 2, red arrow). This stem now lacks any branches and foliage. An east-facing lateral branch over the driveway also failed, leaving a 1" lateral as the only live foliage. There had also been a failure on a north-facing stem, away from the attachment.



**Photo 2.** Close-up of east side of the crown of tree #62.

As a result of the branch failures, the east side of the crown was open and relatively branchless. In contrast, the west side was full and dense.

### Tree #63

Located at the north end of the planter area, this tree had a trunk diameter of 43½". Overall tree height was less than trees #61 and 62. The crown was formed by three upright stems (Photo 3). There was no central leader and the crown was flat at the top. Branches in the upper crown were vertical in orientation while those in the lower crown were horizontal or pendant. At least two branches, 6" and 10" in diameter, had failed (Photo 3, red arrows).



**Photo 3.** View of crown of tree #63.

### Summary

The three Deodar cedars were mature in development with good overall vigor. Structural condition of all three trees has been compromised by the history of pruning, including topping. As a result, each tree possessed defects in structure that would increase the likelihood of branch failure.

The pattern of branch failure in the three trees was similar: live green limbs break several feet out from the point of the attachment to the trunk. As they fall, the branches may break additional limbs. It is very difficult to identify limbs that are likely to break in this manner.

The structural defect most commonly reported as associated with branch failure in Deodar cedar is heavy lateral limb. Of 55 reports of branch failure in the Calif. Tree Failure Report Program database, 32 were associated with heavy laterals. The normal procedure for managing this type of branch is to reduce the length and weight through pruning.

Based on my observations of the tree, I believe the likelihood that one of the trees will fall over to be low. There were no indications in any of the tree that the entire tree was unstable. It is highly likely, however, that additional branches will fail in the future. The reason for this assessment is the presence of numerous heavy lateral branches. In addition, each of the trees possessed the upright stems similar to the one that failed in tree #62. Finally, arborists have observed that trees that have experienced failures in the past are more likely to have failures in the future.

In my view, it is reasonable to approve the permit to remove tree #62. The tree has had numerous failures including the unusual loss of an upright stem. The overall form is now asymmetric as the side of the tree near the house has few branches remaining, with a dense crown on the west.

In contrast, I believe the risk of branch failure in trees #61 and 63 could be reduced by pruning to reduce the weight on lateral branches. Pruning would also reduce the potential for branch failure on tree #62, but it will not correct the asymmetry in form. I've enclosed specifications for pruning all three trees.

Please feel free to contact me with any questions, I look forward to hearing from you.

Sincerely,



James R. Clark, Ph.D.  
Certified Arborist WE-0846  
Registered Consulting Arborist #357

Encl. Pruning specifications



## Pruning Specifications

Deodar cedar trees  
4189 Stanley Blvd.  
Pleasanton CA

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### Qualifications

An I.S.A. (International Society of Arboriculture) Certified Arborist or Tree Worker is to be present at all times during pruning. Arborist must have a State of Calif. Contractor's License for Tree Service (C61-D49) and provide proof of workman's compensation and general liability insurance.

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### Objectives

1. To clean the crown of dead, dying, diseased, stubs, hanging, and otherwise weakly attached branches to the 1" diameter class.
  2. To reduce the failure potential of horizontally oriented or bowed branches.
  3. To inspect the attachment of stems to the main trunk.
- 

### Specifications

1. All pruning shall be in accordance with the *Best Management Practices for Pruning* (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
2. To reduce failure potential, reduce the length and weight on branches by thinning small diameter (<2") laterals and reducing the length of others. Branch removal or reduction cuts (thinning cuts) are to be employed rather than heading cuts. Trees shall not be topped or headed back.
3. No more than 20% of live foliage on the limb or tree shall be removed at any one pruning
4. While in the tree, the arborist shall inspect the attachments between the main trunks and scaffold limbs for defects not visible from the ground.
5. Trees shall not be climbed with spurs.
6. Pruning operations shall be conducted in a manner that does not damage surrounding understory plants and structures.
7. Tree specific cuts include:
  - #61 Remove the hanger over the driveway.
  - #62 Remove the upright stub, the east-facing lateral branch over the driveway, reduce the failed branch on the north to existing laterals and remove lateral branches with poor taper, particularly when low in the crown.
  - #63 Remove low lateral limbs with poor taper on the north.

THE CITY OF




PLEASANTON.

**MEMORANDUM**

**Date:** January 25, 2011

**To:** Pleasanton City Council

**From:** Mike Fulford  
City Landscape Architect 

**Subject:** PUD-82  
Location: 4171 and 4189 Stanley Boulevard  
Proposed Removal of Deodar Cedar #62, HortScience Tree Report

At its regular meeting on December 7, 2010, the Council expressed concern regarding staff's recommendation to allow the removal of a Heritage Cedar tree from the subject property. While the subject tree is in "good health," its overwhelming structural problems make it a poor candidate for preservation.

Per the Tree Report, dated July 16, 2010, prepared by HortScience, Inc., the three Heritage Deodar Cedar trees located near the front of the property are healthy, mature specimens with good overall vigor. However, each of the trees has experienced branch failures in the past. As stated in the report, the structural condition of all three trees has been compromised by the history of poor pruning, including topping. In general, topping is a harmful pruning practice that does not reduce hazard but in fact, will make a tree more hazardous in the long term by causing numerous shoots or branches to develop from buds below each topping cut. Unlike branches that develop normally, these branches are poorly attached to the parent branch and therefore are prone to failure, particularly as they mature and become heavier.

Tree #62 was either severely topped, or lost its central leader at a height of approximately 35 to 40 feet above ground level, at some time in the distant past. As a result, its branches have developed in a manner which makes them prone to failure. The subject tree has experienced several branch failures in just the past few years.

While each of the three trees possesses defects in structure, pruning to reduce the weight on heavy lateral branches of Trees #61 and #63 should reduce the potential for further branch failures. However, there is no corrective pruning technique that will alleviate the asymmetric form of Tree #62. Due to the loss of its central leader, and poor past pruning practices including probable topping, Tree #62 is a poor candidate for preservation.



State of California -- The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
 HRI # \_\_\_\_\_  
 Trinomial \_\_\_\_\_  
 NRHP Status Code 6Z

Other Listings \_\_\_\_\_  
 Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 7 \*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard

**P1. Other Identifier:** \_\_\_\_\_

**\*P2. Location:**  Not for Publication  Unrestricted

**\*a. County** Alameda and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

**\*b. USGS 7.5' Quad** \_\_\_\_\_ **Date** \_\_\_\_\_ **T** \_\_\_\_\_; **R** \_\_\_\_\_; **1/4 of** \_\_\_\_\_ **1/4 of Sec** \_\_\_\_\_; \_\_\_\_\_ **B.M.**

**c. Address** 4189 Stanley Boulevard **City** Pleasanton **Zip** 94566

**d. UTM:** (Give more than one for large and/or linear resources) **Zone** 10N, 599560 **mE/** 4169179 **mN**

**e. Other Locational Data:** (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN 946-1689-16

**\*P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This one-and-a-half-story Craftsman style bungalow is rectangular in plan (apart from a one-room addition of the rear of the building). The wood-frame building has stucco cladding and is topped by a hipped roof with wide eaves and a centered hipped dormer that faces the street. Both the roof and the dormer are covered in composition shingles. The front (south) façade is asymmetrical. A partial-width, recessed porch with round columns atop a solid balustrade occupies the western half of the front façade. At the center of the façade, a concrete stairway with simple balustrade leads to the main entrance, which is obscured by a metal screen door. A canted bay window occupies the eastern portion of the front façade. This bay consists of three wood, double-hung windows with divided lights in the upper panes and wide wood surrounds. (A single window of this type is located immediately west of the front entrance.) A similar bay occupies the portion of the west façade adjacent to the front porch. Secondary window types include wood, one-over one sash and fixed, multi-light sash. A small rectangular mass (evidently an early addition) protrudes from the northwest corner of the building and is set back at the rear. This addition has a hipped roof and wood, multi-light, casement windows. An exterior chimney clad in stucco stands along the building's east façade.

Alterations to the building include addition of stucco cladding; boarding up of the dormer window opening; addition of metal awnings to the front façade and above some secondary windows; addition of a brick veneer at the base of the front façade; a one-room addition at the building's northwest corner; and a small addition with pent roof at the house's rear entrance. The overall condition of the bungalow is fair.

**\*P3b. Resource Attributes:** (List attributes and codes) HP2. Single family property

**\*P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

**P5a. Photograph**



**P5b. Description of Photo:**

View of west and south elevations, July 16, 2010 (Architectural Resources Group).

**\*P6. Date Constructed/Age and Source:**

Historic  Prehistoric  Both

1908, Fastweb property profile,

https://fwprodweb1.firstam.com/fastweb.

**\*P7. Owner and Address:**

Robert & Carol Molinaro

P.O. Box 1048

Pleasanton, CA 94566

**\*P8. Recorded by:** Matthew Davis

Architectural Resources Group, Inc.

Pier 9, The Embarcadero

San Francisco, CA 94111

**\*P9. Date Recorded:** 7/16/2010

**\*P10. Survey Type:** Intensive

**\*P11. Report Citation:** None.

**\*Attachments:**  NONE  Location Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  
 District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):  
 DPR 523A (1/95) **\*Required Information**

**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 7

\*NRHP Status Code 6Z

\*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard

B1. Historic Name: same  
B2. Common Name: same  
B3. Original Use: single-family dwelling B4. Present Use: single-family dwelling

\*B5. Architectural Style: Craftsman Bungalow

\*B6. Construction History (Construction date, alterations, and date of alterations)  
Constructed in 1908. Based on visual inspection, alterations to the building, all at unknown dates, include include addition of stucco cladding; boarding up of the dormer window opening; addition of metal awnings to the front façade and above some secondary windows; addition of a brick veneer at the base of the front façade; a one-room addition at the building's northwest corner; and a small addition with pent roof at the house's rear entrance.

\*B7. Moved?  No  Yes  Unknown Date \_\_\_\_\_ Original Location: \_\_\_\_\_

\*B8. Related Features:  
Concrete driveway along west side of building; several mature trees along west side of driveway; flower garden in front yard.

B9a. Architect Unknown b. Builder: Unknown

\*B10. Significance: Theme N/A Area N/A

Period of Significance N/A Property Type N/A Applicable Criteria N/A

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The community of Alisal, which was renamed Pleasanton in 1894, was first settled in the 1850s by Spanish families who had been granted large tracts of land following abandonment of the California Mission system. Alisal was located on one of the main routes to the Sierra Nevada gold fields and quickly became a mercantile stopover for the many miners seeking fortune in the Mother Lode. The village's climate and rich soil conditions were ideal for growing a variety of crops, including hops, barley and red oat hay, and by 1900 Pleasanton had become the agribusiness center of the Amador Valley.

The house at 4189 Stanley Boulevard is located immediately north of downtown Pleasanton, on the north side of Stanley Boulevard just east of Main Street/Santa Rita Road. The house dates from 1908, when Stanley Boulevard was known as Livermore Road. According to City permit records, the house has been within the Pleasanton city limits since July 21, 1965. The former Western Pacific Railroad right-of-way forms the northern boundary of the vacant lot (APN 946-1689-17) immediately behind the house.

(See continuation sheet.)

B11. Additional Resource Attributes: (List attributes and codes) \_\_\_\_\_

\*B12. References: See continuation sheet.

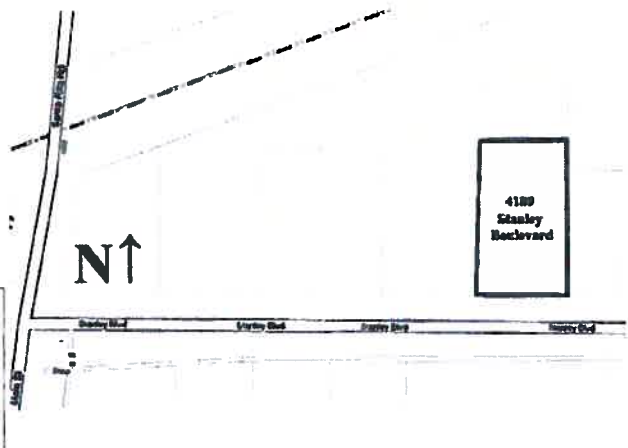
(Sketch Map with north arrow required.)

\*B13. Remarks: None.

\*B14. Evaluator: Matthew Davis

\*Date of Evaluation: 7/16/2010

(This space reserved for official comments.)



State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**CONTINUATION SHEET**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinominal \_\_\_\_\_

Page 3 of 7 \*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard

\*Recorded by Matthew Davis, ARG \*Date July 16, 2010  Continuation  Update

**B10. Significance, continued**

In the late nineteenth and early twentieth centuries, Livermore Road served as the primary road connecting the growing hamlets of Pleasanton and Livermore. (Before Livermore Road was renamed Stanley Boulevard, the portion of the road between Main and 1st Streets was known as Buena Vista Avenue.) This route's prominence was reinforced by the adjacent Southern Pacific and Western Pacific railroad lines, which were extended through the Amador Valley in approximately 1869 and 1910, respectively. Both tracks ran along the north side of Livermore Road, separating where the road curved southward as it entered Pleasanton. The Southern Pacific tracks continued southward along 1st Street. The Western Pacific tracks turned southward further west, passing between downtown and the fairgrounds (the current Union Pacific Railroad right-of-way). While the South Pacific tracks are no longer extant, the 1895 station associated with this line still remains at the intersection of Neal Street and Railroad Avenue. The Mission Revival style station associated with the Western Pacific tracks, formerly located near the intersection of Rose and Pleasanton Avenues, was demolished in the mid-1960s.

Sanborn Fire Insurance Maps indicate that, by the late 1920s, the stretch of Stanley Boulevard (then Livermore Road) between Santa Rita Road and 1st Street was lined with several wood-frame, single-family dwellings that, like the subject house, were modest in size. Though home to a few homes, this area continued to be the very northern edge of development in the Pleasanton area well into the 1950s. Indeed, a historic 1949 aerial of the area shows no development at all north of the Western Pacific Railroad tracks between Santa Rita Road and Valley Road, an area now home to multiple residential subdivisions and a large office park.

While some of the early twentieth-century homes along Stanley Boulevard remain, many have been replaced with more recent development. Based on historic aerials, the Pleasanton Mobile Home Park, directly across the street from 4189 Stanley Boulevard, appears to date from the late 1950s. The lots west of 4189 Stanley Boulevard (extending to Santa Rita Road) were largely vacant until the 1990s, apart from the house at 4225 Stanley Boulevard, which dates from approximately 1950. To the east, a house with detached garage long stood between 4189 Stanley Boulevard 4151 Stanley Boulevard, which dates from 1912. Based on a review of historic aerials of the area, this house and garage appear to have been demolished sometime between 1993 and 2002. The subdivision immediately east of 4151 Stanley Boulevard was constructed in the late 1980s.

***Occupant History***

Review of City records and local historical archives did not reveal the name of the original owner of the house at 4189 Stanley Boulevard. According to a long-time neighbor, Verna Garibaldi, the house at 4189 Stanley Boulevard was long occupied by Abrama and Rose Regalia, whose two sons grew up in the house (Verna Garibaldi, interviewed Jul 16, 2010, Museum on Main, Pleasanton, CA). Ms. Garibaldi estimates that the Regalias moved into the house around 1920. The Regalias do not appear to have been the house's original owners, as the 1927 phone book for Pleasanton includes a listing for "A. Regalia" on Livermore Road, but the 1917 phone book includes no such listing. Abrama Regalia operated a bakery on Main Street. He later retired as a baker but continued to work as a janitor at nearby Amador Valley High School. According to City of Pleasanton permit records, the Regalias were the owners of the house until 1967.

Sometime between 1967 and 1978, ownership of the house at 4189 Stanley Boulevard was transferred to the Molinaro family. In 1978, Gina Molinaro acquired a conditional use permit to operate a nursery school -- Tree House Preschool -- in the house. A detached garage that had stood behind the house was removed in conjunction with this change in use. Though it is unclear how long the building operated as a preschool, a few pieces of playground equipment presumably dating from this period remain in the house's backyard. In 1979, Robert and Carol Molinaro pursued obtaining a variance to subdivide the 46,000 square-foot lot at 4189 Stanley Boulevard into four lots, three of which were behind the house, away from Stanley Boulevard. The variance was granted in April 1980. Because the subdivision map was not finalized within 12 months, this variance request was resubmitted and reapproved in 1981. Robert and Carol Molinaro continue to own the house at the present time.

***Evaluation of Historic Significance***

The house at 4189 Stanley Boulevard does not appear to be individually eligible for listing in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP). The house does not appear to qualify for listing under NRHP/CRHR Criterion A/1. While the residence's association with the early 1900s development of Pleasanton is notable, this "event" does not reach the level of significance to be individually eligible for the National or California Registers. Research failed to reveal any historically significant event, or pattern of events, directly associated with the building at the local, state, regional, or national level. Nor does the house at 4189 Stanley Boulevard appear to qualify for listing under NRHP/CRHR Criterion B/2. The house does not appear to have been directly associated with any important persons in local, state, regional, or national history. No associated individuals of significance were found during historical research. While the Regalia and Molinaro families each lived in the house for a significant number of years, individual members of these families do not appear to be significant historical figures in local, state, or national history. Similarly, the house at 4189 Stanley Boulevard



State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**CONTINUATION SHEET**

Primary # \_\_\_\_\_

HRI # \_\_\_\_\_

Trinomial \_\_\_\_\_

Page 4 of 7 \*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard

\*Recorded by Matthew Davis, ARG \*Date July 16, 2010  Continuation  Update

does not appear to qualify for listing under NRHP/CRHR Criterion C/3. The house does not possess high artistic values, nor does it embody the characteristics of a distinctive type, period, or method of construction, or represent the work of a master architect or builder. Although 4189 Stanley Boulevard can be considered a Craftsman bungalow house, it is not a particularly representative or distinctive example of that style. Finally, NRHP/CRHR Criterion A/4 is generally applied to archeological resources and evaluation of the residence at 4189 Stanley Boulevard for eligibility under this criterion was beyond the scope of this evaluation.

Nor does the house at 4189 Stanley Boulevard appear eligible for listing in the CRHR or NRHP as a contributor to a historic district. While a few other early-twentieth-century houses remain along Stanley Boulevard, they are interspersed among sections of residential development of considerably more recent vintage, and they are too widely dispersed to constitute a historic district. Indeed, the houses at 4189 and 4151 appear to be the only houses on the north side of that portion of Stanley Boulevard that remain from the first half of the twentieth century.

***Evaluation of Integrity***

The house at 4189 Stanley Boulevard has a fair level of integrity. Because it has not been moved, it retains integrity of location. While the house is still mostly surrounded by modestly-scaled, single-family residential development, much of that development dates from the past few decades, reducing 4189 Stanley Boulevard's integrity of setting. The footprint, form and structure of the house remain unchanged from that shown on the 1929 Sanborn map of the area, and it retains features associated with the Craftsman bungalow style, including multi-light one-over-one windows; a hipped dormer; deep eaves; a recessed, partial-width porch; asymmetrical massing; and an exterior chimney. As a result, the building retains good integrity of design. While the house retains these features that together serve to articulate the Craftsman bungalow character of the property, the house's integrity of materials has been reduced by addition of stucco cladding, which appears to have been applied on top of the building's pre-existing cladding. Similarly, the building's ability to communicate the workmanship associated with the Craftsman style has been reduced by the addition of stucco cladding, which completely obscures what otherwise would have been a key character-defining feature. However, other elements of the original workmanship of the residence at 4189 Stanley Boulevard (including the multi-light windows, hipped dormer, wide eaves, and recessed porch) provide physical evidence of construction methods of Craftsman residential structures of the early twentieth century. As a result, the property's integrity of materials and workmanship is fair. Despite its non-original cladding, the house retains integrity of feeling and association, because it continues to convey a sense of early twentieth-century residential construction in the Pleasanton area.

Because the building does not appear to satisfy any of the NRHP/CRHR significance criteria, ARG has assigned the house at 4189 Stanley Boulevard a California Historical Resource Status Code of 6Z, which indicates that the property was found ineligible for the NRHP, CRHR or local designation through survey evaluation.

**B12. References, continued**

Davis, Dorothy (ed.). *A Pictorial History of Pleasanton*. Pleasanton National Bicentennial Committee, 1976.

Drummond, G.B. *A Guide to the Architectural Styles in the Livermore-Amador Valley*. Union City, CA: Mill Creek Press, 1976.

Historic Aerials, 4189 Stanley Boulevard, Pleasanton CA. <http://www.historicaerials.com>. Accessed July 21, 2010.

Lane, Bob and Pat. *The Amador-Livermore Valley: A Pictorial History*. Norfolk, VA: The Donning Co., 1988.

Sanborn Fire Insurance Maps. "Pleasanton, California." New York: Sanborn Map Company, 1907, 1929, 1930, 1943 and 1957.

Wainwright, Mary-Jo and the Museum on Main. *Images of America: Pleasanton*. San Francisco, California: Arcadia Press, 2007.



State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**CONTINUATION SHEET**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_

Page 5 of 7 \*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard

\*Recorded by Matthew Davis, ARG \*Date July 16, 2010  Continuation  Update

**P5a. Photographs, continued**



View of primary (south) façade, July 16, 2010 (Architectural Resources Group)



Detail of bay window at primary (south) façade, July 16, 2010 (Architectural Resources Group)

State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**CONTINUATION SHEET**

Primary # \_\_\_\_\_

HRI # \_\_\_\_\_

Trinomial \_\_\_\_\_

Page 6 of 7 \*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard

\*Recorded by Matthew Davis, ARG \*Date July 16, 2010  Continuation  Update

**P5a. Photographs, continued**



Detail of porch and main entrance at primary (south) façade, July 16, 2010 (Architectural Resources Group)



View of west and south façades, July 16, 2010 (Architectural Resources Group)



State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**CONTINUATION SHEET**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_

Page 7 of 7 \*Resource Name or #: (Assigned by Recorder) 4189 Stanley Boulevard  
\*Recorded by Matthew Davis, ARG \*Date July 16, 2010  Continuation  Update

**P5a. Photographs, continued**



View of rear (north) façade, July 16, 2010 (Architectural Resources Group)



View of rear (north) façade, July 16, 2010 (Architectural Resources Group)





In a derelict condition, this Mission Hills bungalow might have appeared to be a prime candidate for demolition; however, when Robert McLeod recognized its potential. After careful restoration, the bungalow, located in a business area of our community, serves as his professional office and as proof of the value of saving our historic resources. Before photo provided by Robert McLeod; after photo by Sandé Lollis

**PUBLIC RESOURCES CODE**  
**SECTION 25980-25986**

25980. This chapter shall be known and may be cited as the Solar Shade Control Act. It is the policy of the state to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources. In particular, the state encourages the planting and maintenance of trees and shrubs to create shading, moderate outdoor temperatures, and provide various economic and aesthetic benefits. However, there are certain situations in which the need for widespread use of alternative energy devices, such as solar collectors, requires specific and limited controls on trees and shrubs.

25981. (a) As used in this chapter, "solar collector" means a fixed device, structure, or part of a device or structure, on the roof of a building, that is used primarily to transform solar energy into thermal, chemical, or electrical energy. The solar collector shall be used as part of a system that makes use of solar energy for any or all of the following purposes:

- (1) Water heating.
- (2) Space heating or cooling.
- (3) Power generation.

(b) Notwithstanding subdivision (a), for the purpose of this chapter, "solar collector" includes a fixed device, structure, or part of a device or structure that is used primarily to transform solar energy into thermal, chemical, or electrical energy and that is installed on the ground because a solar collector cannot be installed on the roof of the building receiving the energy due to inappropriate roofing material, slope of the roof, structural shading, or orientation of the building.

(c) For the purposes of this chapter, "solar collector" does not include a solar collector that is designed and intended to offset more than the building's electricity demand.

(d) For purposes of this chapter, the location of a solar collector is required to comply with the local building and setback regulations, and to be set back not less than five feet from the property line, and not less than 10 feet above the ground. A solar collector may be less than 10 feet in height only if, in addition to the five-foot setback, the solar collector is set back three times the amount lowered.

25982. After the installation of a solar collector, a person owning or in control of another property shall not allow a tree or shrub to be placed or, if placed, to grow on that property so as to cast a shadow greater than 10 percent of the collector absorption area upon that solar collector surface at any one time between the hours of 10 a.m. and 2 p.m., local standard time.

25982.1. (a) An owner of a building where a solar collector is proposed to be installed may provide written notice by certified mail to a person owning property that may be affected by the requirements of this chapter prior to the installation of the solar collector. If a notice is mailed, the notice shall be mailed no more than 60 days

prior to installation of the solar collector and shall read as follows:

SOLAR SHADE CONTROL NOTICE

Under the Solar Shade Control Act (California Public Resources Code Sec. 25980 et seq.) a tree or shrub cannot cast a shadow greater than 10 percent of a solar collector absorption area upon that solar collector surface at any one time between the hours of 10 a.m. and 2 p.m. local standard time if the tree or shrub is placed after installation of a solar collector. The owner of the building where a solar collector is proposed to be installed is providing this written notice to persons owning property that may be affected by the requirements of the act no more than 60 days prior to the installation of a solar collector. The building owner is providing the following information:  
Name and address of building owner:  
Telephone number of building owner:  
Address of building and specific location where a solar collector will be installed (including street number and name, city/county, ZIP Code, and assessor's book, page, and parcel number):  
Installation date of solar collector:

---

Building Owner, Date

(b) If the owner of the building where a solar collector is proposed to be installed provided the notice pursuant to subdivision (a), and the installation date is later than the date specified in that notice, the later date shall be specified in a subsequent notice to persons receiving the initial notice.

(c) (1) A transferor of the building where the solar collector is installed may provide a record of persons receiving the notice pursuant to subdivision (a) to a transferee of the building.

(2) A transferor receiving a notice pursuant to subdivision (a) may provide the notice to a transferee of the property.

25983. A tree or shrub that is maintained in violation of Section 25982 is a private nuisance, as defined in Section 3481 of the Civil Code, if the person who maintains or permits the tree or shrub to be maintained fails to remove or alter the tree or shrub after receiving a written notice from the owner or agent of the affected solar collector requesting compliance with the requirements of Section 25982.

25984. This chapter does not apply to any of the following:

(a) A tree or shrub planted prior to the installation of a solar collector.

(b) A tree planted, grown, or harvested on timberland as defined in Section 4526 or on land devoted to the production of commercial agricultural crops.

(c) The replacement of a tree or shrub that had been growing prior to the installation of a solar collector and that, subsequent to the installation of the solar collector, dies, or is removed for the protection of public health, safety, or the environment.

(d) A tree or shrub that is subject to a city or county ordinance.

25985. (a) A city, or for unincorporated areas, a county, may adopt, by majority vote of the governing body, an ordinance exempting their jurisdiction from the provisions of this chapter. The adoption of the ordinance shall not be subject to the California Environmental Quality Act (commencing with Section 21000).

(b) Notwithstanding the requirements of this chapter, a city or a county ordinance specifying requirements for tree preservation or solar shade control shall govern within the jurisdiction of the city or county that adopted the ordinance.

25986. Any person who plans a passive or natural solar heating system or cooling system or heating and cooling system which would impact on an adjacent active solar system may seek equitable relief in a court of competent jurisdiction to exempt such system from the provisions of this chapter. The court may grant such an exemption based on a finding that the passive or natural system would provide a demonstrably greater net energy savings than the active system which would be impacted.

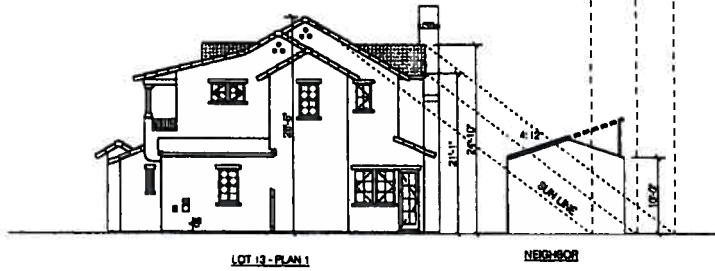
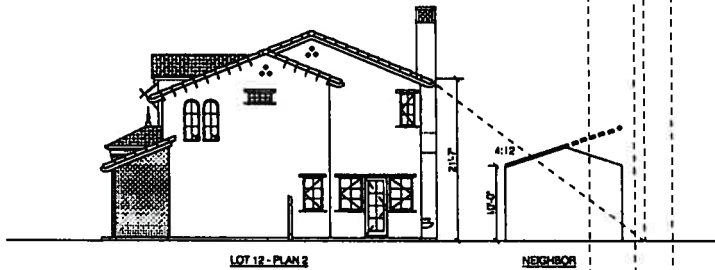
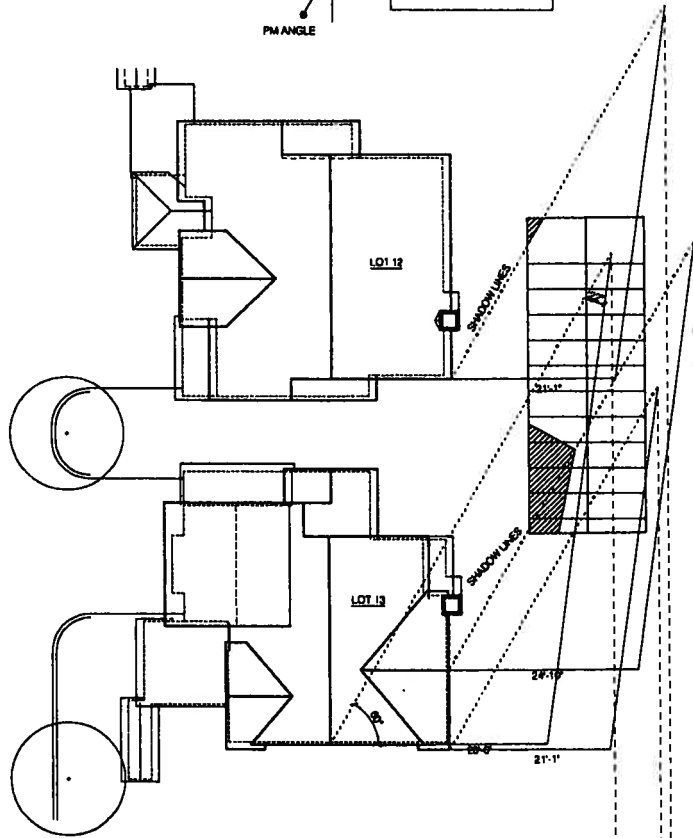
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DECEMBER 21ST - 2PM  
 AZIMUTH ANGLE @ 2PM  
 15° WEST FROM NORTH  
 ALTITUDE ANGLE @ 22°

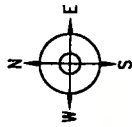


<p><b>STANLEY BOULEVARD</b>          DONATO BUILDERS INC.          4171 &amp; 4189 STANLEY BOULEVARD          PLEASANTON CA</p>		<p>Architecture   Planning   Interiors          444 Spear Street, Suite 200          San Francisco, CA 94105  <a href="http://www.hunthalejones.com">www.hunthalejones.com</a>          T. 415-512-1300          F. 415-288-0286</p>	<p>SHADOW STUDY - BUILDINGS ONLY          SCALE: 1/8" = 1'-0"          DATE: 1/11/2018          PROJECT: 7882P</p>
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RECEIVED

JAN 20 2011

CITY OF PLEASANTON  
PLANNING DIVISION



A SHADE ON DEC 21

NOTE: EXISTING SOLAR SYSTEM FACES DUE WEST.  
PRIME PRODUCTION FOR THIS SYSTEM IS BETWEEN  
12PM AND 4PM. PERCENTAGE OF SHADED ARRAY  
IS NOT PROPORTIONAL TO PERCENTAGE OF POWER  
LOSS.

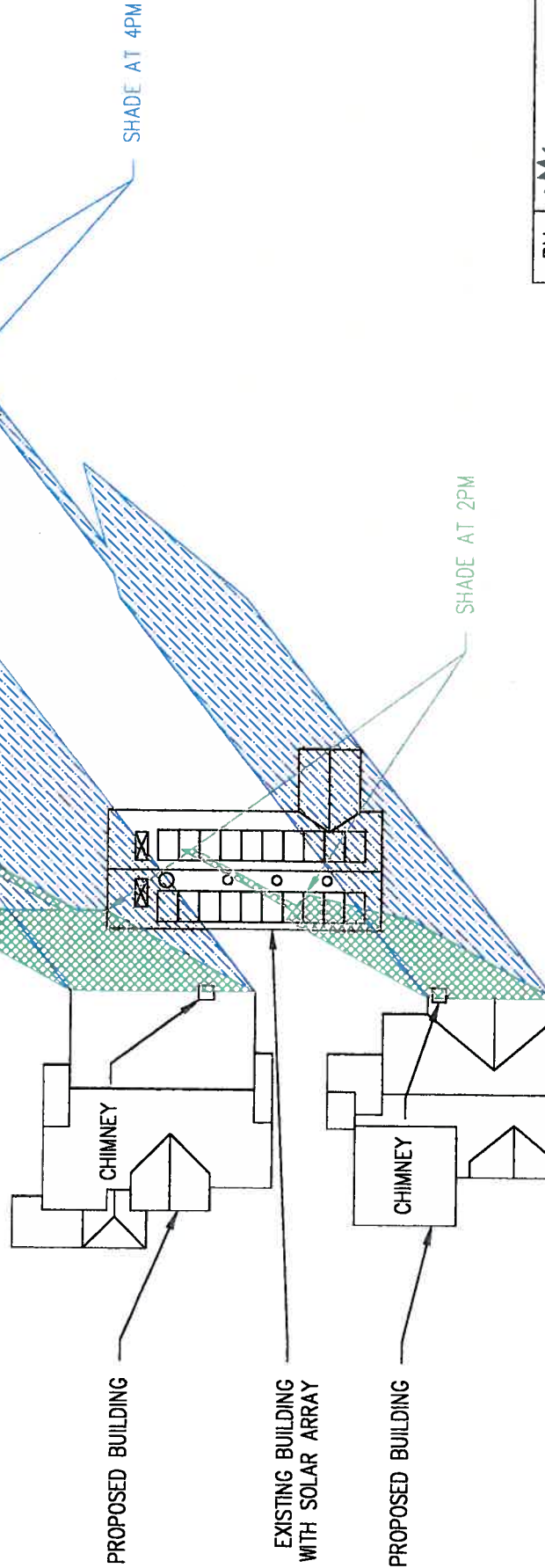


EXHIBIT S

PV  
20



303 Village Park Drive, Suite 140  
Pleasanton, CA 94566  
Tel: (925) 875-1000 | Fax: (925) 875-1000  
www.solarcity.com

RESIDENT: WALTERSON, DARELL  
4.1 HP FLUSH MOUNT WITH REVERSE RACK  
300 THRUHP

OWNER: WALTERSON, DARELL  
CITY OF PLEASANTON, CA 94566  
(925) 883-3648

MODEL: (20) KYOCERA # KC2056K-LP  
PERMITS: CANOPY WITH TILT-UP KIT  
SPECIES: (1) FRONIUS # IG 4000

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PROJECT NUMBER: RESI  
CWB  
DATE: 12/15/10

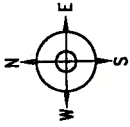
JB-945134-00 REV -

**RECEIVED**

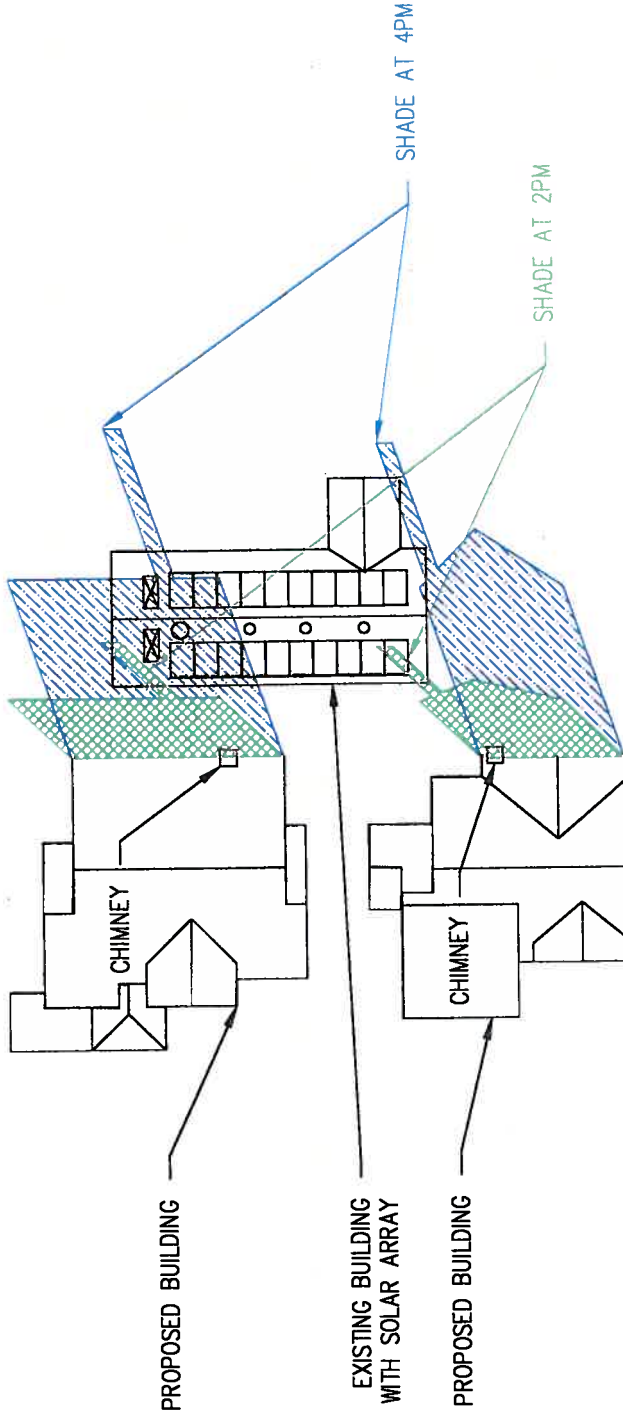
JAN 20 2011

**CITY OF PLEASANTON  
PLANNING DIVISION**

**A SHADE ON SETP 21 & MARCH 21**



NOTE: EXISTING SOLAR SYSTEM FACES DUE WEST.  
PRIME PRODUCTION FOR THIS SYSTEM IS BETWEEN  
12PM AND 4PM. PERCENTAGE OF SHADED ARRAY  
IS NOT PROPORTIONAL TO PERCENTAGE OF POWER  
LOSS.



PV  
21



303 Vintage Park Drive, Suite 140  
Foster City, CA 94024  
714.662.1000  
(800) 421-CITY (742-2489) | www.solarcity.com

DESCRIPTIONS  
WALTERSON RESIDENCE  
4.1 MW FLUSH MOUNT WITH REVERSE RACK  
JOB NUMBER  
JB-945134-00 REV: -

OWNER  
WALTERSON, DARELL  
CURRENT ADDRESS  
4781 STANLEY BLVD.  
PLEASANTON, CA 94666  
(925) 945-3946

MODELS  
(20) KYOCERA # KD2050X-LP  
PERMITS  
CANOPY WITH TILT-UP KIT  
INVERTERS  
(1) FRONIUS # IG 4000

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SALE AND USE OF THE RESPECTIVE SOLAR CITY EQUIPMENT, WITHOUT  
THE WRITTEN PERMISSION OF SOLAR CITY INC.

DATE  
12/15/10  
PROJECT MANAGER  
RESI  
PROJECT GROUP

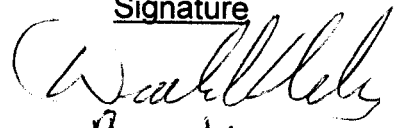



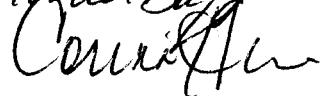
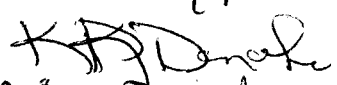



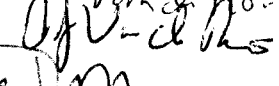
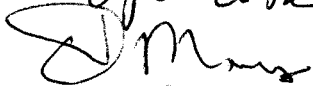

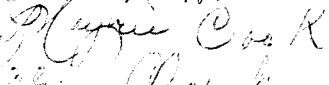
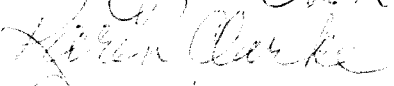
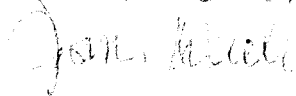
TO: The Pleasanton Planning Commission  
FM: Residents of Stanley Blvd.

RE: PREV-695, Dave DiDonato, Donato Builders, Inc.

We the undersigned hereby request the Planning Commission to adhere to The City's current General Plan, which was in place when all of us bought our property, and not rezone the approximately 1.2 acre site at 4189 Stanley Blvd. from medium to high density.

We respect the right of the property owner to develop his property and make a profit on his investment. We ask that The City, the property owner and the builder take into consideration the quality of life of current residents (many of whom have lived on Stanley over ten and twenty years) as well as the new development homebuyers. In an effort to consider our, as well as our new neighbors' quality of life, we ask that project setbacks be a minimum of 15 feet from existing property lines and that as many trees as possible be retained for the sake of wildlife habitat as well privacy and their native beauty.

We ask that this petition be added to the public record.

<u>Print Name</u>	<u>Signature</u>	<u>Stanley Address</u>
Don Adams		
Hrish. Shetty		
Danell WATLSON		
Michael Swift		
Scott & Corina Hagan		
Kathy R Donohue		
MIKE DONOHUE		
Gary Ingram		
GALE VAN DE ROOYAART		
Paul Van de Roovert		
David Marx		
Allen Cook		
MASSIE Cook		
KAREN CLARKE		
Jan Dieli		

Robert D. Campbell ~~Robert D. Campbell~~

DONOVAN HOFF ~~Donovan Hoff~~  
Amy Hoff ~~Amy Hoff~~

BARBARA JEAN ~~Barbara Jean~~

PETE SHOMSKY ~~Peter Shomsky~~

Jan Shomsky ~~Jan Shomsky~~

Kathleen Thomas ~~Kathleen Thomas~~

Emilie Crizan ~~Emilie Crizan~~

Kathleen O'Leary ~~Kathleen O'Leary~~

Kevan M. Jack ~~Kevan M. Jack~~  
Kellie S Jack ~~Kellie S Jack~~

Kevin Burns

Debra Burns

JILL GONOWI ~~Jill Gonowi~~

Patricia Rodrigi ~~Patricia Rodrigi~~

Lisa M. Campbell ~~Lisa M. Campbell~~

SHALINI VARSHNEY ~~AMIT ~~Amit~~~~

Andrew Westman ~~Andrew Westman~~

Amanda Boni ~~Amanda Boni~~

<sup>20</sup>/<sub>00</sub> Ron Valerie Grosjean ~~Ron Valerie Grosjean~~

Azin Charib ~~Azin Charib~~

TO: The Pleasanton Planning Commission  
FM: Residents of Stanley Blvd.

RE: PREV-695, Dave DiDonato, Donato Builders, Inc.

We the undersigned hereby request the Planning Commission to adhere to The City's current General Plan, which was in place when all of us bought our property, and not rezone the approximately 1.2 acre site at 4189 Stanley Blvd. from medium to high density.

We respect the right of the property owner to develop his property and make a profit on his investment. We ask that The City, the property owner and the builder take into consideration the quality of life of current residents (many of whom have lived on Stanley over ten and twenty years) as well as the new development homebuyers. In an effort to consider our, as well as our new neighbors' quality of life, we ask that project setbacks be a minimum of 15 feet from existing property lines and that as many trees as possible be retained for the sake of wildlife habitat as well privacy and their native beauty.

We ask that this petition be added to the public record.

<u>Print Name</u>	<u>Signature</u>	<u>Stanley Address</u>
SANDRA Thompson	<i>Sandra Thompson</i>	
Richard Thompson	<i>Richard Thompson</i>	
Cliff Welles	<i>Cliff Welles</i>	
Nancy Bovie	<i>Nancy Bovie</i>	
Brandy Coelho	<i>Brandy Coelho</i>	
Ryan Coelho		
Anna Cleary	<i>Anna Cleary</i>	
Protemper 15824	<i>Protemper</i>	
Lisa St.Pierre	<i>Lisa St.Pierre</i>	
Carl Phillips	<i>Carl Phillips</i>	
R. Wallace	<i>R. Wallace</i>	

Joseph Ravindran,

Drew Pearson

Tanya Sturd

Kris Myers

Lina Harris

Scott Harris

Amit Parikh

Rupal Parikh

Annette Joson

Raphael Joson

Swam Walle

Scott Allord

RON LADRILLONO

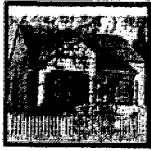
Mike Protha

Jimmy Mjinta

26-

NOV 01 2010

**CITY OF PLEASANTON  
PLANNING DIVISION**



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**PHA** Pleasanton  
Heritage  
Association



Heritage Residence Photos Used with Permission

August 23, 2010

**Pleasanton Heritage Association's Review of the Proposed Project at  
4189 Stanley Street:**

**SEE ADDENDUM ON PAGE TWO REGARDING TREE REMOVAL**

The proposed project area consists of 52,510 square feet. The plan is proposing 14 single-family homes. The square footage of the homes ranges from the smallest at 1,599 SF to the largest at 1,920 SF. The plan allows for a fire turn around. There are 26 uncovered parking spaces and 5 uncovered guest spaces. Each of the 14 proposed homes has an enclosed double car garage, allowing for an additional 28 parking spaces.

Matthew Davis, from the State Department Resources Agency wrote in his evaluation of the existing home at 4189 Stanley: **"The existing home at 4189 Stanley is an example of a Craftsman bungalow dating from 1908. Although the home was not built by a master builder, nor does it possess high artistic values, the house at 4189 Stanley Boulevard does have a fair level of integrity. Because it has not been moved, it retains integrity of location. The footprint, form and structure of the house remain unchanged from that shown on the 1929 Sanborn map of the area, and it retains features associated with the Craftsman bungalow style, including multi-light one over one windows, a hipped dormer, deep eaves; a recessed, partial-width porch; asymmetrical massing; and an exterior chimney. Despite its non-original cladding, the house retains integrity of feeling and association, because it continues to convey a sense of the early twentieth century residential construction in the Pleasanton area."**

The recommendation of Pleasanton Heritage Association is to make every effort to renovate and retain this house. Although it does not represent the



best of its era, it does, however, represent a diminishing inventory of vintage homes in the Historic Pleasanton Residential area.

PHA is concerned about the random reduction of the inventory of heritage homes in Pleasanton and does not recommend demolition, but a restoration of the existing home.

The proposed single-family homes are preferable to an apartment or condominium complex. The parcel is zoned for high density residential. However, the proposed project takes on the negative characteristics of a residential compound. PHA is concerned about the density of the project and would prefer a density resulting in a more family friendly project with fewer homes.

The proposed windows are vinyl with no distinct mullions that add to the value of a home. We do not recommend the typical metal or flat grid window sections seen with today's less attractive, cheaper looking vinyl windows. We would recommend that the builder change out the vinyl windows in the homes that are viewed directly from the street and the front of each home to wood framed or high quality fiberglass with raised, authentic mullions and framing. We support the use of wooden garage doors as described in the exterior materials list.

The architectural design of the 14 proposed homes does not speak to heritage homes that dominated Stanley Boulevard at one time. Matthew Davis, stated in his historic integrity review of the property:

**“The early twentieth century homes that remain along Stanley Boulevard are interspersed among sections of residential development of considerably more recent vintage, and they (heritage homes) are too widely dispersed to constitute a historic district on Stanley Boulevard at all.”** Unfortunately, the random demolition of classic vintage homes on Stanley Boulevard has been approved with no thought given to the loss of these classic homes as a group representing our past. The homes that have been approved to replace the heritage homes are within similar design parameters that speak to a more modern tract home look that has all but replaced the history on that street with homes that will not contribute to the housing stock 50 to 100 years from now.

In order to maintain some link to **"a sense of early twentieth century**

**residential construction"** PHA recommends, not only retaining and renovating the existing home, but also that the exterior of the proposed homes be changed to a carefully detailed craftsman style based on the original look of that existing home. Particular attention should be paid to windows, porches, traditional-appearing siding, exposed rafters and roof tiles. The upgraded traditional-themed exterior designs will enhance the vintage character of the street-an important entry to the Pleasanton Historic District.

**Addendum to this submission: The arborist's report is now public record and indicates that among the some 20 trees designated for removal to build this fourteen home compound, that 12 of these trees are categorized as heritage trees that will be tacitly removed. Although fines will be paid to the city and young trees planted at this project or elsewhere in the city with those fines, PHA opposes the removal of heritage trees. PHA supports the need to retain these heritage trees that if replaced by new trees will greatly alter the environment and take up to a half-century to replace the growth we will lose. October 2010**

The Pleasanton Heritage Association is a citizen's advisory group to the city. The final authority for the approval of any proposed structure rests, solely, with the city of Pleasanton.

Submitted by Pleasanton Heritage Association, August 23, 2010

Linda Garbarino, PHA Chairperson and Bonnie Krichbaum, Vice-Chair

**Marion Pavan**

---

**From:** Hassan Malak  
**Sent:** Friday, July 08, 2011 6:43 AM  
**To:** Marion Pavan  
**Subject:** PUD-82 David DiDonato, Donato Builders, Inc

Hello Marion,

My name is Hassan Malak and I live on 4062 Stanley Blvd and my brother lives in 4070 Stanley Blvd.

Here are my concerns:

1. Traffic is very bad on the street now with the homes surrounding it.
2. We have no speed bumps, people fly down the street and don't pay attention to the digital speed tracker.
3. We have no sidewalks to keep things a little safer.
4. People already park on the street where they are not supposed too, that will now increase.

Please let me know your thoughts, thanks.

Regards,

Hassan Malak

Click [here](#) to report this email as spam.

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**From:** David Walker  
**Sent:** Monday, September 13, 2010 10:52 PM  
**To:** Steve Otto  
**Cc:** HomeDW  
**Subject:** PUD-82 David DiDonato, Donato Builders, Inc.

Steve Otto  
Senior Planner

Steve,

Thank you for the opportunity to comment on "PUD-82 David DiDonato, Donato Builders, Inc." As we said in the May 21, 2008 work session, our primary concern remains the availability of parking and the potential impact of insufficient parking within the development. We applaud the Recommended Conditions of Approval that require that garages are always configured with space to park two cars, that recreational vehicles must be stored elsewhere, and that driveways have sufficient space for two cars.

We are, however, concerned that five guest parking spaces will not be sufficient. We are also concerned about the practicalities of policing the restrictions on garage space. We hope that the City will make every effort to prevent overflow into the rest of the neighborhood.

David Walker and Tammy Tsujioka

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9/14/2010

**From:** Melissa Cafiero  
**Sent:** Monday, December 06, 2010 5:28 AM  
**To:** Maria Hoey  
**Subject:** Buidling on Stanley

I am emailing you to voice my opinion as a homeowner on Stanley. DO NOT BUILD.

thank you  
Melissa Cafiero



Click [here](#) to report this email as spam.

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**From:** Emilie  
**Sent:** Tuesday, September 14, 2010 6:02 PM  
**To:** Steve Otto  
**Subject:** re: PUD 82 David Di donato

[REDACTED] I have several objections to the proposed development to be located at 4171 and 4189 Stanley Blvd.

First is parking. Our street is already impacted by a lack of parking. Once the street is modernized and utilities undergrounded there will be parking at all on the South Side of the Street. How are you, the city going to enforce that all residents will park in their garages. There are only 5 guest parking lots. What if just one resident has a party? Where will people park? I believe there should be one guest parking space for each house.

The second is type of housing. I believe there is a need in Pleasanton for more affordable housing. The proposed development is for single family homes. We need more types of developments that feature smaller lots and homes for seniors and low income residents like the senior apartments, condos and mobile home park that are already in the neighborhood.

The third objection I have is the complete razing of all of the tall heritage trees. I noticed that the planning commission allows for the developer to pay for trees to be built elsewhere in the city to compensate for those trees lost in our neighborhood. That is not a fair trade for the residents on Stanley Blvd. We need the trees in our neighborhood to provide oxygen, shade and filter out the particulates created by the train and traffic along Stanley Blvd. I request that the trees be saved or the same number general types of trees be planted inside the development. This may decrease the number of housing units, but large trees are crucial to preserving the neighborhood for the people and wildlife that live on our street.

Please do not hesitate to contact me. I will be calling you to hear your response to my objections.  
Emilie Cruzan

[Click here to report this email as spam.](#)

9/14/2010

LOCATION MAP

City of Pleasanton

GIS

Department

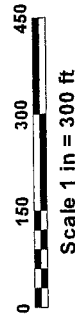
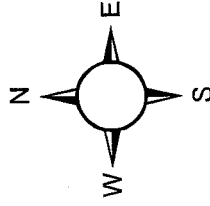
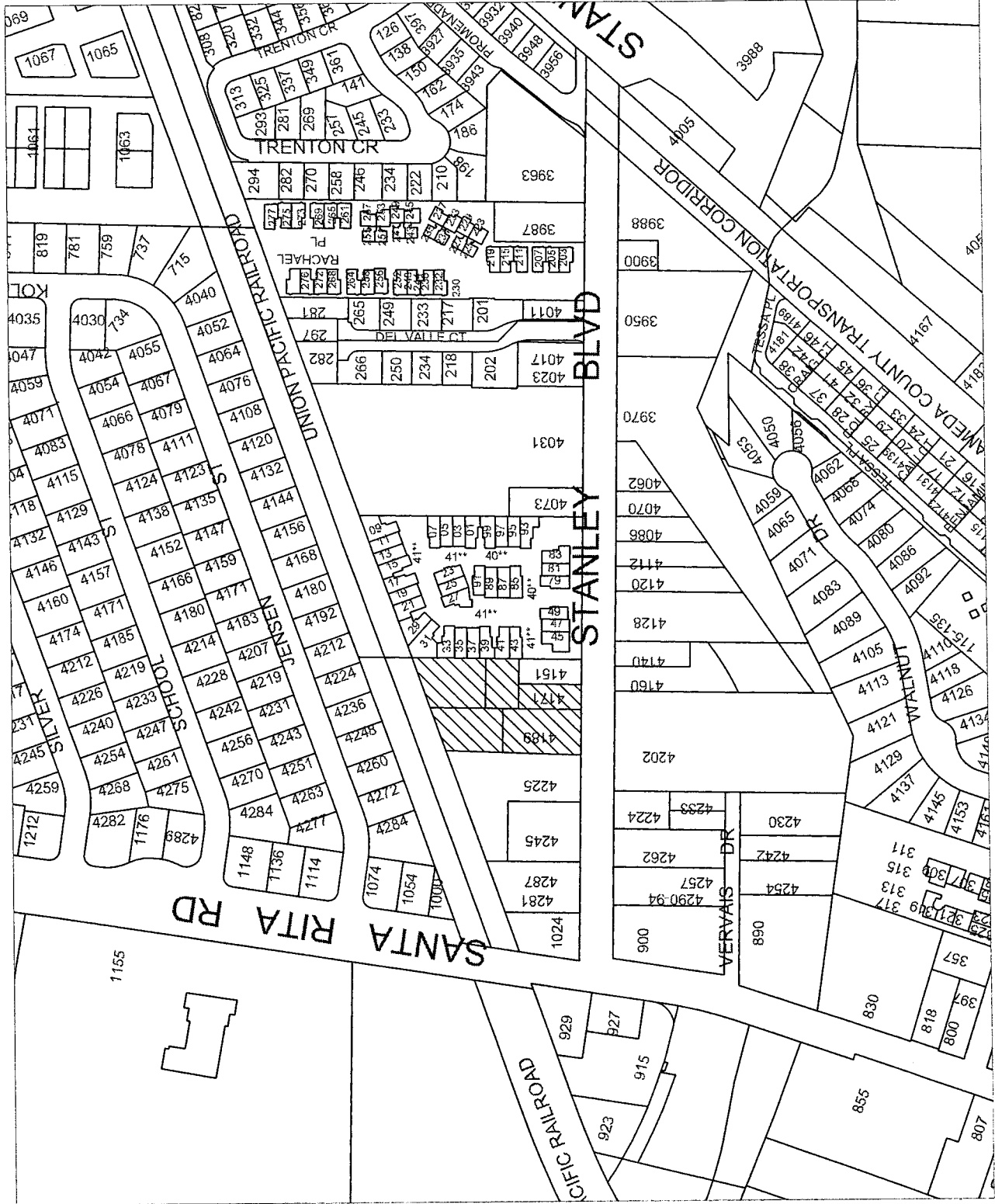


EXHIBIT W

Printed 9/2/20



PUD-82, Donato

City of Pleasanton

GIS

Department

4189 Stanley Blvd (1000ft)

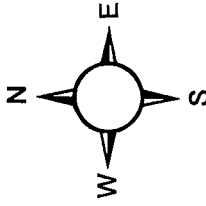


EXHIBIT X



Printed 8/31/2010

