

Planning Commission Staff Report

March 10, 2010
Item 6.b.

- SUBJECT:** PUD-84-21-4M, Civic Square Apartments (Revised Project)
- APPLICANT:** Civic Square, L.L.C., and Andy Byde (Braddock and Logan Services, Inc.)
- OWNER:** Civic Square, L.L.C., and Andy Byde (Braddock and Logan Services, Inc.)
- PURPOSE:** Application for a PUD major modification to add 36 new apartment units in five new buildings, a new clubhouse/rental office in one new building, and miscellaneous site modifications at the Civic Square apartments.
- GENERAL PLAN:** High Density Residential (8+ du/ac)
- ZONING:** PUD – HDR (Planned Unit Development – High Density Residential) District.
- LOCATION:** 4800 Bernal Avenue
- ATTACHMENTS:**
1. Exhibit A, Draft Conditions of Approval, dated March 10, 2010.
 2. Exhibit B dated “Received, March 1, 2010” including: “*Project Description,*” “*Overall Site Plan,*” “*Apartment Building Floor Plans and Elevations,*” “*Clubhouse/Rental Office Building Floor Plan and Elevations,*” “*Focused Site, Landscaping, and Tree Removal Plans,*” “*Stormwater Management Plan and Details,*” and “*Materials and Color Samples.*”
 3. Exhibit C, Project Photographs.
 4. Exhibit D, Multi-Family Green Point Checklist dated “Received, February 19, 2010.
 5. Exhibit E, Draft Moderate- and Low-Income Housing Agreement dated February 18, 2010.
 6. Exhibit F, Pleasanton Housing Commission Minutes of its February 18, 2010 Public Meeting.
 7. Exhibit G, Chapter 7.90 Universal Design, of the Dublin Municipal Code.
 8. Exhibit H, Planning Commission staff report and public hearing minutes for PUD-84-21-04M, dated March 25, 2009.
 9. Exhibit I, City Council staff report and public hearing minutes for PUD-84-4M, dated May 19, 2009.

10. Exhibit J, Previous 12-Unit Development Plan.
 11. Exhibit K, Location Map.
 12. Exhibit L, Noticing Map.
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I. BACKGROUND

On May 19, 2009, the City Council heard the proposal by Civic Square, L.L.C. (Andy Byde of Braddock and Logan Services, Inc.) to construct 12 new, low- and moderate-income apartment units at its Civic Square apartment development on 4800 Bernal Avenue.

At the City Council meeting, representatives of the Community Resources for Independent Living and the Public Authority for In-Home Supportive Services spoke on their concerns pertaining to affordability and access for residents with disabilities. The City Council also expressed its concern with these issues as well as with issues pertaining to amenities, green building ratings, photovoltaic systems, etc., and continued the item for the applicant's consideration of the Council's direction. The applicant has redesigned the proposal in response to the City Council's direction and has re-submitted it for City review.

The Planning Commission (March 25, 2009) and City Council (May 19, 2009) staff reports and meeting minutes are attached as Exhibits H and I, respectively. Additionally, plans of the previously proposed 12-unit development are attached as Exhibit J.

II. SUBJECT PROPERTY AND SURROUNDING AREA

Subject Property

The history of the Civic Square development and its housing agreements with the City of Pleasanton is described in the attached Planning Commission staff report from March 25, 2009. In summary, the Civic Square low-income housing agreement ended in 2007 when Braddock and Logan Services paid off its bonds to the City thereby fulfilling the terms of the agreement. All of the Civic Square units are now market rate units.

Surrounding Area

The overall Civic Square Apartment site and surrounding streets and land uses are shown on "*Figure 1: Civic Square Apartment Development and Surrounding Uses*", on the following page.

Public street access to the Civic Square development is provided by three driveways from Bernal Avenue and Case Avenue, respectively. Two "Wheels" bus stops are on the east side of Case Avenue accessible to/from the Civic Square apartments. Internal access to the units and parking areas for vehicles and pedestrians is provided by a system of private streets and sidewalks, respectively.



Figure 1: Civic Square Apartment Development and Surrounding Uses.

IV. PLANNING COMMISSION MEETING (12-Unit Proposal)

On March 25, 2009, the Planning Commission reviewed the proposal by Civic Square, L.L.C. (Braddock and Logan Services, Inc.) to construct 12 new apartments at its Civic Square development. The Planning Commission staff report and meeting minutes are attached. Andy Byde, representing Braddock and Logan, spoke in favor of the proposal and answered questions. There was no other public testimony.

The Planning Commission discussed two issues on the proposal: the feasibility of providing photovoltaic panels on the roof areas of the new and remodeled buildings or making them photovoltaic ready, and reserving the 12 new apartments exclusively for moderate-/low-income households. After discussing these questions, the Commission concluded that photovoltaic panels were not feasible and that the low-/moderate-income apartments should be distributed throughout the development and did not add any conditions on these issues with its recommendation. The Planning Commission voted 4-0 to recommend approval of the application, subject to staff's recommended conditions.

V. CITY COUNCIL MEETING (12-Unit Proposal)

On May 19, 2009, the City Council reviewed the proposal by Civic Square, L.L.C. (Braddock and Logan Services, Inc.) to construct 12 new apartments at its Civic Square development. Andy Byde of Braddock and Logan spoke on behalf of the applicant and answered questions. Jessica Lehman spoke on behalf of the Community Resources for Independent Living, and Carmen Rivera-Hendrickson spoke on behalf of the Public Authority for In-Home Supportive Services on their concerns pertaining to rental affordability and access for residents with disabilities. The City Council staff report and meeting minutes are attached.

The City Council expressed its concern with these issues and with issues pertaining to the City's Inclusionary Zoning Ordinance, disabled access, Green Building points, photovoltaic systems, etc. After discussing the proposal, the City Council directed staff and the applicant to: explore the feasibility of additional density for more low-income units; provide low- and moderate-income units in perpetuity; design the buildings and apartments to achieve a Green Building score over 80 points; employ Universal Design principles in the building and unit designs; ensure that there are adequate laundry facilities for the existing apartments; evaluate roof-mounted photovoltaic systems; ensure that the new trash enclosures are sufficiently sized to include recycling bins; and, increase the amount of common open space and pedestrian/bicycle pathways.

VI. PROJECT DESCRIPTION

Overall Project

The five proposed buildings with 36 new apartments and recreation area amenities will be constructed in three areas of the Civic Square development: Area A – on the parking/landscape area by the first Bernal Avenue entrance; Area B – by the parking/landscape area near the third Bernal Avenue driveway entrance; and, Area C – on the entire existing office/amenity/recreation area.

As measured by staff, the two- and three-story buildings will be constructed at a height of 26 feet and 36 feet, respectively, measured from grade to the roof ridge. The two story buildings face Bernal Avenue; the two- and three-story buildings are located in the central area of the site. Of the 36 new apartments, the 14 ground floor apartments will be designed and constructed following Universal Design principles with four of the ground floor apartments being designed and constructed to be ADA accessible, e.g., having roll-in showers, and the remaining 10 ground floor apartments designed and constructed to be ADA adaptable. All new apartments will be equipped with residential fire sprinkler systems, and will be covered by an affordable housing agreement designating five units for low-income households in perpetuity and 31 units for moderate-income households in perpetuity. Materials and colors will match the existing development.

The applicant will convert existing open parking spaces to carports to meet the increased resident parking demand and to replace the existing carports removed by the new construction. The new carports are not required by the California Building Code to

be equipped with fire sprinklers. As discussed further in the staff report, the new carport parking will be generally located in the closest, feasible walking distance of the apartments.

Two existing free-standing laundry buildings will be removed for the proposed apartment units. All proposed apartment units will include washers and dryers. As stated to staff, the applicant is converting the existing apartment units to include washers and dryers as they change tenancy.

Comparison of the 36-Unit Development Plan to the City Council’s Direction.

A comparison of the 36-unit proposal to the City Council’s direction is shown on Table 1, below and on the following page.

Table 1: Comparison of the 36-Unit Development Plan to the City Council’s Direction.

	City Council Direction	36-Unit Development Plan
Laundry Buildings	Ensure that adequate laundry facilities are provided for the entire Civic Square development.	All new apartments will have washers and dryers. Existing apartments will have washers and dryers added to them as they change occupancy. Over time, the stand alone laundry buildings will be removed. As conditioned, staff will verify adequate laundry facilities for the existing apartments before issuance of the building permit.
Amenities	Consider removing surplus driveways and visitor parking to provide additional project amenities including play areas, tot lots, bicycle trails, etc.	A group entertaining area and a sun deck with tables and seating and lounge chairs are provided within and by the pool area. The existing tot lot will be retained and relocated. However, no additional bicycle trails or play areas are provided.
Green Building Requirements	Exceed 80 Green Building points for the new construction.	As conditioned, the proposal will achieve a minimum of 100 Green Building points.
Trash Enclosures	Condition the new trash enclosures to be sized to accommodate the new refuse recycling carts.	The Draft Conditions of Approval includes this requirement.
Proposed Density and Affordability	Increase project density above the 15-unit threshold of the City’s Inclusionary Zoning Ordinance. Provide the maximum feasible number of low-income and moderate-income apartments in perpetuity. Consider three-story tall buildings towards the central area of the Civic Square site to achieve this direction.	36 apartments will be provided, of which five apartments are subject to the requirements of the City’s Inclusionary Zoning Ordinance. Five low-income apartments and 31 moderate-income apartments will be provided in perpetuity. Twelve units are provided in two-story buildings and 24 units are provided in the three-story buildings in the central area of the development.

	City Council Direction	36-Unit Development Plan
Photovoltaic Systems	Explore roof-mounted photovoltaic systems.	The clubhouse/office building will feature integrated photovoltaic roof tiles. The existing solar pool heating system will be moved to the roof areas of the new apartment buildings and will feature updated technology.
Disabled Accessibility	Design the new apartments to feature Universal Design principles.	Demolish the entire recreation area and lower its grade elevation to eliminate all access ramps to the parking areas. Design and construct the pool area, leasing office, and gymnasium to be ADA accessible. Design and construct four ground floor apartments to be ADA accessible with roll-in showers and the remaining 10 ground floor units to be ADA adaptable and to feature Universal Design principals.

The 36-unit proposal implements the majority of the Council's direction except for the provision of additional common area for amenities and bicycle trails. This is discussed further in the staff report.

VII. DISCUSSION

General Plan

The Civic Square Apartment site is designated by the Land Use Element of the Pleasanton General Plan as High Density Residential (8+ dwelling units per acre). The proposed project will increase the density from 262 units, or 19.4 dwelling units per acre, to 298 units, or 22.1 dwelling units per acre, consistent with the Pleasanton General Plan. The proposal will also implement Policy 9 of the Land Use Element of the General Plan:

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

Site Design

Area A

Area A – Building C – is shown on the focused site plan of Figure 2, on the following page.

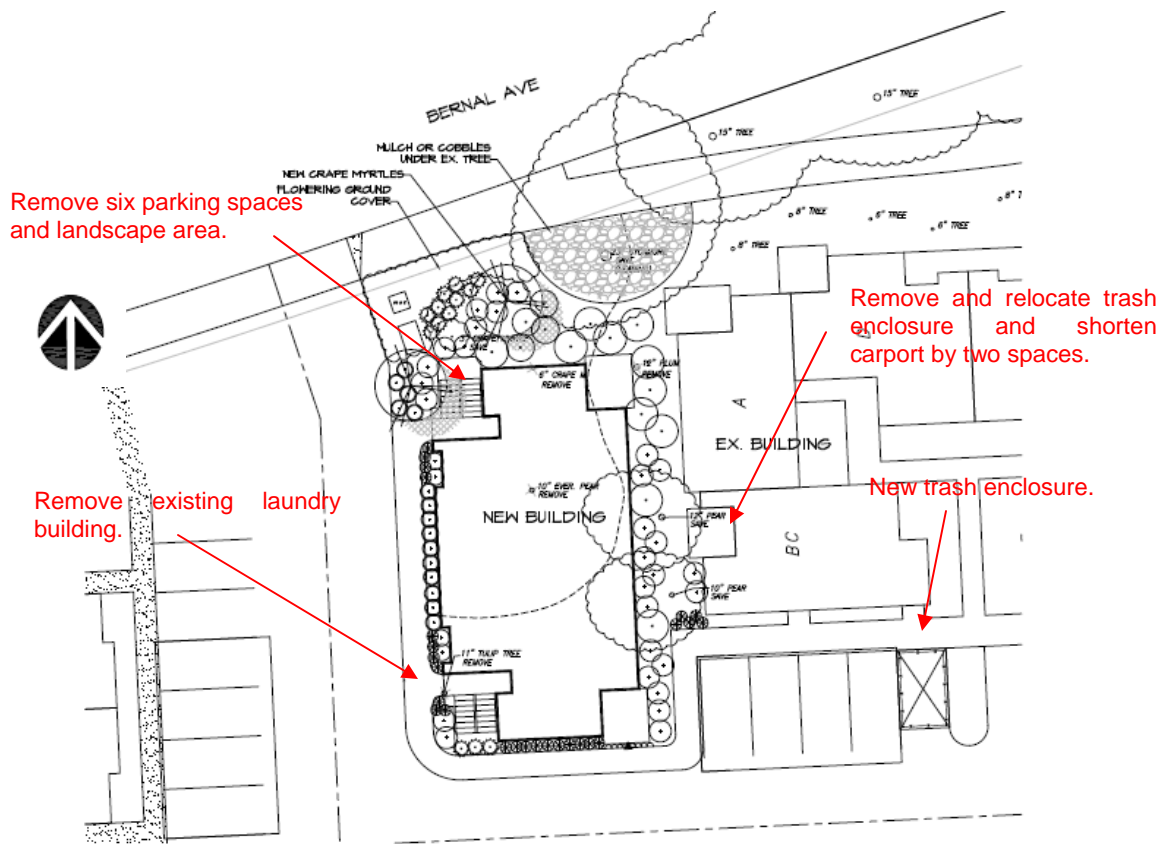


Figure 2: Area A Site Plan and Landscape Plan

As shown in Figure 2, the four-unit building will replace five open parking spaces, will shorten an existing carport by two parking spaces, and will relocate an existing trash enclosure. The Building C setback from Bernal Avenue varies from 18 feet to 26 feet measured from the back-of-sidewalk to the ground floor patio fence. (The existing building setback from Bernal Avenue varies from approximately 15 feet to 55 feet to the corners of patios and buildings.) Two ornamental pear trees will be preserved and two crape myrtle trees, one ornamental plum tree, and one tulip tree will be removed.

Although not shown on Figure 2, the applicant will convert 10 open parking spaces to covered spaces by constructing two new carports by the first Case Avenue project entrance to provide the carport parking either required for, or eliminated by, the new apartments. The new carports are located in close proximity to the apartment units.

Area B

Area B – Building D – is shown on the focused site plan of Figure 3, on the following page.

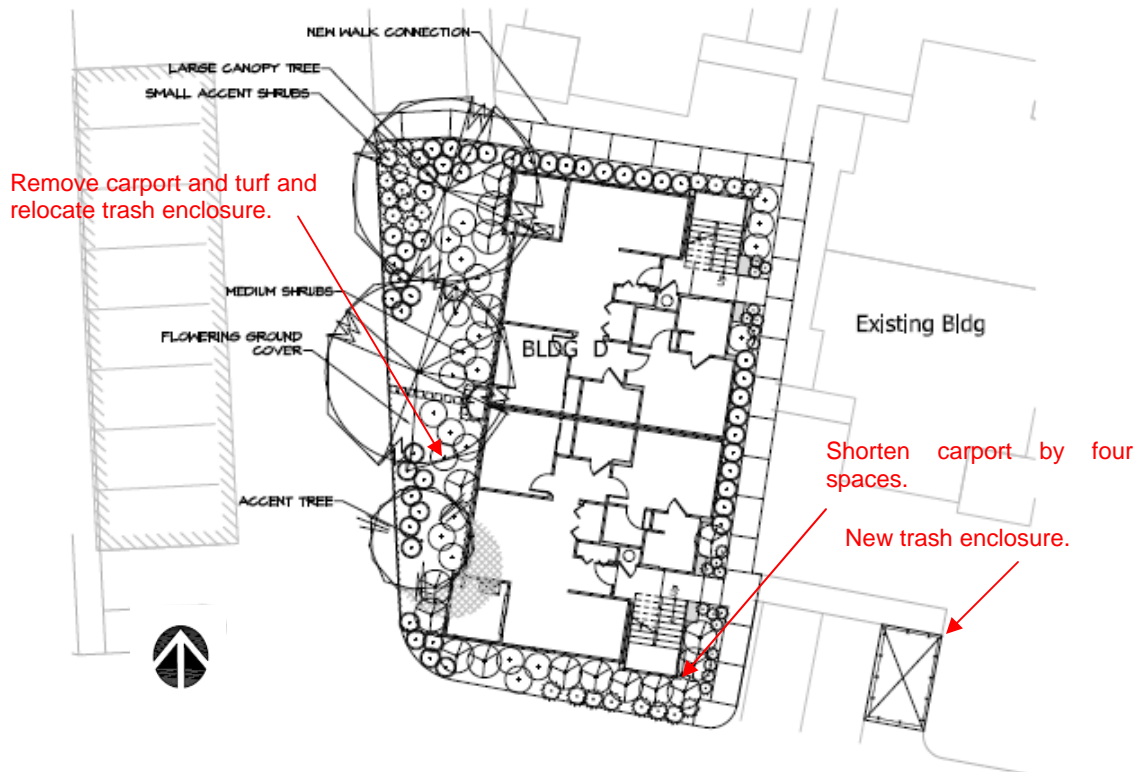


Figure 3: Area B Site Plan and Landscape Plan

As shown in Figure 3, the four-unit building will remove an existing carport with four parking spaces, will shorten an existing carport by four parking spaces, will remove an existing open parking space, and will relocate an existing trash enclosure. The existing landscape is turf which will be removed for the construction of this building.

Although not shown on Figure 3, the applicant will convert eight open parking spaces to covered spaces by constructing two new carports by the second Bernal Avenue project entrance to provide the carport parking either required for, or eliminated by, the new apartments. The new carports are located in close proximity to the apartment units.

Area C

Area C – Clubhouse, Building A, and Buildings B – is shown on the focused site plan of Figure 4, on the following page.

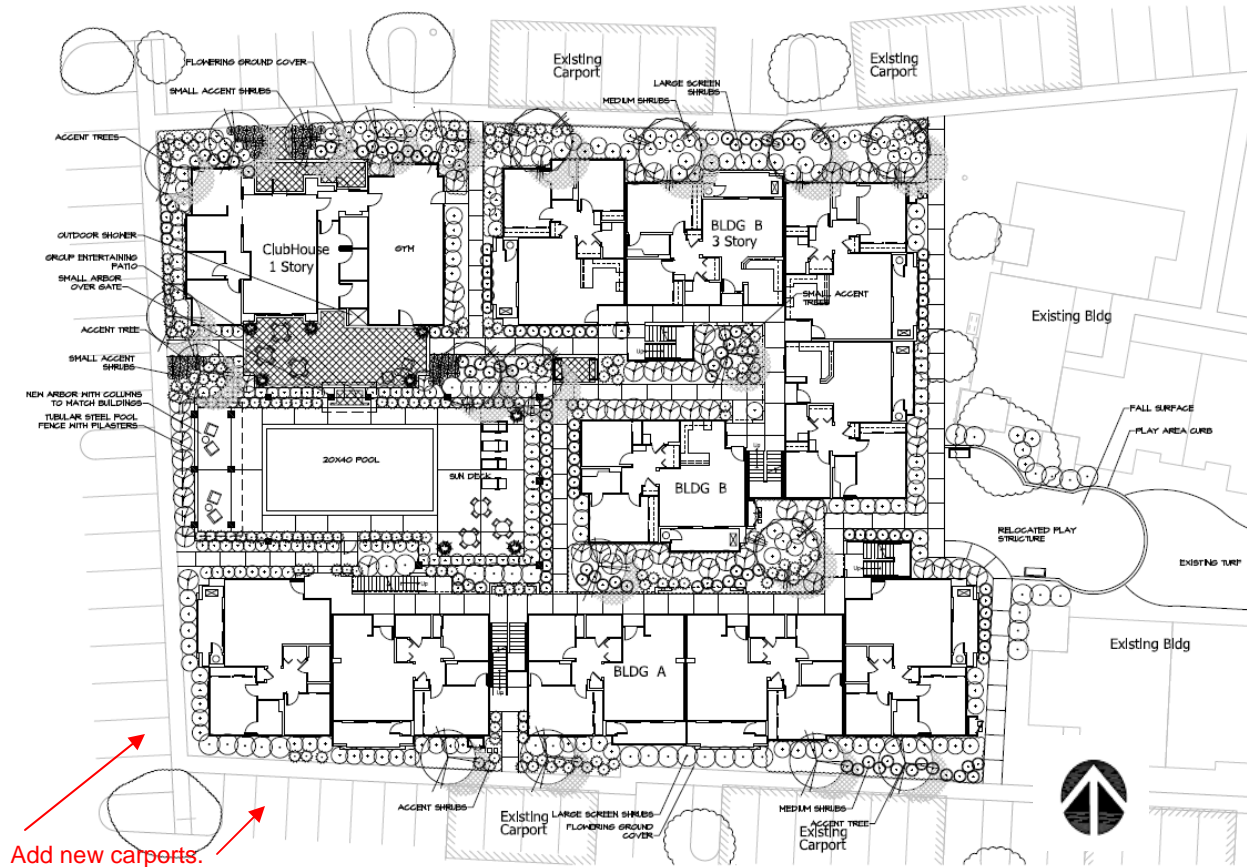


Figure 4: Area C the Rebuilt Recreation/Amenity Area

As shown in Figure 4, the entire central amenity area of the Civic Square including the leasing office, laundry building, swimming pool, and the tennis court and sports court will be removed. This grade elevation of this area will be lowered by three to four feet removing the existing access ramps thereby improving its ADA accessibility to the parking areas. Three new apartment buildings and the new leasing office/resident lounge/exercise room, and a swimming and sun deck will be constructed in this area. There will be no Jacuzzi/spa.

The leasing office building will have integral, roof-mounted photovoltaic panels. The existing free-standing solar pool heating panels will be located to the roof areas of the new apartment buildings and will be updated with new panels. An existing tot lot/play area with its present equipment will be relocated to a new location in the open space between the existing and new apartment buildings.

Although not shown on Figure 4, the applicant will convert 11 open parking spaces to covered spaces by constructing two new carports adjacent to the southwest corner of Area C to provide the carport parking either required for, or eliminated by, the new apartment units.

Fourteen ornamental plum trees, 13 ornamental pear trees, three pepper trees, three redwood trees, and one elm tree will be removed. The elm tree and redwood trees are

considered Heritage trees based on their trunk diameter and/or height; the applicant is conditioned to replace these Heritage trees with twelve, 24-inch box size trees planted throughout the Civic Square apartment site. The applicant concurs to make this change, which is reflected as a draft condition of approval.

Building Design

The proposed includes a building coverage (footprint) of approximately 22,513 square feet for the three project areas including the new clubhouse and the new apartment buildings. The total construction area for the new buildings, sidewalks, etc., but excluding the carports is 36,225 square feet or 0.83 acres. Note that this is gross area and includes the portions of the site already covered in hard surface areas such as the tennis court, sports court, etc.

The proposed buildings will be separated from the development's existing buildings, parking and driveway areas, and from Bernal Avenue by distances comparable to the existing development. New covered parking spaces will be located in close proximity to the new units commensurate with the walking distance between the existing carports and units. Buildings and carports are designed to match to existing development as to colors, materials, and detailing. As required, all new buildings will be designed and constructed to conform to City noise standards and, except for the carports, will include residential fire sprinkler systems. The carports are exempt from the sprinkler requirement by the California Building Code.

Universal Design Principles

As previously stated, the City Council directed the applicant and staff to implement Universal Design Principles in the design of the new apartments for persons with disabilities. As an example of how these principles are translated into building requirements, a copy of the Universal Design Principles (Chapter 7.90, Universal Design, of the Dublin Municipal Code) is attached as Exhibit G. Staff also met with Jessica Lehman, Community Resources for Independent Living, and Carmen Rivera-Hendrickson, Public Authority for In-Home Supportive Services for their advice on accessibility for persons with disabilities. A resident of the Civic Square Apartments, also a person with disability, attended this meeting.

Ms. Lehman and Ms. Rivera-Hendrickson requested roll-in showers for at least one bathroom in each new apartment. As required by the California Building Code (CBC), four ground floor apartments of the proposed project must be designed and constructed to be ADA accessible, which will include roll-in showers. A step-in shower will not satisfy the CBC requirement. The 10 other ground floor units are required to be ADA adaptable upon request, and may use standard bathtubs or showers. All ground floor apartments will feature Universal Design Features, i.e., lever door handles, low-friction faucets, etc., and/or the "roughed-in" construction for future features, e.g., grab bars, etc. The draft conditions of approval address the accessibility requirements for the ground floor units only.

In the opinion of staff, the CBC requirement will be adequate for the proposed project. However, the CBC requires roll-in showers only for the present proposal, where two

bathrooms are provided for each unit. Therefore, the applicant could redesign the units at the building permit stage with fewer than two bathrooms and the roll-in showers will not then be required by the CBC. If the one bathroom option is not acceptable to the Planning Commission, this should be reflected in the conditions of approval.

Inclusionary Zoning Ordinance

The applicant will designate 31 units for moderate income households (120 percent of the Area Median Income [AMI] or an \$85,750 annual income for a two person household) in perpetuity and five units for low income households (80 percent of AMI or a \$57,120 annual income for a two person household) in perpetuity. The Pleasanton Housing Commission reviewed the draft Low- and Moderate-Income Housing Agreement at its February 18th meeting and recommended its adoption to the City Council. At the meeting, Jessica Lehman and Carmen Rivera-Hendrickson spoke on designating some apartments for Very Low Income and Extremely Low Income households. The Draft Housing Agreement and the Housing Commission staff report and meeting minutes are attached as Exhibit E and Exhibit F.

Green Building Measures

The applicant's Multi-Family GreenPoint Checklist is attached as Exhibit D and estimates 110 points for the proposal. The City requirement for multi-family development is a minimum of 50 points. Staff verified 99 points for the proposed development, exceeding the City's 50-point minimum and the Council's direction of greater than 80 points, and determined that an additional 22 points may be achieved with verification of the building plans. Staff believes that a minimum of 100 points can be achieved with verification of the building plans and, therefore, has conditioned the project to achieve this minimum. The applicant concurs to make this change which is reflected as a draft condition of approval

Amenities

Staff supports the proposed amenities for the revised project: a new resident lounge/exercise area, a new group entertaining patio with tables and chairs, a new swimming pool with a sun deck plus arbor, lounge chairs, and tables and chairs. The tot lot will be moved to a new location on the site. There will be no Jacuzzi/spa. As stated previously, the grade elevation of this area will be lowered by three to four feet, removing the existing access ramps, thereby improving its ADA accessibility. Three new apartment buildings and the new leasing office/resident lounge/exercise room, and a swimming and sun deck will be constructed in this area. Staff also supports removing the tennis court and sports court as they are not being used and their removal serves to provide for low- and moderate-income rental housing.

Staff investigated the feasibility of removing driveways and parking areas for additional common area and amenities. The Civic Square Apartment development was designed as a series of building clusters surrounded on four sides by private driveways or by a combination of private driveways and public streets. The Civic Square site plan placed the buildings and apartments within 150 feet of a public/private street or access driveway, the design standard applied at the time to residential developments constructed in the City. The driveways were an alternative to emergency turnarounds.

The majority of the emergency calls for apartments like Civic Square are medical related; by extension, quick response is vital. The Livermore-Pleasanton Fire Department relies upon the existing driveways of the Civic Square apartments for quick response given the number and locations of apartments and carports. Therefore, removing driveways or portions of driveways, even if replaced by turnarounds and/or EVA's with bollards or manual gates, will delay the emergency vehicle response and, for this reason, is not considered desirable given the City's goal of short emergency response times.

Photovoltaic Panels

The leasing office building will have integral, roof-mounted photovoltaic panels. The existing free-standing solar pool heating panels will be located to the roof area of either the two-story or three-story apartment building in the central project area and will be updated with new panels. Staff concurs with the applicant's proposal.

Traffic, Circulation, and Parking

Traffic

The proposed project will generate approximately 252 daily trips or approximately 20 trips during the a.m./p.m. peak hour times. A traffic analysis of the Bernal Avenue/Case Avenue intersection and the Bernal Avenue/First Street/Sunol Boulevard intersection was not required for this application given its relative low trip generation and because these Downtown intersections are exempt from the City's Level-Of-Service policy by the Pleasanton General Plan. Staff notes that the Civic Square Apartments are within walking distance of the Pleasanton downtown, the Route 8 bus stops on Case Avenue for the Livermore-Amador Valley Transit Authority (Monday through Sunday service to BART), and the Altamont Commuter Express train thereby reducing the number of vehicle trips between this development and these amenities and public transit modes.

Public/Private Circulation and Parking

Staff is satisfied that the driveway locations and configurations will continue to efficiently serve the overall development with the additional density.

In sum, the project will convert 54 existing open parking spaces to 36 new carport spaces, replace 12 existing carport parking spaces, 2 trash enclosures, and to accommodate other changes to the site. The proposed project will provide 298 carport parking spaces and 278 open parking spaces for a total of 576 parking spaces at an overall parking ratio of 1.93 parking spaces per dwelling unit. Staff notes that the Civic Square Apartment development may have been constructed with two fewer carports than the number of units. An updated parking tally is required to be provided with the building permit.

The Pleasanton Municipal Code (Section 18.88.030A.3.) defines the minimum parking requirements for multi-family developments. Table 3, below, compares the existing and proposed parking for the Civic Square Apartments, and shows that the proposed parking will exceed the minimum parking required by the Pleasanton Municipal Code for multi-family developments. During the course of its review, staff conducted random site

visits of the Civic Square Apartments, mornings and evenings, weekdays and weekends and observed an adequate parking supply.

Table 3: Existing and Proposed Parking for the Civic Square Apartments

	Existing (262 units)	Proposed (298 units)
Required Parking by the Pleasanton Municipal Code		
Resident Parking¹	395 parking spaces	441 parking spaces
Visitor Parking²	38 parking spaces	43 parking spaces
Total Parking Required by the Pleasanton Municipal Code	433 parking spaces	483 parking spaces
Required Parking Ratio	1.65 parking spaces per dwelling unit	1.62 parking spaces per dwelling unit
Covered Parking	262 parking spaces	298 parking spaces
Visitor Parking	332 parking spaces	278 parking spaces
Total Provided Parking	593 parking spaces	576 parking spaces
Provided Parking Ratio	2.26 parking spaces per dwelling unit	1.93 parking spaces per dwelling unit

¹ For one/two-bedroom units, Section 18.88.030 A.3. of the Pleasanton Municipal Code requires 2.0 parking spaces per dwelling unit for the first four units and 1.5 parking spaces per dwelling unit for each additional unit over four units.

² For visitor parking, Section 18.88.030 A.3. of the Pleasanton Municipal Code requires 1.0 parking spaces per 7.0 dwelling units.

In conformance with Section 18.88.030 A.4., Braddock and Logan allocates one carport parking space to each one- and two-bedroom unit. The remaining open parking will be available to visitors and/or residents.

Landscaping and Existing Trees

Staff supports the proposed landscape plans including the tree preservation, removal, and replacement. Overall, the proposal will remove a total of 39 ornamental trees including 2 crape myrtle trees, 1 elm tree, 14 pear trees, 3 pepper trees, 15 plum trees, 3 redwood trees, and 1 tulip tree. These trees vary in size from 3 inches in diameter to 24 inches in diameter. The elm tree and redwood trees are Heritage size trees based on the trunk diameter or on their height, as verified by the City's Landscape Architect.

Overall, a total of 41 new, 15-gallon and 24-inch box size trees, 1,407 new five-gallon size shrubs, and 536 new one-gallon size shrubs and vines will be planted to replace the existing trees and shrubs to be removed with the new construction. Sixteen, 24-inch box size trees will replace the four Heritage size trees that will be removed. The new trees and shrubs are conditioned to feature drought-tolerant species, possibly precluding the ornamental fruit trees of the existing plant palette. All new and replacement landscape areas will be watered by a drip irrigation system. Where existing trees will be preserved, the tree protection measures will be required at the building permit stage. Given the quality and scope of the applicant's proposal, staff did not require a tree analysis or the estimated value of the Heritage-size trees to be

removed by the new construction. Staff considered this to be an acceptable trade-off given the proposed lowered grade elevation in the central area of the site, where the Heritage trees are located, intended to improve the accessibility of this area of the project for persons with disabilities.

The applicant proposes cobblestones beneath the existing trees facing Bernal Avenue and Case Avenue. The preferred treatment for the long-term health of these trees is an organic mulch. The applicant concurs to make this change which is reflected as a draft condition of approval.

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. For 2010, the City has not issued any new building permits for multi-family residential units or single-family residential units.

VIII. HOUSING COMMISSION ACTION

The Housing Commission held a public hearing on February 18, 2010 to review the attached Moderate- and Low-Income Housing Agreement, Exhibit E, for the 36-unit proposal. Detailed information is provided in the Housing Commission staff report and meeting minutes, Exhibit F. The Housing Commission voted 5-0 to recommend approval of the agreement.

IX. PUBLIC COMMENT

The public noticing map for this application is attached to the Planning Commission's packet as Exhibit J. Public notices were sent to all residents living in the Civic Square Apartment development and to all property owners and tenants within a 1,000-foot radius of the project site. As of the writing of this staff report, staff has not received any verbal or written comments from the public. All verbal/written comments pertaining to this proposal will be forwarded to the Planning Commission.

X. ENVIRONMENTAL ASSESSMENT

The proposal is exempt from environmental review under Section 15332, In-Fill Development Projects, of Article 19, Categorical Exemptions, of the California Environmental Quality Act (CEQA):

"Class 32 is characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic,

noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.”

XI. PUD DEVELOPMENT PLAN FINDINGS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal and proposed modification(s) of an approved development plan. The Planning Commission must make the following findings that the proposed modification of the previous PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

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

The proposed project will provide 31 units of moderate-income rental housing in perpetuity and 5 units of low-income rental housing in perpetuity. The development as designed and conditioned meets all applicable City standards concerning public health, safety, and welfare, e.g., vehicle access, and geologic hazards (new development not within a special studies zone).

Staff, therefore, believes that this finding can be made.

2. Whether the proposed development plan modification is compatible with previously developed properties located in the vicinity of the plan:

The proposed buildings are located in a manner consistent with City standards for adequate emergency vehicle access, and are designed and sited to be integrated with the existing buildings of this development.

Staff, therefore, believes that this finding can be made.

3. Whether the proposed development plan modification is compatible with the natural, topographic features of the site:

The site is essentially flat varying in grade from a 0- to 2.0-percent site grade. The existing recreation area will be removed and the grade elevation lowered by three to four feet, removing the existing access ramps, thereby improving its accessibility to the parking areas.

Therefore, staff believes that this finding can be made.

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

The site is serviced by City infrastructure including public water, sanitary sewer, and storm drain lines and is not subject to flooding. The units will be designed and constructed to achieve City noise standards. Adequate street capacity is available to serve the new units. Erosion control measures will be part of the development's Best Management Practices and will be implemented during all phases of grading and construction.

Staff, therefore, believes that this finding can be made.

5. **Whether adequate public safety measures have been incorporated into the design of the proposed development plan modification:**

- All construction would be designed to meet the requirements of the California Building Code and other applicable City codes, and State of California mandated noise, energy, and accessibility requirements. The proposed units will be equipped with residential fire sprinkler systems.
- The project site is served by public streets and internally by private streets providing adequate access for residents, guests, and emergency vehicles. All streets meet City standards and are adequate to handle anticipated traffic volumes.

Staff, therefore, believes that this finding can be made.

6. **Whether the proposed development plan modification conforms to the purposes of the PUD District:**

The proposed PUD Development Plan modification is consistent with the Pleasanton General Plan and with the surrounding area. The proposed PUD Development Plan implements the purposes of the City's PUD Ordinance by providing 36 new multi-family units for a combination of moderate-income and low-income households. The new units will be in relative close proximity to schools, the Pleasanton downtown area, the City library, and public transit facilities including the ACE train (rail), Wheels (bus), and BART (rail) via Wheels.

Staff, therefore, believes that this finding can be made.

XII. CONCLUSION

The proposal will add 36 new units designated for moderate- and low-income households to the Civic Square Apartment development. The proposal is designed in a manner that is sensitive and compatible with the site and nearby developments. The

proposed clubhouse and four new ground-floor apartments will be constructed to be ADA accessible for persons with disabilities and the remaining 10 ground-floor apartments will be constructed to be ADA adaptable for persons with disabilities. Where feasible, the ground-floor apartments will be designed and constructed to include Universal Design principles. Photovoltaic tiles will be installed on the roof of the office and the existing solar pool heating equipment will be moved to a new building and will be updated with new equipment. The proposed project implements the Pleasanton General Plan, and will provide affordable multi-family rental housing in close proximity to the downtown, public transit, and schools. Staff, therefore, believes that the proposed development merits a favorable recommendation from the Planning Commission.

XIII. STAFF RECOMMENDATION

Staff recommends the Planning Commission forward Case PUD-84-21-04M to the City Council with a recommendation of approval by taking the following actions:

1. Find that the proposed PUD Development Plan modification conforms to the applicable goals and policies of the Pleasanton General Plan; and,
2. Make the PUD Development Plan Findings 1 through 6 stated in the Planning Commission staff report and adopt a resolution recommending approval of Case PUD-84-21-04M subject to Exhibit A, Draft Conditions of Approval.

Staff Planner: Marion Pavan, (925) 931-5610, mpavan@ci.pleasanton.ca.us