

**EXHIBIT A.1  
DRAFT CONDITIONS OF APPROVAL**

**P16-1386, P17-0155 & PUD-113  
6900 Valley Trails Drive  
March 22, 2017**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. The PUD development plan shall lapse in accordance with the terms and conditions set forth within the approved Development Agreement (P17-0155).
2. Unless otherwise specified in the conditions of approval and the Development Agreement, all uses and site development standards for the single-family homes shall be those of the R-1-6,500 District.
3. The developer shall be responsible for conducting dust and vermin control prior to and during grading of the property. The developer shall submit a dust and vermin program to the Planning Division for review and approval prior to issuance of a grading permit.
4. The applicant/developer shall submit a site-specific health risk assessment/air quality report that analyzes air pollution from I-680. The report shall be subject to the review and approval of the Planning Division prior to submitting plans to the Building and Safety Division for plan check. Any recommendations/mitigations deemed warranted by the Director of Community Development shall be incorporated into the plans submitted to the Building and Safety Division for plan check and permit issuance.
5. Parcel C shall not be dedicated to the City and shall be merged with the private clubhouse lot (Lot 11). This shall be reflected on all applicable plans submitted to the City for review and approval prior to issuance of grading and/or building permits. Said parcel shall be landscaped and maintained by the project homeowners association.
6. The two new paved pedestrian/bicycle pathways located at the southern end of the two new cul-de-sacs that will connect the development to Valley Trails Park shall be widened to a minimum of 7 feet, but no more than 8 feet.
7. The plans submitted to the Building and Safety Division for plan check and permit issuance shall include elevation drawings, with color and materials noted, and a floor plan for the private clubhouse. The private clubhouse shall be architecturally compatible with, and designed with the same color and material palette as, the new single-family homes. The plans submitted to the Building and Safety Division for plan check and permit issuance shall be subject to the review and approval of the Director of Community Development prior to issuance of building permits.
8. Details of any proposed fencing and/or gates for the private clubhouse's lot and/or parking lot shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Director of Community Development prior to issuance of building permits.

9. The garage doors for the single-family homes shall be automatic opening sectional roll-up doors. The applicant shall provide garage door design and material details to the satisfaction of the Director of Community Development. The garage door details shall be included in the plans submitted to the Building and Safety Division for plan check. The garage doors shall be subject to the review and approval of the Director of Community Development prior to the issuance of a building permit.
10. The developer shall pay any and all fees to which the property may be subject to prior to issuance of permits, unless different timing is set forth in the development agreement or affordable housing agreement. The type and amount of the fees shall be those in effect at the time the permit is issued, unless provided in a development agreement or affordable housing agreement.
11. 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 garages. Each resident shall utilize the garages for the parking of vehicles only. In addition, boats, trailers, campers, motor homes, and other recreational vehicles shall not be parked or stored on the private clubhouse's lot. Residents, guests, etc. shall only park in the clubhouse's parking plot if they are utilizing the clubhouse at that time. 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.

#### Fencing and Landscaping

12. Fencing shall generally conform to the fencing details shown in Exhibit B, on file with the Planning Division. The plans submitted to the Building and Safety Division for plan check and permit issuance shall clearly show the location and include details (height, style, and material) of the fencing and shall be subject to the review and approval of the Community Development Director prior to issuance of building permits.
13. Prior to removal and/or installation of fencing proposed on shared property lines of the Valley Trails residents located on the northern side of the project, written permission from the property owner to allow the project's new fencing on the shared property line shall be provided to the City. If the property owner does not provide written consent for a fence to be installed on the shared property line, then the fencing and footings shall be located entirely on the project site. The written permission and locations and details for the fencing on the shared property lines shall be submitted to the Community Development Director prior to issuance of building permits or installation of the fencing.
14. Fencing on property lines that adjoin City property shall be the sole responsibility of the applicant and future property owner(s). The City shall not be responsible for maintaining and/or replacing any fencing. Should the City need to remove/modify fencing, replacement and/or costs for fencing shall be the responsibility of the property owner.
15. The applicant shall not remove the trees located within Valley Trails Park (Nos. 234-242, 244, and 245), as referenced in the HortScience Tree Report, dated "February 7, 2016," Exhibit G), on file with the Planning Division. Tree Nos. 243 and 246 are located on

shared property lines and shall not be removed unless: 1) a survey of the property line(s) clearly indicate(s) that the tree(s) is/are located entirely on 6900 Valley Trails Drive; or 2) a letter of consent for tree removal, from the City's Landscape Architect for tree No. 243 and a letter from the property owner of 3731 Yosemite Court for tree No. 246, is provided to the Planning Division. 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 City's Landscape Architect) generally along the existing tree drip lines to be saved, as shown on the plans. The fencing shall remain in place until the final landscape inspection by the City's Landscape Architect. 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 and the City's Landscape Architect prior to issuance of a building permit.

16. The City's Landscape Architect or his/her designee shall be on-site prior to any grading, construction activity, pruning, etc. near and/or under any of the trees within Valley Trails Park. The applicant, project developer, contractor, and/or responsible party, shall contact the City's Landscape Architecture Division at least 48 hours in advance of any scheduled work that will occur near, under, and/or on said trees. Approval by the City's Landscape Architect or his/her designee shall be obtained prior to commencing such work.
17. Any proposed pruning of the trees to be retained, as indicated in the HortScience Tree Report, dated "February 7, 2017," to accommodate the proposed development shall be subject to approval by the City Landscape Architect prior to pruning. Pruning shall be conducted by a certified arborist familiar with the International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Arboriculture, Tree Pruning Guidelines, current edition, to maintain the health of the trees. In addition, the following tree preservation methods shall be followed for the trees to be preserved:
  - a. The applicant shall utilize his best efforts to locate any new utility trenches outside the dripline of the existing trees to be saved. If this is not feasible, then the applicant shall submit a report from a certified arborist acceptable to the City that indicates the trenching will not be detrimental to the health of the tree.
  - b. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
  - c. No signs, wires, or ropes shall be attached to the trees.
  - d. No stockpiling/storage of construction materials, fill, etc., shall take place underneath or within 5' of the dripline of the existing trees.
  - e. No equipment or temporary structures shall be placed within or beneath the dripline of the existing trees.

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

18. 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 three years following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.
19. Unless otherwise specified in these conditions of approval, all trees used in landscaping shall be a minimum of twenty-four (24) box-size and all shrubs shall be a minimum of five (5) gallons.
20. The final landscape and irrigation plan shall be submitted to and approved by the Director of Community Development and the Landscape Architecture Division as part of the building permit plan set prior to issuance of a building permit. Plant species shall be drought tolerant in nature with an irrigation system that maximizes water conservation (e.g., drip system). All landscaping and irrigation in the common areas shall be installed prior to final inspection by the Planning Division of the last lot developed. The private lot landscaping and irrigation indicated on the approved plans shall be installed before each house final, and reviewed and approved by the Landscape Architecture Division.
21. The project shall comply with the State of California Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. Prior to issuance of a Building Permit, the applicant shall submit the following documentation to the Planning Division:
  - a. Landscape Documentation Package, which includes date; project applicant/contact information; project address; total landscape area; project type (new, rehabilitated, public, private, cemetery, homeowner-installed); water supply type (potable, recycled, well, greywater, combination of potable/greywater); and applicant signature/date with the statement that "I agree to comply with the requirements of the prescriptive compliance option of the Water Efficient Landscape Ordinance."
  - b. Landscape Plan documenting: incorporation of compost at a rate of at least 4 cubic yards/1,000 square feet; compliance with the plant material criteria; compliance with the turf criteria; and compliance with the irrigation system criteria.

#### Green Building and Water Conservation

22. The current State of California's Green Building Standards Code, "CALGreen," shall apply, as applicable.
23. All new buildings shall be constructed to allow for future installation of a photovoltaic (PV) system and solar water heating systems. The project applicant shall comply with the following requirements for making all new dwelling units photovoltaic-ready and solar-water-heating-ready:
  - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;

- b. An area shall be provided near the electrical panel for the installation of an “inverter” required to convert the direct current output from the photovoltaic panels to alternating current;
- c. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a prototypical photovoltaic system beyond that anticipated for roofing;
- d. Plumbing shall be installed for solar-water heating; and
- e. Space shall be provided for solar-water-heating tank.

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

- 24. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to the recordation of a Parcel Map, issuance of a grading permit, issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton’s Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project’s water demand.
- 25. Prior to issuance of a building permit, unless different timing is set forth in the development agreement, the applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the developer shall pay any applicable Dublin-San Ramon Services District (DSRSD) sewer permit fee.
- 26. Only recycled water shall be used on the site during the grading and construction periods, and this specification shall be included on all grading plans and other construction documents.

Building and Construction Details

- 27. The stucco finish for the single-family homes and private clubhouse shall be smooth and hand-troweled. If the applicant can demonstrate to the satisfaction of the Director of Community Development that the appearance of hand-troweled stucco can be achieved mechanically, mechanical application of the stucco is allowed. Prior to issuance of a building permit, the applicant shall submit a finished stucco sample for the buildings. The stucco sample shall be subject to the review and approval of the Director of Community Development prior to application/installation on the buildings.
- 28. 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. All windows shall have sills and/or trim that is appropriate to the architectural style of the home, as deemed appropriate by the Director of Community Development. Where used, simulated mullions must appear real and be on at least one side of the glass. Windows shall be recessed a minimum of two inches from the outside face of wall not including the depth of the trim surrounding the windows. No reflective glass is allowed. The window glazing shall be clear with no tint.

29. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.
30. The project developer shall provide a construction plan with the building permit plan set for review and approval by the Director of Community Development and Chief Building Official before issuance of a building permit. The construction plan shall show the proposed location of materials and equipment storage, scaffolding, safety measures to protect the public from construction activities, temporary fencing, construction trailers, parking of construction vehicles, location of portable toilets, etc. Said plan shall be designed to minimize the loss of public parking spaces and, if any need to be lost, to minimize the length of the time they are used for construction-related activities.
31. 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 the light fixtures for the exterior of the buildings.
32. 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, Saturdays, or Sundays. Except that interior construction activities (installation of flooring, cabinets, painting, etc.) may be allowed on Saturdays and Sundays, subject to the approval of the Director of Community Development. 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.
33. The applicant/developer/responsible party shall create and complete a "Conditions of Approval" checklist indicating that all conditions in Exhibit A.1 have been satisfied, incorporated into the plans, and/or addressed. Said checklist shall be attached to all plan checks submitted for review and approval by the City prior to issuance of permits.

#### Agreements and Legal Documentation

34. At the time of recordation to subdivide the project site into 36 parcels plus four common area parcels, the applicant/project developer shall record Conditions, Covenants and Restrictions (CC&R's) which shall create a homeowners association for the development.

The association shall be responsible for the maintenance of all common utilities and stormwater treatment measures/areas, common access driveway and parking, the private clubhouse, and street, front yard and common landscaping and irrigation. The buildings, private side and rear yard 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.

35. 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 private clubhouse and related lot are subject to the Development Agreement.
  - b. That the residents, tenants, guests, etc., are prohibited from parking within the private clubhouse's parking lot, except during times that they are approved to use the clubhouse.
  - c. That boats, trailers, campers, motor homes, and other recreational vehicles are prohibited from being parked or stored on lot 11.
  - d. 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 garages of the homes and that each resident shall utilize the garages for the parking of vehicles only.
  - e. On-street residential trash, recycling, and green waste cans/bins and on-street parking shall not encroach on required Fire Department access.

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 recordation of the final map, and shall be recorded over the project site by separate instrument.

36. The project developer shall provide all initial buyers with copies of the project conditions of approval.

#### Climate Action Plan

37. The project shall meet or exceed the Title 24 requirements in effect at the time of building permit issuance. This requirement and the specific components of compliance shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development and Chief Building Official prior to issuance of a building permit.
38. Rain gutters shall discharge into landscaping or designated stormwater areas where feasible. These details shall be shown on the plans submitted to the Building and Safety Division for plan check and are subject to the review and approval of the Director of Community Development prior to building permit issuance.

## **Engineering Department**

39. The applicant shall not encroach onto properties located outside of the development area (i.e., Valley Trails Park or properties along the north and northeastern end of the project boundaries). If encroachment is necessary for construction purposes, the applicant shall provide the City with written permission from the property owner authorizing the applicant to encroach onto their property prior to the encroachment. Consent from the City shall be required if encroachment within Valley Trails Park and/or public right-of-ways is necessary prior to encroaching.
40. The utilities shall be labeled public or private on the improvement plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.
41. The applicant shall submit an exhibit of items to be maintained by the City and the Homeowners/Maintenance Association with the first submittal of the CC&Rs. The exhibit shall be subject to the review and approval of the Engineering Department prior to recording the CC&Rs.
42. The Homeowners/Maintenance Association shall maintain all planter strips located between the back of street curb and sidewalk including street trees, plants and irrigation located on Streets A, B, and C and along the development's Valley Trails Drive frontage.
43. Unless otherwise approved by the City, the private clubhouse shall have separate domestic and irrigation water meters with a City-approved backflow device. The meters and backflow device shall be screened from views. Details of the water meters and backflow device shall be shown on the improvement plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.
44. The applicant shall reconstruct the two existing curb ramps at the intersection of Lassen Street and Valley Trails Drive. Said ramps shall meet current City of Pleasanton and California accessibility or California Building Code accessibility standards. Details of the curb ramps shall be shown on the improvement plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.
45. The applicant shall reconstruct the curb, gutter, and sidewalk along the project frontage on the east side of Valley Trails Drive as determined to be deficient or non-California-accessible-compliant by the City Engineer at the time of issuance of the grading permit.
46. The applicant shall perform asphalt pavement repairs on the northbound Valley Trails Drive travel way along the project frontage as determined to be deficient by the City Engineer at the time of issuance of the grading permit.
47. The applicant shall apply a slurry seal treatment and restore the pavement markings and markers and traffic lines to northbound and southbound Valley Trails Drive with limits from gutter lip to gutter lip and along the development's frontage. Details of the slurry seal treatment, pavement markings and markers, and traffic lines shall be shown on the



improvement plans submitted to the Engineering Department for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.

48. The applicant shall abandon all unused overhead and underground utilities, including but not limited to water meters and laterals and sewer laterals, per City Standards. Details of the abandonment of unused overhead and underground utilities shall be shown on the improvement plans submitted to the Engineering Department for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.
49. The applicant shall submit evidence of compliance with the State General Construction Permit prior to approval of the grading plans.
50. New electrical transformers shall be placed underground or screened from view. Details of the new electrical transformers shall be shown on the improvement plans submitted to the Engineering Department for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.
51. No above ground utility facilities/structures shall be located between the face of curb and the far limit of the public service easement. Smaller utility boxes (pedestals, etc.) may be allowed above ground if it can be demonstrated to the satisfaction of the City that such utilities are adequately screened.
52. The applicant's engineer shall submit certification, signed and stamped by a registered civil engineer, with the first submittal of the improvement plans to the Engineering Department that the sewer design flow criteria and sewer construction intent conforms to the requirements of the City of Pleasanton. The sewer design flow criteria and sewer construction intent shall be subject to the review and approval of the City Engineer.
53. The applicant's engineer shall submit sanitary sewer demand calculations, signed and stamped by a registered civil engineer, with the first submittal of the improvement plans to the Engineering Department. The calculations shall be subject to the review and approval of the City Engineer.
54. The project shall collect and convey all stormwater entering and/or originating from the development to an adequate downstream drainage facility. The applicant shall submit hydrologic and hydraulic calculations for a 10-year storm event, signed and stamped by a registered civil engineer, with the Improvement Plans to the Engineering Department for review and approval.
55. The applicant shall install purple irrigation pipes for public landscape areas and private landscape areas maintained by the Homeowners/Maintenance Association. When recycled water becomes available to the subdivision, the Homeowners/Maintenance Association shall commence connection to the recycled water system at such time in the future as is deemed necessary by the City Engineer. Upon notification that the work is necessary, the Homeowners/Maintenance Association shall commence construction within a reasonable time thereafter and shall diligently pursue the work to completion. Details of the purple irrigation pipes shall be shown on the improvement plans submitted

to the Engineering Department for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.

56. The applicant shall provide a copy of the geotechnical report signed by the engineer of record in PDF concurrently with the first plan review submittal of the improvement plans and final map to the Engineering Department. The geotechnical report may be peer-reviewed by the City's on-call geotechnical consultant. Prior to recordation of the final map, the project developer's civil engineer and/or geotechnical engineer shall satisfactorily address all comments and/or recommendations by the City's on-call consultant as determined by the City Engineer.
57. The applicant shall reconstruct any non-ADA-compliant and/or uplifted and deficient sidewalk and curb and gutter along the project frontage identified prior to the issuance of the first construction permit by the Building and Safety Division.

### **Landscape Division**

58. The applicant/project developer shall pay the City an amount not to exceed \$177,800 to design and construct the proposed improvements within Valley Trails Park as proposed on the "Conceptual Improvement Plan" for the Valley Trails Linear Park dated July 26, 2016, including the conversion of portions of lawn to drought tolerant plant material and installation of the tot lot and the concrete paths to the tot lot.
59. Should the City Council approve the installation of a public restroom(s) within Valley Trails Park, the applicant shall submit a payment not to exceed \$367,500 to design and construct the restroom(s). Should the City Council deny the installation of a public restroom(s) within Valley Trails Park, the applicant shall submit a payment of \$300,000 for Valley Trails Park improvements to be determined by the City.
60. The species, spacing, and irrigation method of the new street trees along Valley Trails Drive shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance. The trees shall be subject to the review and approval of the City's Landscape Architect prior to issuance of permits.
61. The applicant/project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc., dated "Received February 7, 2017," on file with the Planning Division. 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.
62. The applicant/project developer shall mitigate the removal of all trees listed on the tree report that are proposed for removal by making a payment to the Urban Forestry Fund based on the appraised value of the trees. The applicant shall receive a credit of \$200 for 15 gallon trees, \$400 for 24" box trees, and \$750 for 36" box trees. The credit shall be subtracted from the total value of the appraised trees prior to payment. In the case that the credit for proposed trees is greater than or equal to the value of the appraised trees then no payment shall be required. The payment shall be paid in full prior to issuance of an engineering permit.

### **Livermore-Pleasanton Fire Department (LPFD)**

63. Automatic fire protection system plans, stamped by the design professional, shall be submitted with the plan check plans submitted to the Building and Safety Division and shall be subject to the review and approval of the LPFD prior to issuance of building permits.
64. Red curbing shall be installed/applied for a distance of 20 feet on both sides of all proposed hydrants. 26 feet of unobstructed road width at a minimum distance of 40 feet shall be required at each hydrant location. The hydrant locations and the location of no parking areas and the manner of marking shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the LPFD prior to issuance of building permits.

### **Traffic Division**

65. Prior to issuance of permits, the project developer shall submit a cash bond, not to exceed \$50,000, to the City's Traffic Division. As determined by the City's Traffic Engineer, the bond shall be used to fund a traffic study and associated traffic calming improvements within the Valley Trails Neighborhood. The bond shall be retained for one year from the Building and Safety Division's final inspection date of the last home constructed within the new development. Any unused funds shall be returned to the applicant.
66. Prior to issuance of permits, the project developer shall post a bond with the City's Traffic Division for the value (plan specifications, permit fees, construction materials, construction labor, etc.) of installing a stop sign with pedestrian crossing and any associated improvements at the entry of the new development. Within one year from the Building and Safety Division's final inspection date of the last home constructed within the new development, the City's Traffic Engineer shall determine whether a stop sign at the new development is warranted. If the City's Traffic Engineer has determined that a stop sign is not necessary at the new development's entrance, the bond shall be released. If a stop sign is necessary, the City shall use the bond to complete the necessary stop sign improvements.
67. The existing bus stop located along the project's frontage shall be preserved in or near its current location. The developer shall upgrade the sidewalks to include an accessible pad between the sidewalk and the curb, including sufficient ADA clearances and intersection/driveway curb ramps in the immediate vicinity of the bus stop area. The bus stop improvements and/or changes shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval by the City and LAVTA (Livermore Amador Valley Transit Authority) prior to issuance of permits or removal of the sidewalk or bus stop.
68. The applicant or responsible party shall pay any traffic impact fees for the development as determined by the City Traffic Engineer. This fee shall be paid prior to issuance of a permit, unless otherwise stated in the development agreement.
69. Comprehensive traffic control measures shall be implemented during construction, including scheduling of major truck trips and deliveries, to avoid peak travel hours. If

necessary, as determined by the Traffic Engineer, proper lane closure procedures such as flagger stations, signage, cones, and other warning devices shall be implemented during construction.

70. The haul route for all materials to and from the project site shall be approved by the City's Traffic Engineer prior to issuance of a building permit, and shall include the provision to monitor the street surfaces used for the haul route so that any damage and debris attributable to the haul trucks is identified and corrected at the expense of the project applicant or developer.
71. The plans submitted to the Building and Safety Division for plan check shall include improvement plans for this development that contain signage and striping details. Said improvement plans shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.

## **STANDARD CONDITIONS**

### **Planning Division**

72. The proposed Planned Unit Development Plan shall conform substantially to the project plans, colors and materials, and arborist report, Exhibit B, dated "Received January 11, 2017," on file with the Planning Division, except as modified by these conditions of approval. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance to the approved exhibits.
73. All conditions of approval shall be attached to all building permit plan check sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, building design, building colors or materials, green building measures, landscape material, etc.
74. The approved building colors and materials shall be indicated on the final building permit plans. Any proposed revisions to these approved colors or materials must be submitted for review and approval by the Director of Community Development prior to building permit issuance and/or painting/installation.
75. The height of the structures shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit B or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.
76. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and

Director of Community Development certifying that the pad elevation(s) and building location (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.

77. All HVAC condensing units shall be shown on the plans and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance. All HVAC condensing units shall be screened from views from public rights-of-way.
78. Prior to building permit submittal, a list of the green building measures used in the design of the new buildings, covered by this approval, shall be provided to the Planning Division for the review and approval by the Director of Community Development. The new buildings covered by this approval shall be designed to achieve a “certified rating” of a minimum of 50 total points, achieving at least the minimum points in each category, using BuildItGreen’s **current** GreenPoints rating system for new single-family home development.

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

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

79. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

### Landscaping

80. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
81. 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.

82. 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.
83. The developer and future property owners 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.
84. The developer and/or future property owners are encouraged to use best management practices for the use of pesticides and herbicides.

### **Construction**

85. 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.
86. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
87. 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.

### **Building and Safety Division**

88. 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.
89. Prior to issuance of building 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 waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

### **Engineering Department**

90. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
91. The project developer shall comply with the recommendations of the project's geotechnical consultant. The project developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated

into the development. The consultant shall certify by writing on the improvement 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.

92. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.
93. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
94. 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.
95. 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, and shall address the need to schedule major truck trips and deliveries during off peak travel times, to avoid peak travel congestion. It shall also include the provision to monitor the street surfaces used for the haul route so that any damage and debris attributable to the haul trucks is identified and corrected at the expense of the project applicant or developer.
96. 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 and includes but is not limited to slurry seal, overlay, restoration of landscaping and irrigation system, signing, striping, pavement marking or street reconstruction if deemed warranted by the City Engineer.
97. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
98. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
99. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
100. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.

101. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a subdivision grading permit.
102. The project developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place.
103. The project developer shall be responsible for the installation of the street lighting system serving the development. The street lights shall be LED units per City requirements and PG&E standard details, unless otherwise specifically approved. 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.
104. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
105. All existing drainage swales that are filled shall have subdrains installed unless otherwise approved by the City Engineer and the developer's soils engineer. All subdrains shall have cleanouts installed at the beginning of the pipe. The end of the pipe shall terminate in a storm drain or other storm drain outfall, subject to the approval of the City Engineer. The applicant's engineer shall submit a final subdrain location map to the City Engineer prior to acceptance of the public improvements. It shall be the responsibility of the homeowner to relocate a subdrain, if during the excavation of a pool or other subsurface structure, a subdrain is encountered. All owners within the subdivision shall receive notice of the presence of these subdrains. The City Attorney shall approve said notice.
106. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydromodification worksheets, etc., shall be submitted as part of the improvement plans.
107. The minimum grade for the gutter flowline shall be set at one percent where practical, but not less than 0.75% unless otherwise approved by the City Engineer.
108. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.



109. 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.
110. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
111. 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.

### **Livermore-Pleasanton Fire Department (LPFD)**

112. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
113. 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.
114. 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:
  - a. 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.
  - b. Backflow prevention or connections to the public water mains.
115. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.
116. 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. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height, measured to the roof eave, above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.
- d. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
- e. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
- f. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.

### **Community Development Department**

- 117. 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.
- 118. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design has significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.
- 119. 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 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.

120. 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 desire to retain any well and make provisions to save the well.

### **CODE CONDITIONS**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

#### **Building and Safety Division**

121. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
122. The project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
123. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
124. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

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

125. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
126. Fire flow for residential construction shall follow the 2013 California Fire Code Appendix B. The Fire Marshall has the discretion to reduce the flow this project. In no case shall the fire flow be less than 1,500 gallons per minute.
127. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA 13D for residential occupancies.
128. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the

smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.

129. 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."
  - a. 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.
  - b. All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
  - c. All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
130. 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.
131. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
132. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.
133. The building(s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

### **URBAN STORMWATER CONDITIONS**

134. The project developer shall include erosion control measures, prepared and signed by the Qualified Storm Water Pollution Prevention Plan Developer (QSD), on the final

grading plan, subject to the review of the City Engineer. These erosion control measures shall be as required by the state's Construction General Permit. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the project QSD and the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place, site is stabilized and Notice of Completion (NOC) has been filed with the State Regional Water Board and/or accepted by City.

135. Homeowner Association / Maintenance Association shall be responsible for annual inspection, maintenance, and reporting of all stormwater NPDES facilities in accordance with the Operation and Maintenance Agreement executed between the City of Pleasanton and the applicant and recorded at the Alameda County Recorder's office.
136. The project shall comply with the City of Pleasanton's Stormwater NPDES Permit #CAS612008, dated November 19, 2015, and amendments (hereafter referred to as NPDES Permit). This NPDES Permit is issued by the California Regional Water Quality Control Board, San Francisco Bay Region (hereafter referred to as Regional Water Quality Control Board). Information related to the NPDES Permit is available at the City of Pleasanton Community Development Department, Engineering Division, and on line at:
  - <http://www.ci.pleasanton.ca.us/business/planning/StormWater.html>
  - [http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml)

### **Design Requirements**

NPDES Permit design requirements include, but are not limited to, the following:

- a. Source control, site design, implementation, and maintenance standards when a regulated project (such as a residential subdivision project) creates and/or replaces 10,000 square feet or more of impervious surface, including roof area, street, and sidewalk.
  - b. Hydromodification standards when a regulated project creates and/or replaces a total impervious area of one acre or more.
  - c. Compliance with a Diazinon pollutant reduction plan (Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
  - d. Compliance with a Copper Pollutant Reduction Plan and a Mercury Pollutant Reduction Plan.
137. The following requirements shall be incorporated into the project:

- a. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and onsite drainage control measures including bioretention swales. Irrigated bioretention swales shall be designed to maximize stormwater entry at their most upstream point. The grading and drainage plans shall be subject to the review and approval of the City Engineer prior to the issuance of a grading or building permit, whichever is sooner.
- b. In addition to natural controls, the project developer may be required to install a structural control(s), such as an oil/water separator(s), sand filter(s), or approved equal(s) in the parking lot and/or on the site to intercept and pre-treat stormwater prior to reaching the storm drain. The design, location(s), and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. The structural control shall be cleaned at least twice a year (once immediately prior to October 15 and once in January).
- c. The project developer shall submit to the City Engineer the sizing design criteria and calculations for a hydromodification facility, if required, and for the treatment of stormwater runoff. The design criteria and calculations shall be subject to the review and approval of the City Engineer and shall be submitted prior to the issuance of a grading or building permit, whichever is sooner.
- d. Building/Structures shall be designed to minimize the occurrence and entry of pests into buildings, thus minimizing the need for pesticides, as determined by the Chief Building Official prior to the issuance of a building permit.
- e. The project's landscape and irrigation plans shall be designed to: 1) minimize the use of fertilizers and pesticides that can contribute to stormwater pollution; and 2) promote surface infiltration. Prior to the installation of project landscaping and irrigation, the project landscape architect shall submit a landscaping and irrigation plan to the City Engineer for review and approval and submit written verification stating the project incorporates the following:
  - i. Plants tolerant of saturated soil conditions and prolonged exposure to water in areas that provide detention of water.
  - ii. Plants and soil amendments appropriate to site specific characteristics such as topography and climate.
  - iii. Landscaping and irrigation consistent with Bay-Friendly Landscaping.
  - iv. Water conservation techniques to promote surface infiltration.
- f. All metal roofs, gutters, and downspouts shall be finished with rust-inhibitive finish/paint as determined by the Chief Building Official.
- g. All projects using architectural copper roofing, gutters, downspouts, etc., shall utilize the following Best Management Practices for use and maintenance:

- i. During installation, copper material shall be pre-patinated at the factory. If patination is done on-site; collect the rinse water in a tank and haul off-site for disposal. With prior authorization from Dublin San Ramon Services District (DSRSD), you may collect the rinse water in a tank and discharge to the sanitary sewer. Optionally, consider coating the copper materials with a clear coating that prevents further corrosion and stormwater pollution. The clear coating, if utilized, shall be reapplied (as recommended by the coating manufacturer) to maintain its efficacy.
- ii. During maintenance, the following applies during washing and patination:
  1. Minimize washing of architectural copper as it damages the patina and any protective coating.
  2. Block all storm drain inlets downstream of the wash.
  3. Collect in a tank and dispose off-site, or discharge the wash water to the sanitary sewer (with prior authorization from DSRSD).
- h. During re-patination, collect the rinse water in a tank and dispose off-site or discharge to sewer (with prior authorization from DSRSD).
- i. Roof drains shall drain away from the building foundation. Stormwater flow shall drain to a landscaped area or to an unpaved area wherever practicable as determined by the City Engineer/Chief Building Official.

### **Construction Requirements**

138. The project shall comply with the "Construction General Permit" requirements of the NPDES Permit for construction activities (including other land disturbing activities) that disturb **one acre or more** (including smaller sites that are part of a larger common plan of development).

Information related to the Construction General Permit is on line at:

- [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)
  - [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/finalconstpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf)
- a. The Construction General Permit's requirements include, but are not limited to, the following:
    - i. The project developer shall obtain a construction general permit (NOI) from the Regional Water Quality Control Board to discharge stormwater, and to develop and implement stormwater pollution prevention plans.

- ii. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. A copy of the approved SWPPP, including all approved amendments, shall be available at the project site for City review until all engineering and building work is complete and City permits have been finalized. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentations. SWPPP for projects shall be kept up to date with the projects' progress. Failure to comply with the most updated construction SWPPP may result in the issuance of correction notices, citations, and/ or stop work orders.
- iii. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measures, shall be included in the SWPPP and implemented as approved by City.
  - 1. The project developer shall include erosion control/stormwater quality measures on the project grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the public storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and shall be subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for a building permit, and shall be subject to the review and approval of the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
  - 2. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the vegetated areas are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/stormwater quality measures are in place, subject to the approval of City Engineer/Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is in place.
  - 3. Gather all sorted construction debris on a regular basis and place 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.
  - 4. 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.

5. 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.
  6. Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system by being windblown or by being spilled.
  7. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
  8. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into a street, gutter, or storm drain.
  9. Equipment fueling area (if used at the construction site): use a designated area away from the storm drainage facility; use secondary containment and spill rags when fueling; discourage "topping off" of fuel tanks; place a stockpile of absorbent material where it will be readily accessible; check vehicles and equipment regularly for leaking oils and fuels; and dispose of rags and absorbent materials promptly and properly. Use of an off-site fueling station is strongly encouraged.
  10. Concrete wash area: 1) locate wash out area away from storm drains and open ditches; 2) construct a temporary pit large enough to store the liquid and solid waste; 3) clean the pit by allowing concrete to set; 4) break up the concrete; and then 5) recycle or dispose of properly.
  11. Equipment and vehicle maintenance area at the project site is not permitted; use an off-site repair shop.
- b. Within 30 days of the installation and testing of the stormwater treatment and hydromodification facilities, the designer of the site shall submit a letter to City Project Inspector/Construction Services Manager certifying the devices have been constructed in accordance with the approved plans for stormwater and C3 design for the project. The letter shall request an inspection by City staff.

### **Operation and Maintenance Requirements**

139. The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as a residential subdivision projects) that create and/or replace 10,000 square feet or more of impervious areas shall enter into a recorded Stormwater Operation and Maintenance (O&M) Agreement for treating

stormwater runoff from the site in perpetuity. The agreement is required to be recorded at the Alameda County Recorder's Office in a format approved by the City.

- a. The Operation and Maintenance Agreement shall clarify that the property owner(s) of the site shall be responsible for the following in perpetuity:
  - i. Maintaining all private stormwater treatment measures on the project site.
  - ii. Annually submitting a maintenance report to the City Operations Services Department, Utilities Division, addressing the implementation of the Operation and Maintenance Agreement requirements.

The final Operation and Maintenance Agreement shall be submitted to the Engineering Division prior to the issuance of a grading or building permit, whichever comes first. The Agreement is subject to review and approval of the City Engineer/City Attorney, prior to recordation.

140. The Operation and Maintenance Agreement responsibilities shall include, but not be limited to the following:
  - a. Repainting text near the drain inlets to state "No Dumping – Drains to Bay."
  - b. Ensuring maintenance of landscaping with minimal pesticide and fertilizer use.
  - c. Ensuring no one is disposing of vehicle fluids and hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
  - d. Cleaning all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
  - e. Mowing and removing clippings from vegetated swales with grasses on a regular basis.

**{END}**

**EXHIBIT A.2  
DRAFT CONDITIONS OF APPROVAL**

**Vesting Tentative Map 8259  
6900 Valley Trails Drive  
March 22, 2017**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. Approval of Vesting Tentative Map 8259 shall be contingent upon and not be valid until the underlying General Plan amendment (P16-1386), Development Agreement (P17-0155), and Planned Unit Development rezoning and development plan (PUD-113) have been adopted by the City Council and are in full force and effect. The Vesting Tentative Map may be subject to modification if the General Plan amendment, Development Agreement, and/or PUD adopted by the City Council differs from what was approved by the City Council. The expiration date for Vesting Tentative Map 8259 shall coincide with the expiration date of PUD-113, unless the terms and conditions set forth within the approved Development Agreement state otherwise.

**Engineering Department**

2. Prior to the first plan check, the applicant's engineer/surveyor shall submit a preliminary copy of the final map along with the Preliminary Title Report (prepared within 6 months prior to submittal) and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely, should consultant's estimate be insufficient to cover all of the consultant's time, the applicant will be required to pay the City the difference between the estimate and the actual cost prior to submittal of the map for the City Engineer's approval.
3. At the time applicant submits the fee for the consultant map review, the applicant shall also submit the following information to the City Engineer for review and approval:
  - a. Four prints of the final map;
  - b. One copy of the Preliminary Title Report prepared within 6 months prior to submittal;
  - c. One set of the computer closures;
  - d. One legible copy of the latest recorded deed for the property being subdivided;
  - e. One legible copy of the recorded deeds for each of the adjacent properties unless those properties are part of a recorded map which has been recorded within the last seven years; and

- f. One legible copy of the recorded final map, parcel map, or record of survey used to prepare this final map.
4. The applicant shall post with the City, prior to City Council approval of the final map, a performance bond and a labor and material bond for the full value of all subdivision improvements necessary to serve all lots/parcels of the subdivision. The City Engineer may waive this requirement if the required improvements have been satisfactorily installed prior to approval of the map. The applicant shall post with the City, prior to City Council approval of the final map, a maintenance bond for the ten percent value of the all subdivision improvements necessary to serve all lots/parcels of the subdivision.
5. The applicant's title company shall record the final map, CC&Rs, and Maintenance Agreement, any grant deeds or easements, and any other required documents concurrently with the Alameda County Recorder's Office.
6. The applicant shall provide the City with a copy of the recorded final map in AutoCAD 2015 and PDF and copies of the recorded CC&Rs and other recorded documents in PDF within a reasonable amount of time following recordation of these documents.
7. The applicant shall remove all deed restrictions, if any, on the subject property prior to City Council approval of the final map.
8. For residential subdivisions or properties in residential zones, any existing assessment to which the property may be subject shall be cleared prior to the City Council approval of the final map.
9. The applicant shall vacate all private easements on the subject property that are no longer needed with the proposed development prior to City Council approval of the final map.
10. The applicant shall pay the in-lieu park dedication fees prior to City Council approval of the final map, at the rate then in effect, for the total number of buildable lots on the map. The applicant shall not receive any park in-lieu fee credits for the applicant's volunteered improvements to Valley Trails Park (i.e., turf/landscape replacement and tot lot).
11. If the project is to be phased, the applicant shall submit a phasing plan subject to the review and approval of the City Engineer and/or Director of Community Development Department and prior to City Council approval of the final map. The phasing plan shall identify the building(s) contained within each phase and the site improvements that will be constructed within each phase (e.g., roadways, fencing, parking, and landscaping) as well as the timing of the installation of the related improvements. The phasing plan shall also include plotting of all units, specifying unit type, or model for each lot, building envelopes, or setbacks, and shall be consistent with the City-approved plans.
12. The applicant shall enter into a subdivision agreement with the City agreeing to construct and complete all public and private improvements necessary to service the subdivision. The agreement shall be subject to the review and approval of the City Attorney and executed and submitted to the City prior to City Council approval of the final map.

13. If building occupancy occurs in phases, all subdivision improvements shall be completed prior to occupancy per the phasing plan and improvement plans subject to the review and approval of the City Engineer.
14. Prior to submitting the final map, the applicant shall submit a written request for new street names depicted on a site plan to the Planning Division and Engineering Department. Said names shall be reviewed and approved by the Planning Commission prior to submittal of the improvement plans and final map. The applicant shall show the approved street names on the final map prior to City Council approval of the final map.
15. The final map shall provide for a 56-foot wide public right of way on Streets "A", "B", and "C", that consists of a 36-foot wide travel way (from face of curb to face of curb) and a 5-foot wide separated sidewalk and a 5-foot wide planter strip on both sides of the street.
16. The property owners of Parcel "A" and "B" shall accept public stormwater, treat it, and reconvey it to the storm drain system as provided for in the improvement plans approved by the City Engineer. The acceptance of such public stormwater shall be provided for in the Stormwater Treatment Measures, Inspection and Maintenance Agreement.

## **STANDARD CONDITIONS**

### **Planning Division**

17. Vesting Tentative Map 8259 shall be in substantial conformance to Exhibit B, dated "Received January 11, 2017," on file with the Planning Division, except as modified by these conditions or subject to modification if the General Plan amendment (P16-1386), Development Agreement (P17-0155), and/or Planned Unit Development rezoning and development plan (PUD-113) adopted by the City Council differs from what was approved by the City Council. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
18. Planning Division approval is required before any changes are implemented in the design, grading, drainage, etc. of the subdivision map.
19. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third part against the indemnified parties and the applicant to attach, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney's 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.

### **Engineering Department**

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

21. The applicant shall dedicate an easement(s) to the City on the final map over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer, and/or other easements, which may be designated by the City Engineer.
22. The tentative map shall contain a brief legal description of any parcel being re-subdivided, a statement of lot/parcel and total acreage, and a statement referencing any separate documents required to be recorded with the map.
23. The applicant shall create private drainage and/or utility easements across the project for the benefit of the individual lots/parcels, as determined by and subject to the review and approval of the City Engineer. The applicant shall reserve the private easements on the final map and provide for them in the CCRs.
24. Any dedications, open offers of dedication, or grants of easements may be dedicated and accepted on the face of the map. Agreement or other required items shall be recorded as separate documents concurrently with the recordation of the parcel map.

**{END}**

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
City of Pleasanton  
Attn: City Clerk  
123 Main Street  
P.O. Box 520  
Pleasanton, CA 94566-0802

RECORDING FEE EXEMPT  
PURSUANT TO GOVERNMENT CODE  
SECTION 27383

**DEVELOPMENT AGREEMENT BY AND BETWEEN  
THE CITY OF PLEASANTON  
AND  
PONDEROSA HOMES II, INC.**

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE CITY OF PLEASANTON AND  
PONDEROSA HOMES II, INC.**

This DEVELOPMENT AGREEMENT (“**Agreement**”) is made by and between the City of Pleasanton (“**City**”), a municipal corporation, and Ponderosa Homes II, Inc., a California corporation (“**Developer**”). City and Developer each may sometimes be referred to herein as a “**Party**” and collectively as the “**Parties**.”

**RECITALS**

A. The Legislature enacted Government Code Section 65864 et seq. (“**Development Agreement Statute**”) in response to the lack of certainty in the approval of development projects, which can result in a waste of resources, escalate the cost of housing, and discourage investment in and commitment to planning that would maximize the efficient utilization of resources. The Development Agreement Statute is designed to strengthen the public planning process, encourage private participation in comprehensive, long-range planning, and reduce the economic costs of development. It authorizes a city to enter into a binding agreement with any person having a legal or equitable interest in real property located in unincorporated territory within that city’s sphere of influence regarding the development of that property.

B. Developer has a legal or equitable interest in certain undeveloped real property located in the City of Pleasanton, County of Alameda, California, consisting of approximately 9 acres located at 6900 Valley Trails Drive, as more particularly described in Exhibit A-1 attached hereto, and as diagrammed in Exhibit A-2 attached hereto (“**Property**”).

C. Developer intends to develop a 36 unit residential subdivision on the Property (“**Project**”).

D. On \_\_\_\_\_, 2017, following review and recommendation by the City of Pleasanton Planning Commission and after a duly noticed public hearing, the City Council of City took the following actions (collectively, the “**Project Approvals**”):

1. In support of the following actions, and in compliance with the applicable provisions of the California Environmental Quality Act (“**CEQA**”), by Resolution No. \_\_\_\_\_ adopted a Negative Declaration (“**Negative Declaration**”).

2. By Resolution No. \_\_\_\_\_, approved a General Plan Amendment changing the land use designation of the Property from Public and Institutional to Medium Density Residential. (“**General Plan Amendment**”).

4. Conducted the first reading of Ordinance No. \_\_\_\_\_, an ordinance approving a Planned Unit Development (“**PUD**”) for the Property (PUD-113) that rezoned the Property from R-1-6,500 (One-Family Residential) to PUD-MDR (Planned Unit Development – Medium Density Residential) (“**Zoning Amendments**”).



5. By Resolution No. \_\_\_\_\_, approved a PUD Development Plan to demolish the existing religious building and related improvements located on the Property and construct 36 single-family homes, a private clubhouse with a parking lot and related site improvements (“**PUD Development Plan**”).

6. By Resolution No. \_\_\_\_\_, approved a Vesting Tentative Subdivision Map to subdivide the Property into 36 residential parcels and four common area parcels (“**Vesting Tentative Map**”).

7. Conducted the first reading of Ordinance No. \_\_\_\_\_, an ordinance approving this Agreement and directing this Agreement’s execution by City (“**Approving Ordinance**”).

E. On \_\_\_\_\_, the City Council conducted the second reading of and adopted the Zoning Amendments and the Approving Ordinance.

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

## **AGREEMENT**

### **SECTION 1. DEFINITION OF TERMS.**

This Agreement uses certain terms with initial capital letters that are defined in this Section 1 below or elsewhere in this Agreement. City and Developer intend to refer to those definitions when the capitalized terms are used in this Agreement.

- 1.1 “**Agreement**” has the meaning set forth in the Preamble.
- 1.2 “**Approving Ordinance**” has the meaning set forth in Recital D.5.
- 1.3 “**Assignee**” has the meaning set forth in Section 9.1.
- 1.4 “**Building Permit**” means the document issued by City’s Building Official authorizing the holder to construct a building or other structure, as provided for in the City of Pleasanton Municipal Code.
- 1.5 “**CEQA**” has the meaning set forth in Recital D.1.
- 1.6 “**City**” has the meaning set forth in the Preamble.
- 1.7 “**City Council**” means the Pleasanton City Council.
- 1.8 “**City Law**” has the meaning set forth in Section 3.3.

- 1.9 “**Clubhouse**” has the meaning set forth in Section 4.3(b).
- 1.10 “**Clubhouse Use Agreement**” has the meaning set forth in Section 4.3(c).
- 1.11 “**Community Development Department**” means the City’s Community Development Department.
- 1.12 “**Community Development Director**” means the Director of the Community Development Department.
- 1.13 “**County Recorder**” means the Alameda County Recorder, which is responsible, in part, for recording legal documents that determine ownership of real property and other agreements related to real property.
- 1.14 “**Days**” means calendar days. If the last day to perform an act under this Agreement is a Saturday, Sunday or legal holiday in the State of California, said act may be performed on the next succeeding calendar day that is not a Saturday, Sunday or legal holiday in the State of California and in which City offices are open to the public for business.
- 1.15 “**Developer**” has the meaning set forth in the Preamble.
- 1.16 “**Development Agreement Statute**” has the meaning set forth in Recital A.
- 1.17 “**Development Impact Fee**” means those fees set forth in Exhibit C.
- 1.18 “**Dispute**” has the meaning set forth in Section 8.1.
- 1.19 “**Effective Date**” has the meaning set forth in Section 2.1.
- 1.20 “**Enforced Delay**” has the meaning set forth in Section 6.4.
- 1.21 “**Existing Rules**” has the meaning set forth in Section 5.1.
- 1.22 “**General Plan Amendment**” has the meaning set forth in Recital E.2.
- 1.23 “**Homeowners’ Association**” has the meaning set forth in Section 4.3(a).
- 1.24 “**Mitigated Negative Declaration**” has the meaning set forth in Recital D.1.
- 1.25 “**Mortgage**” means any mortgage, deed of trust, security agreement, sale and leaseback arrangement, assignment or other security instrument encumbering all or any portion of the Property or Developer’ rights under this Agreement, where the Property or a portion thereof or an interest therein, is pledged as security, contracted in good faith and for fair value.

- 1.26 **“Mortgagee”** means the holder of the beneficial interest under any Mortgage encumbering all or any portion of the Property or Developer’ rights under this Agreement, and any successor, Assignee, or transferee of any such Mortgagee.
- 1.27 **“Notice of Compliance”** has the meaning set forth in Section 6.2.
- 1.28 **“Notice of Intent to Terminate”** has the meaning set forth in Section 7.2.
- 1.29 **“Party” or “Parties”** has the meaning set forth in the Preamble.
- 1.30 **“Periodic Review”** has the meaning set forth in Section 6.1.
- 1.31 **“Permitted Assignees”** has the meaning set forth in Section 9.1(a).
- 1.32 **“Permitted Assignment”** has the meaning set forth in Section 9.1(a).
- 1.33 **“Planning Commission”** means the Pleasanton Planning Commission.
- 1.34 **“Project”** has the meaning set forth in Recital C.
- 1.35 **“Project Approvals”** has the meaning set forth in Recital D and, as used herein, shall include all “Subsequent Approvals” as defined in Section 1.60.
- 1.36 **“Property”** has the meaning set forth in Recital B.
- 1.37 **“PUD Development Plan”** has the meaning set forth in Recital D
- 1.38 **“Regulatory Processing Fees”** has the meaning set forth in Section 4.1(b).
- 1.39 **“Subsequent Approval”** has the meaning set forth in Section 5.1(b).
- 1.40 **“Subsequently Adopted Rules”** has the meaning set forth in Section 5.1(c).
- 1.41 **“Term”** has the meaning set forth in Section 2.1.
- 1.42 **“Valley Trails Residents”** has the meaning set forth in Section 4.3(c).
- 1.43 **“Vesting Tentative Map”** has the meaning set forth in Recital D.6.
- 1.44 **“Zoning Amendments”** has the meaning set forth in Recital E.4.

## **SECTION 2. TERM OF THIS AGREEMENT**

### **2.1 Term of Agreement.**

This Agreement shall become effective upon the Effective Date which is deemed to be thirty (30) days after the adoption of the Ordinance approving this Agreement (“**Effective Date**”). This Agreement shall continue for a period of ten (10) years unless sooner terminated as provided in this Agreement (“**Term**”).

### **2.2 Effect of Termination.**

Subject to the provisions of Section 7, following expiration of the Term (which shall include any mutually agreed upon extensions), this Agreement shall be deemed terminated and of no further force and effect except for any and all obligations expressly provided for herein that shall survive termination.

## **SECTION 3. STANDARDS, LAWS, AND PROCEDURES GOVERNING THE PROJECT**

### **3.1 Permitted Uses.**

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

### **3.2 Conflicts.**

During the Term, to the extent there are any conflicts between the Project Approvals (including but not limited to conditions to any of the Project Approvals) and this Agreement, the terms and conditions of this Agreement shall govern.

### **3.3 Moratorium, Initiatives and Conflicting Enactments.**

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

### **3.4 Life of Project Approvals or Subsequent Approvals.**

The life of all Project Approvals and any and all subsequently-approved tentative subdivision maps approved for the Project shall be equal to the Term of this Agreement in accordance with applicable laws, unless this Agreement is earlier terminated pursuant to the provisions hereof, in which event the life of said tentative subdivision maps shall be governed by the applicable provisions of the Subdivision Map Act.

### **3.5 Development Timing.**

Subject to applicable law, including the City's Growth Management Program and any Growth Management Agreement, Developer shall have the right to develop the Project on the Property in such order and at such rate and at such times, if any, as Developer deems appropriate within the exercise of its subjective business judgment and subject to the terms of this Agreement.

### **3.6 Compliance with State and Federal Law.**

This Agreement is subject to Developer's compliance with all applicable federal and State laws and regulations and compliance with applicable provisions of CEQA.

## **SECTION 4. DEVELOPER OBLIGATIONS**

### **4.1 Fees.**

#### **(a) Development Impact Fees.**

Developer shall pay to City all applicable "**Development Impact Fees**" which are in effect as of the Effective Date. A complete list of these applicable Development Impact Fees is attached as Exhibit B. Further, in the event Developer applies for multiple grading or building permits covering portions or phases of the Project, Developer shall only pay those Development Impact Fees applicable to the portion or phase of the Project covered by the issued permit.

#### **(b) Regulatory Processing Fees.**

Developer shall also pay to City all applicable "**Regulatory Processing Fees**" which are in effect as of the Effective Date. Regulatory Processing Fees include any and all fees, costs and charges adopted or otherwise imposed by City as a condition of regulatory approval of the Project for the purpose of defraying City's actual costs incurred or to be incurred in the processing and administration of any form of permit, approval, license, entitlement, or formation of a financing district or mechanism, or any and all costs adopted or otherwise imposed by City for the purpose of defraying City's actual costs of periodically updating its plans, policies, and procedures, including, without limitation, the fees and charges referred to in Government Code Section 66014.

**(c) Fee Adjustments.**

Notwithstanding subsections (a) and (b) above, during the Term of this Agreement, Developer shall pay those periodic cost of living or similar indexed increases, decreases or adjustments to Development Impact Fees and Regulatory Processing Fees as are applicable and in effect at the time such fees would otherwise be payable to City.

**(d) Fees Charged by Other Entities.**

Developer acknowledges that this Agreement does not control development related fees charged by entities other than the City. Developer shall be responsible for the payment of such fees or charges imposed by entities other than the City in effect at the time of payment of such fees or charges notwithstanding that the City may collect such fees on behalf of those other entities. If there is a dispute over the amount of the fees or charges between the Developer and an entity other than the City, upon the Developer's request the City shall use its best efforts to encourage a resolution of the issue between the Developer and that entity. If the City, despite its best efforts, is not able to bring about an amicable resolution, Developer solely shall be responsible for the fees or charges imposed by the entity.

**4.2 Valley Trails Park Improvements.**

Prior to issuance of the first building permit, Developer shall deposit five hundred and forty five thousand three hundred dollars (\$545,300) into a segregated and interest-bearing account designated by the City for use by the City to fund the design, construction, operation and maintenance of a restroom or other improvement(s) in the Valley Trails Park. Said improvements shall be determined by the City through a development review process. This requirement is in addition to any requirements to fund or construct improvements that may be contained in the Project Approvals. Developer will not receive credits against payment of City park fees for this amount.

**4.3 Homeowners' Association and Clubhouse**

**(a) Homeowners' Association**

Prior to the issuance of the 30<sup>th</sup> building permit for the Project, Developer shall form a Homeowners' Association for the Project ("**Homeowners' Association**").

**(b) Construction of Clubhouse**

Prior to the issuance of the 30<sup>th</sup> building permit for the Project, Developer shall construct a private clubhouse on the Property in a location identified in Exhibit C attached hereto ("**Clubhouse**"). The Clubhouse shall be owned and maintained by the Homeowners' Association. The Clubhouse shall consist of a meeting space to accommodate non-fixed seating occupancy of approximately 40 people and an internally accessible restroom.

**(c) Use of Clubhouse**

Prior to the issuance of the 30<sup>th</sup> building permit for the Project, the City and Ponderosa Homes II, Inc. shall have entered into an agreement (“**Clubhouse Use Agreement**”) for use of the Clubhouse by residents living in the Valley Trails residential neighborhood as identified in the Land Use Element of the City’s General Plan (“**Valley Trails Residents**”). The Clubhouse Use Agreement shall include, but not be limited to, the following provisions:

**(i)** Valley Trails Residents shall be allowed to use the Clubhouse at no charge for meetings a total of 12 times a year, but no more than once monthly for a period of 3 hours per meeting.

**(ii)** In order to use the Clubhouse, Valley Trails Residents shall be required to enter into a use agreement with the Homeowners’ Association, which shall be in a form as set forth in the Clubhouse Use Agreement, and shall include requirements for: use and occupancy of the facility; a cleaning/damage deposit; and a valid Certificate of Liability Insurance certificate naming the City and the Homeowners’ Association as additional insureds.

**(iii)** City shall not be responsible for scheduling the use of the Clubhouse or any damage to the Clubhouse that may occur as a result of the use of the Clubhouse by the Valley Trails Residents.

**(iv)** The Homeowners’ Association shall indemnify and hold the City harmless for any administrative, legal or equitable actions arising out of the use of the Clubhouse by the Valley Trails Residents.

**SECTION 5. CITY OBLIGATIONS**

**5.1 Vested Right to Develop the Project.**

**(a) Vested Entitlements and Project Approvals.**

Except as specifically set forth herein, as of the Effective Date, Developer shall have the vested right to develop the Property in accordance with the Project Approvals, any Subsequent Approvals, and the “**Existing Rules.**” Existing Rules include the City’s General Plan, the City’s Municipal Code, and all other adopted City ordinances, resolutions, rules, regulations, guidelines and policies in effect on the Effective Date.

**(b) Processing Subsequent Approvals.**

The Parties acknowledge that in order to develop the Project on the Property, Developer will need to obtain City approval of various “**Subsequent Approvals.**” “Subsequent Approvals” include any and all land use, environmental, building and development approvals, entitlements and/or permits granted by the City after the Effective Date to develop and operate the Project on the Property, including, without limitation, amendments or other modifications to any Project Approvals; boundary changes; tentative and final subdivision maps, parcel maps and lot line adjustments; subdivision improvement agreements; design review; conditional use permits; Building Permits; grading permits; encroachment permits; Certificates of Occupancy; formation of financing districts or other financing mechanisms; and any amendments thereto (administrative or otherwise). For any Subsequent Approvals proposed by Developer, Developer shall file an application with City for the Subsequent Approval at issue in accordance with the Existing Rules, and shall pay any applicable Regulatory Processing Fees as are in effect at the time of the application. Provided that such application(s) are in a proper form and include all required information and payment of any applicable Regulatory Processing Fees in the amount in effect at time of payment, City shall diligently and expeditiously process each such application.

**(c) Subsequently Adopted Rules.**

City may apply to the Property and the Project any new or modified rules, regulations and policies adopted after the Effective Date (“Subsequently Adopted Rules”), only to the extent that such Subsequently Adopted Rules are generally applicable to other similar developments in the City of Pleasanton and only to the extent that such application would not conflict with any of the vested rights granted to Developer under this Agreement. The Parties intend that Subsequently Adopted Rules that are adopted by the voters that impair or interfere with the vested rights set forth in this Agreement shall not apply to the Project. For purposes of this Agreement, any Subsequently Adopted Rule shall be deemed to conflict with Developer’ vested rights hereunder if it:

- (i) Seeks to limit or reduce the intensity of development of the Property or the Project or any part thereof;
- (ii) Would change any land use designation or permitted use of the Property;
- (iii) Would limit or control the location of buildings, structures, grading, or other improvements of the Project, in a manner that is inconsistent with the Existing Rules or Project Approvals;
- (iv) Would limit the timing or rate of the development of the Project, except as otherwise provided herein; or
- (v) Seeks to impose on the Property or the Project any Development Impact Fee not in effect on the Effective Date of this Agreement, provided however, that, except as expressly provided herein, Developer shall pay, or cause to be paid, applicable Development Impact Fees in the amounts in effect at the time of payment.



**(d) Applicable Subsequently Adopted Rules.**

Notwithstanding the foregoing, and by way of example but not as a limitation, City shall not be precluded from applying any Subsequently Adopted Rules to development of the Project on the Property where the Subsequently Adopted Rules are:

- (i) Specifically mandated by changes in state or federal laws or regulations adopted after the Effective Date as provided in Government Code Section 65869.5;
- (ii) Specifically mandated by a court of competent jurisdiction;
- (iii) Changes to the Uniform Building Code or similar uniform construction codes, or to City's local construction standards for public improvements so long as such code or standard has been adopted by City and is in effect on a Citywide basis; or
- (iv) Required as a result of facts, events or circumstances presently unknown or unforeseeable that would otherwise have an immediate and substantially adverse risk on the health or safety of the surrounding community as reasonably determined by City.

**5.2 Developer's Right to Rebuild**

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

**5.3 Availability of Public Services**

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

**5.4 Developer's Application for Non-City Permits and Approvals.**

City shall cooperatively and diligently work with Developer in its efforts to obtain any and all such non-City permits, entitlements, approvals or services as are necessary to develop and operate the Project in order to assure the timely availability of such permits, entitlements, approvals and services, at each stage of Project development.

## **SECTION 6. PERIODIC COMPLIANCE REVIEW; DEFAULT.**

### **6.1 Periodic Compliance Review.**

On an annual basis and upon thirty (30) days' notice from City to Developer, Developer shall document its good faith compliance with the terms of this Agreement and submit this compliance report to City. This periodic compliance review shall be conducted in accordance with the Development Agreement Statute ("**Periodic Review**").

### **6.2 Notice of Compliance.**

Provided that City has determined, based on the most recent Periodic Review, that Developer is in compliance with all provisions of this Agreement, then within thirty (30) days following a written request from Developer that may be made from time to time, City shall execute and deliver to Developer (or to any party requested by Developer) a written "**Notice of Compliance**" in recordable form, duly executed and acknowledged by City, that certifies:

- (a) This Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications;
- (b) There are no current uncured defaults as to the requesting Developer under this Agreement or specifying the dates and nature of any such default; and
- (c) Any other information reasonably requested by Developer. Developer shall have the right, at its sole discretion, to record the Notice of Compliance.

### **6.3 Default.**

(a) Any failure by City or Developer to perform any material term or condition of this Agreement, which failure continues uncured for a period of sixty (60) days following written notice of such failure from the other Party (unless such period is extended by written mutual consent), shall constitute a default under this Agreement. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which such alleged failure satisfactorily may be cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 60-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 60-day period.

(b) No failure or delay in giving notice of default shall constitute a waiver of default; provided, however, that the provision of notice and opportunity to cure shall nevertheless be a prerequisite to the enforcement or correction of any default.

(c) During any cure period specified under this Section and during any period prior to any delivery of notice of default, the Party charged shall not be considered in default for purposes of this Agreement. If there is a dispute regarding the existence of a default, the Parties

shall otherwise continue to perform their obligations hereunder, to the maximum extent practicable in light of the disputed matter and pending its resolution or formal termination of the Agreement as provided herein.

(d) City will continue to process in good faith development applications relating to the Property during any cure period, but need not approve any such application if it relates to a proposal on the Property with respect to which there is an alleged default hereunder.

(e) In the event either Party is in default under the terms of this Agreement, the non-defaulting Party may elect, in its sole and absolute discretion, to pursue any of the following courses of action: (i) waive such default; (ii) pursue administrative remedies, and/or (iii) pursue judicial remedies.

(f) Except as otherwise specifically stated in this Agreement, either Party may, in addition to any other rights or remedies that it may have available in law or equity, institute legal action to cure, correct, or remedy any default by the other Party to this Agreement, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation hereunder or to seek specific performance. For purposes of instituting a legal action under this Agreement, any City Council determination under this Agreement as it relates to an alleged default hereunder shall be deemed a final agency action.

(g) The Parties hereby acknowledge that money damages are excluded as an available remedy. The Parties further acknowledge that the City would not have entered into this Agreement if doing so would subject it to the risk of incurring liability in money damages, either for breach of this Agreement, anticipatory breach, repudiation of the Agreement, or for any actions with respect to its negotiation, preparation, implementation or application. The Parties further acknowledge that money damages and remedies at law generally are inadequate, and specific performance is the most appropriate remedy for the enforcement of this Agreement and should be available to all Parties for the following reasons:

(i) Due to the size, nature, and scope of the project, it may not be practical or possible to restore the property to its original condition once implementation of this Agreement has begun. After such implementation, developer may be foreclosed from other choices it may have had to utilize the property or portions thereof.

(ii) Developer has invested significant time and resources and performed extensive planning and processing of the project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate developer for such efforts.

(h) Therefore, the Parties hereby acknowledge and agree that it is a material part of Developer's consideration to City that City shall not be at any risk whatsoever to liability for money damages relating to or arising from this Agreement, and except for non-damages remedies, including the remedy of specific performance, Developer, on the one hand, and the

City, on the other hand, for themselves, their successors and assignees, hereby release one another's officers, trustees, directors, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, or any other law or ordinance which seeks to impose any money damages, whatsoever, upon the Parties because the Parties entered into this Agreement, because of the terms of this Agreement, or because of the manner of implementation or performance of this Agreement.

#### **6.4 Enforced Delay; Extension of Time of Performance.**

No Party shall be deemed in default of its obligations under this Agreement where a delay or default is due to an act of God, natural disaster, accident, breakage or failure of equipment, enactment of conflicting federal or state laws or regulations, third-party litigation, strikes, lockouts or other labor disturbances or disputes of any character, interruption of services by suppliers thereof, unavailability of materials or labor, unforeseeable and severe economic conditions, rationing or restrictions on the use of utilities or public transportation whether due to energy shortages or other causes, war, civil disobedience, riot, or by any other severe and unforeseeable occurrence that is beyond the control of that Party (collectively, "**Enforced Delay**"). Performance by a Party of its obligations under this Section 6.4 shall be excused during, and extended for a period of time equal to, the period (on a day-for-day basis) for which the cause of such Enforced Delay is in effect.

#### **6.5 Third Party Legal Actions.**

(a) If there are any third party administrative, legal or equitable actions challenging any of the Project Approvals, including, without limitation, this Agreement and all CEQA processes and actions by City relating to the Project, Developer shall defend and indemnify City against any and all fees and costs arising out of the defense of such actions, including the fees and costs of City's own in-house or special counsel retained to protect City's interests. Each Party is entitled to legal counsel of its choice, at Developer's expense. The Parties and their respective counsel shall cooperate with each other in the defense of any such actions, including in any settlement negotiations. If a court in any such action awards any form of money damages to such third party, or any attorneys' fees and costs to such third party, Developer shall bear full and complete responsibility to comply with the requirements of such award, and hereby agrees to timely pay all fees and costs on behalf of City.

(b) If any part of this Agreement or any Project Approval is held by a court of competent jurisdiction to be invalid, the Parties shall cooperate and use their best efforts, to the extent permitted by law, to cure any inadequacies or deficiencies identified by the court in a manner consistent with the purposes of this Agreement.

## **SECTION 7. TERMINATION.**

### **7.1 Termination Upon Completion of Project or Expiration of Term.**

This Agreement shall terminate upon the expiration of the Term or earlier as set forth in this section. Upon termination of this Agreement, either Party may cause a notice of such termination in a form satisfactory to the City Attorney to be duly recorded in the official records of Alameda County.

### **7.2 Termination Due to Default.**

After notice and expiration of the sixty (60) day cure period as specified in Section 6.3 above, if the default has not been cured or it is not being diligently cured in the manner set forth above, the noticing Party may, at its option, give notice of its intent to terminate this Agreement pursuant to the Development Agreement Statute (“**Notice of Intent to Terminate**”). Within thirty (30) days of receipt of a Notice of Intent to Terminate, the matter shall be scheduled for consideration and review in the manner set forth in the Development Agreement Statute. Following consideration of the evidence presented in said review, the Party alleging the default may give written notice of termination of this Agreement. If a Party elects to terminate as provided herein, upon sixty (60) days’ written notice of termination, this Agreement shall be terminated as it relates to the defaulting Party’s rights and obligations hereunder. Notwithstanding the foregoing, a written notice of termination given under this Section 7.2 is effective to terminate the obligations of the noticing Party only if a default has occurred and such default, as a matter of law, authorizes the noticing Party to terminate its obligations under this Agreement. In the event the noticing Party is not so authorized to terminate, the non-noticing Party shall have all rights and remedies provided herein or under applicable law, including, without limitation, the right to specific performance of this Agreement. Once a Party alleging default has given a written notice of termination, legal proceedings may be instituted to obtain a declaratory judgment determining the respective termination rights and obligations under this Agreement. Notwithstanding the foregoing, any such default and related termination shall only extend to the defaulting Party’s rights and obligations hereunder and shall not affect the rights and obligations of any other Assignee who has acquired other portions of the Property in accordance with Section 9.1 below.

### **7.3 Termination by Mutual Consent.**

This Agreement may be terminated by mutual consent of the Parties in the manner provided in the Development Agreement Statute.

## **SECTION 8. DISPUTE RESOLUTION.**

### **8.1 Voluntary Mediation and Arbitration.**

If a dispute arises related to the interpretation or enforcement of, or compliance with, the provisions of this Agreement (“**Dispute**”), City and Developer may mutually consent to attempt

to resolve the matter by mediation or arbitration; provided, however, that no such mediation or arbitration shall be required in order for a Party to pursue litigation to resolve a Dispute.

## **8.2 Legal Proceedings.**

Either Party may, in addition to any other rights or remedies, institute legal action to resolve any Dispute or to otherwise cure, correct or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the purpose of this Agreement.

## **8.3 Attorneys' Fees and Dispute Resolution Costs.**

In any action or proceeding brought by any Party to resolve a Dispute, the prevailing Party is entitled to recover reasonable attorneys' fees and any other costs incurred in the action or proceeding in addition to any other relief to which it is entitled.

# **SECTION 9. ASSIGNMENT AND ASSUMPTION; RIGHTS AND DUTIES OF MORTGAGEES.**

## **9.1 Assignment of Rights, Interests and Obligations.**

Subject to compliance with this Section 9, Developer may sell, assign or transfer its interest in the Property and related Project Approvals to any individual or entity ("Assignee") at any time during the Term of this Agreement.

(a) Any assignment by Developer as provided for in this Section 9.1 may occur without obtaining City's consent ("**Permitted Assignment**") so long as the proposed Assignee is an affiliate of Developer, which shall include any entity that is directly or indirectly owned or controlled by Developer such that it owns a substantial interest, but less than a majority of voting stock of the entity. Such assignees shall be referred to herein as "**Permitted Assignees.**" Permitted Assignee(s) shall provide City with written notice of a Permitted Assignment within thirty (30) days following the effective date thereof.

(b) If the proposed Assignee does not qualify as a Permitted Assignee, then Developer or subsequent owner may assign its interest in the Property and related Project Approvals so long as said Developer or subsequent owner receives the Community Development Director's prior written consent, which shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable to refuse consent for such assignment unless, in light of the proposed Assignee's reputation and financial resources, such Assignee would not be able to perform the obligations proposed to be assumed by such Assignee. Any such determination shall be made in writing by the Community Development Director, supported by substantial evidence, and would be appealable by the affected Owner to the City Council. Failure by City to respond to any such assignment request within forty-five (45) days would be deemed to constitute consent. Further, no consent to assign shall be required under this Section 9.1(b) for

land covered by a specific tentative map or parcel map so long as Developer or subsequent owner(s) has satisfied all of its obligations hereunder in connection with said tentative map or parcel map. Finally, the Parties agree that once the Project is fully built out, then no consent to assign shall be required.

## **9.2 Assumption of Rights, Interests and Obligations.**

Subject to compliance with the preceding Section 9.1, express written assumption by an Assignee of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred, shall relieve Developer of such obligations and other terms and conditions so expressly assumed. Any such assumption agreement shall be in substantially the same form as attached Exhibit E, as determined by the City Attorney. The County Recorder shall duly record any such assumption agreement in the official records of Alameda County within ten (10) days of receipt. Upon recordation of said assumption agreement, Developer shall automatically be released from those obligations assumed by the Assignee.

## **9.3 Rights and Duties of Mortgagee in Possession of Property.**

(a) This Agreement shall be superior and senior to all liens placed upon the Property or any portion thereof after the Effective Date, including, without limitation, the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair any Mortgage made in good faith and for value; provided, however, this Agreement shall be binding upon and effective against all persons and entities, including all Mortgagees who acquire title to the Property or any portion thereof by foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise, and including any subsequent transferee of the Property acquired by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise (in either case, a "Mortgagee Successor"), subject, however, to the terms of Section 9.3(b), below.

(b) The provisions of Section 9.3(a) above notwithstanding, no Mortgagee Successor shall have any obligation or duty under this Agreement to commence or complete the construction of any project infrastructure, or to guarantee such construction or completion, or have any liability for failure to do so; provided, however, that a Mortgagee Successor shall not be entitled to devote the Property to any uses or to construct any improvements thereon other than those uses or improvements permitted under the Project Approvals. In the event that any Mortgagee Successor shall acquire title to the Property or any portion thereof, the Mortgagee Successor further shall not be (i) liable for any breach or default under this Agreement on the part of any Developer or its successor, or (ii) obligated to cure any breach or default under this Agreement on the part of any Developer or its successor. In the event such Mortgagee Successor desires to succeed to Developer's rights, benefits, and privileges under this Agreement, however, City may condition such succession upon the assumption of this Agreement by the Mortgagee Successor by written agreement reasonably acceptable to City and the Mortgagee Successor, including, without limitation, the obligation to cure any breach or default on Developer's part that is curable by the payment of money or performance at commercially reasonable cost and within a commercially reasonable period of time after such assumption takes effect.

(c) If City receives notice from a Mortgagee requesting a copy of any Notice of Default regarding all or a portion of the Property, then City shall deliver to such Mortgagee, concurrently with service thereof to Developer, any such notice given to Developer with respect to any claim by City that Developer has defaulted, and if City makes a determination of noncompliance under Section 6.3 above, City shall likewise serve notice of such noncompliance on such Mortgagee concurrently with service thereof on Developer. Each Mortgagee shall have the right (but not the obligation) for a period of ninety (90) days after receipt of such notice to cure, or to commence to cure, the alleged default set forth in said notice in accordance with Section 6.3 above. If the default or such noncompliance is of a nature that can only be remedied or cured by such Mortgagee upon obtaining possession, such Mortgagee shall have the right (but not the obligation) to seek to obtain possession with diligence and continuity through a receiver or otherwise, and thereafter to remedy or cure the default or noncompliance within ninety (90) days after obtaining possession, except if any such default or noncompliance cannot, with diligence, be remedied or cured within such ninety (90) day period, then such Mortgagee shall have such additional time as may be reasonably necessary to remedy or cure such default or noncompliance if such Mortgagee commences cure during such ninety (90) day period, and thereafter diligently pursues completion of such cure to the extent possible. Notwithstanding the foregoing, nothing contained in this Agreement shall be deemed to permit or authorize any Mortgagee or Mortgagee Successor to undertake or continue construction or completion of any improvements comprising the Project (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the defaulting Developer's continuing obligations hereunder in the manner specified in Section 9.3(b), above.

## **SECTION 10. GENERAL PROVISIONS.**

### **10.1 Independent Contractors.**

Each Party is an independent contractor and shall be solely responsible for the employment, acts, omissions, control and directing of its employees. All persons employed or utilized by Developer in connection with this Agreement and the Project shall not be considered employees of City in any respect. Except as expressly set forth herein, nothing contained in this Agreement shall authorize or empower any Party to assume or create any obligation whatsoever, express or implied, on behalf of any other Party or to bind any other Party or to make any representation, warranty or commitment on behalf of any other Party.

### **10.2 Invalidity of Agreement and Severability of Provisions.**

If this Agreement in its entirety is determined by a court of competent jurisdiction to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment, including the entry of judgment in connection with any appeals. If any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid and unenforceable, the remaining provisions shall continue in full force and effect. Notwithstanding the foregoing, if any material provision of this Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, either City or Developer may



terminate this Agreement as to Developer (in the case of Developer taking such action, the termination shall relate only to Developer's interest in the Property and the related Project Approvals) by providing written notice of such termination to the other Party.

**10.3 Further Documents; Other Necessary Acts.**

Each Party shall execute and deliver to the other Party all other instruments and documents as may be reasonably necessary to carry out the purpose of this Agreement and the Project Approvals and Subsequent Approvals, in order to provide or secure to the other Party the full and complete enjoyment of the rights and privileges granted by this Agreement.

**10.4 Time of Essence.**

Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties hereunder.

**10.5 Amendment to this Agreement.**

This Agreement may be modified from time to time by mutual consent of the Parties, in accordance with the Development Agreement Statute. In the event the Parties modify this Agreement, City shall cause notice of such action to be duly recorded in the official records of Alameda County within ten (10) days of such action.

**10.6 Project is a Private Undertaking.**

The Parties agree that: (a) any development by Developer of the Property shall be a private development; (b) City has no interest in or responsibilities for or duty to third Parties concerning any improvements constructed in connection with the Property until such time that City accepts the same pursuant to the provisions of this Agreement and in connection with the various Project Approvals; (c) Developer shall have full power over and exclusive control of the Project herein described to the extent of Developer's interest therein, subject only to the limitations and obligations of Developer under this Agreement, its Project Approvals, and the other Existing Rules; (d) the contractual relationship between City and Developer is such that Developer is an independent contractor and not an agent of City; and (e) nothing in this Agreement is intended or shall be construed to create or reflect any form of partnership or joint venture between the Parties. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.

**10.7 Covenants Running With the Land.**

All of the provisions contained in this Agreement are binding upon and benefit the Parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or any portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions of this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California

law, including, without limitation, Civil Code section 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Project, as appropriate, runs with the Property and is binding upon each owner, including Developer and all successive owners, of all or a portion of the Property during its ownership of such property.

**10.8 Recordation of Agreement.**

Within ten (10) days of the Effective Date, City shall cause this Agreement to be duly recorded in the official records of Alameda County.

**10.9 Notices.**

Any notice required under this Agreement shall be in writing and personally delivered, or sent by certified mail (return receipt requested and postage pre-paid), overnight delivery, or facsimile to the following:

City: City of Pleasanton  
Attn: City Manager  
123 Main Street  
P.O. Box 520  
Pleasanton, CA 94566  
Tel: (925) 931-5002  
Fax: (9256) 931-5482

Copy to: City of Pleasanton  
Attn: City Attorney  
123 Main Street  
P.O. Box 520  
Pleasanton, CA 94566  
Tel: (925) 931-5015  
Fax: (925) 931- 5482

Developer: Ponderosa Homes II, Inc.  
Jeff Schroeder  
Senior Vice President, Land Acquisition & Planning  
6130 Stoneridge Mall Rd., Ste. 185  
Pleasanton, CA 94588

Notices to Mortgagees by City shall be given as provided above using the address provided by such Mortgagee(s). Notices to Assignees shall be given by City as required above only for those Assignees who have given City written notice of their addresses for the purpose of receiving such notices. Either Party may change its mailing address/facsimile at any time by giving written notice of such change to the other Party in the manner provided herein at least ten (10) days prior to the date such change is effected. All notices under this Agreement shall be deemed

given, received, made or communicated on the earlier of the date personal delivery is effected or on the delivery date or attempted delivery date shown on the return receipt, air bill or facsimile.

**10.10 Prevailing Wage.**

Developer shall be responsible for paying prevailing wages for all work related to the Project to the extent such work is subject to prevailing wage requirements under California or federal law.

**10.11 Applicable Law.**

This Agreement shall be construed and enforced in accordance with the laws of the State of California.

**10.12 Venue.**

Any action brought relating to this Agreement shall be held exclusively in a state court in the County of Alameda.

**10.13 Indemnification.**

Developer shall indemnify, defend, and hold harmless City (including its elected officials, officers, agents, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) (collectively, "Claims") resulting from or arising out of the development of the Project contemplated by this Agreement, other than a liability or claim based upon City's negligence or willful misconduct. The indemnity obligations of this Agreement shall not extend to Claims arising from activities associated with the maintenance or repair by the City or any other public agency of improvements that have been accepted for dedication by the City or such other public agency.

**10.14 No Waiver.**

No waiver by either Party of any provision of this Agreement shall be considered a waiver of any other provision of any subsequent breach of the same or any other provisions, including the time for performance of any such provisions, and shall have no effect with respect to any other Party's rights and obligations hereunder. The exercise by a Party of any right or remedy as provided in this Agreement or provided by law shall not prevent the exercise by the Party of any other remedy provided in this Agreement or under the law, and shall have no effect with respect to any other Party's rights and remedies as provided herein.

**10.15 Construction.**

This Agreement has been reviewed and revised by legal counsel for both City and Developer and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. The provisions of this Agreement and the attached exhibits shall be construed as a whole according to their common meaning and not strictly for or against either Party, and in a manner that shall achieve the purposes of this

Agreement. Wherever required by the context, the masculine gender shall include the feminine or neuter genders, or vice versa.

**10.16 Entire Agreement.**

This Agreement and all exhibits constitute the entire agreement between the Parties and supersede all prior discussions, negotiations, and agreements whether oral or written. Any oral representations or modifications concerning this instrument shall be of no force or effect unless contained in a subsequent written notification signed by both Parties.

**10.17 Estoppel Certificate.**

Either Party from time to time may deliver written notice to the other Party requesting written confirmation that, to the knowledge of the certifying Party: (a) this Agreement is in full force and effect and constitutes a binding obligation of the Parties; (b) this Agreement has not been amended either orally or in writing, or if it has been amended, specifying the nature of the amendment(s); and (c) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, describing therein the nature of the default. A Party receiving a request shall execute and return the certificate within thirty (30) days after receipt thereof. The Community Development Director shall have the right to execute any such certificate requested by Developer. At Developer' request, the certificate provided by City establishing the status of this Agreement with respect to any lot or parcel shall be in recordable form and Developer shall have the right to record the certificate for the affected portion of the Property at its cost.

**10.18 Counterparts.**

This Agreement and any and all amendments thereto may be executed in counterparts, and all counterparts together shall be construed as one document.

**10.19 Authority to Execute.**

Each Party hereto expressly warrants and represents that it has the authority to execute this Agreement on behalf of its entity and warrants and represents that it has the authority to bind its entity to the performance of its obligations hereunder.

**10.20 Captions.**

The caption headings provided herein are for convenience only and shall not affect the construction of this Agreement.

**10.21 Compliance, Monitoring, and Management Duties; Default.**

If Developer fails to perform any of its duties related to compliance review processes, monitoring, or the management of any programs as required herein, City has the right, but not the obligation, to undertake such duties and perform them at said Developer' expense.

**10.22 Listing and Incorporation of Exhibits.**

The exhibits to this Agreement, each of which is hereby incorporated herein by reference, are as follows:

Exhibit A-1: Property Description

Exhibit A-2: Property Diagram

Exhibit B: Development Impact Fees

Exhibit C: Location of Clubhouse

Exhibit D: Assignment and Assumption Agreement

CITY

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By: Nelson Fialho  
City Manager

Date:

APPROVED AS TO FORM:

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By: Daniel G. Sodergren  
City Attorney

Date:

DEVELOPER

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By:  
Its:  
Date:

**EXHIBIT A-1**  
**PROPERTY DESCRIPTION**

**EXHIBIT A-2**  
**PROPERTY DIAGRAM**

**EXHIBIT B**  
**DEVELOPMENT IMPACT FEES**



**EXHIBIT C**  
**LOCATION OF CLUBHOUSE**

**EXHIBIT D**  
**ASSIGNMENT AND ASSUMPTION AGREEMENT**

This ASSIGNMENT AND ASSUMPTION AGREEMENT (“Agreement”) is made and entered into by and between \_\_\_\_\_, a California \_\_\_\_\_ (“Assignor”), and \_\_\_\_\_, a California \_\_\_\_\_ (“Assignee”).

**RECITALS**

A. The City of Pleasanton (“City”) and Assignor entered into that certain Development Agreement dated \_\_\_\_\_, 201\_ (the “Development Agreement”), with respect to the real property located in the City of Pleasanton, State of California more particularly described in Exhibit “A” attached hereto (the “Project Site”).

B. Assignor has obtained from the City certain development approvals and permits with respect to the development of the Project Site, including without limitation, approval of the Development Agreement for the Project Site (collectively, the “Project Approvals”).

C. Assignor intends to sell, and Assignee intends to purchase, the Project Site.

D. In connection with such purchase and sale, Assignor desires to transfer all of the Assignor’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to the Project Site. Assignee desires to accept such assignment from Assignor and assume the obligations of Assignor under the Development Agreement and the Project Approvals with respect to the Project Site.

THEREFORE, the parties agree as follows:

1. Assignment. Assignor hereby assigns and transfers to Assignee all of Assignor’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to the Project Site. Assignee hereby accepts such assignment from Assignor.

2. Assumption. Assignee expressly assumes and agrees to keep, perform, and fulfill all the terms, conditions, covenants, and obligations required to be kept, performed, and fulfilled by Assignor under the Development Agreement and the Project Approvals with respect to the Project Site.

3. Effective Date. The execution by City of the attached receipt for this Agreement shall be considered as conclusive proof of delivery of this Agreement and of the assignment and assumption contained herein. This Agreement shall be effective upon its recordation in the Official Records of Alameda County, California, provided that Assignee has closed the purchase and sale transaction and acquired legal title to the Project Site.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates set forth next to their signatures below.

“ASSIGNOR”

\_\_\_\_\_

“ASSIGNEE”

\_\_\_\_\_

RECEIPT BY CITY

The attached ASSIGNMENT AND ASSUMPTION

AGREEMENT is received by the City of Pleasanton on this \_\_\_\_ day of

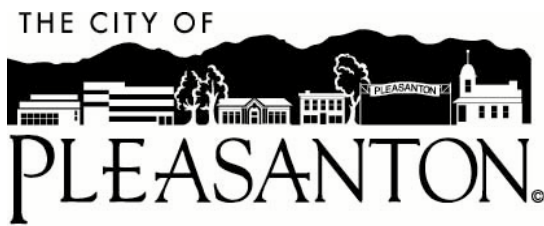
\_\_\_\_\_, \_\_\_\_\_.

CITY OF PLEASANTON

\_\_\_\_\_

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

City Manager



## Planning Commission Staff Report

August 31, 2016 ~~August 10, 2016~~  
~~Item 6.a. Item 6.c.~~

- SUBJECT:** P16-1386, TRACT 8259, and P16-1385
- APPLICANT:** Ponderosa Homes
- PROPERTY OWNER:** Evangelical Free Church of Pleasanton
- PURPOSE:** Work Session to review and receive comments on an application to amend the General Plan Land Use designation from Public and Institutional to Medium Density Residential to allow for the demolition of the existing religious assembly building and development of up to 37 homes on the approximately 9-acre site.
- LOCATIONS:** 6900 Valley Trails Drive
- GENERAL PLAN:** Public and Institutional
- ZONING:** R-1-6,500 (One-Family Residential)
- EXHIBITS:**
- A. [Planning Commission Work Session Topics](#)
  - B. [Development Plans dated "Received June 24, 2016"](#)
  - C. [PUD-113 Comment Letter and Site Plan](#)
  - D. [HortScience Tree Report dated June 2015](#)
  - E. [Proposed Amenities](#)
  - F. [Parks and Recreation Master Plan Valley Trails Park Excerpt](#)
  - G. [Location and Notification Map](#)
  - H. [Email from Marta Seda dated "July 31, 2016"](#)

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### STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed development project, hear public testimony, and provide comments to staff and the applicant. No formal action will be taken on this project.

### EXECUTIVE SUMMARY

The applicant, Ponderosa Homes, is proposing to subdivide an approximately 9-acre site at 6900 Valley Trails Drive to construct 37 single-family residential lots and related infrastructure. The existing church and other site improvements would be demolished. The proposed project, which requires a General Plan Amendment (P16-1386), Design Review (P16-1385), and a Tentative Map, is being presented to the Commission as a work session for the Commission's review and direction. The work session also provides the public with an opportunity to review and comment on the proposed plan.

## **BACKGROUND/HISTORY**

The subject site has a General Plan land use designation of Public and Institutional and is zoned R-1-6,500 (One-Family Residential) District, meaning that the site's zoning is not consistent with its General Plan designation. For over a decade, the site has been a part of various City discussions regarding amending the General Plan land use designation, independent of and as a part of General Plan and Housing Element updates, to allow for some form of housing on the site. In 2004, the City Council considered processing an amendment to the General Plan, independent of the General Plan update, to change the land use designation of the site from Public and Institutional to Medium Density Residential and Parks and Recreation land uses. City records indicate that the item was discussed by the City Council; however, the discussion was continued indefinitely.

During a joint Planning Commission-City Council Work Session in 2006, the City considered amending the General Plan land use designations of various vacant or underdeveloped in-fill properties City-wide. The subject site was evaluated and was considered as a potential high density residential site which, generally, would have retained the church on 6 of the 9 acres, thereby retaining the Public and Institutional land use designation, and designated the remaining 3 acres for high density residential uses. However, the site was eventually removed from the high density housing sites list.

In 2011, the City held a series of community workshops for the General Plan Housing Element update to obtain feedback on designating specific sites throughout the City for high density housing. The subject property was again taken under consideration as a high density residential site. However, the Housing Element Task Force committee ultimately removed the subject site from the list as they believed a high density residential project would not be consistent with the surrounding neighborhood.

Over the last few years, Ponderosa has worked with the church to plan a residential development project for the entire 9-acre site. On July 29, 2015, the applicant submitted requests for: 1) rezoning the site from R-1-6,500 District to PUD-MDR (Planned Unit Development – Medium Density Residential) District and for PUD Development Plan approval to demolish the existing religious building and construct 43 detached single-family age-restricted homes with related site improvements; and 2) Vesting Tentative Map approval to subdivide the approximately 9-acre parcel into 43 single-family residential parcels and 6 common lot parcels.

After reviewing the application, staff provided the applicant with a letter discussing concerns relating to the proposed development. As proposed, staff did not believe the project was sufficiently integrated with the surrounding neighborhood, as it was proposed to be surrounded by a wall and would be accessible only after passing through a security gate. Staff also sought other changes in the proposed design, ranging from modifications to the architecture to changes in the orientation of residences along Valley Trails Drive and the configuration of open space. In addition to revising the proposal to address staff's comments, staff also encouraged the applicant to have a neighborhood meeting with the Valley Trails residents to discuss the project prior to presenting an application to the Planning Commission as a work session item. Staff's comment letter and initial project site plan are included as Exhibit C for the Commission's consideration.

### Work Session Submittal

Since receiving staff's initial comments, Ponderosa has sought input from staff and the residents in the Valley Trails neighborhood, more specifically the Valley Trails Homeowners Association (VTHA). The outcome of these conversations resulted in revising the project to address staff and neighborhood concerns.

On June 24, 2016, Ponderosa resubmitted development plans that conform to the development standards of the R-1-6,500 District (i.e., meeting the minimum lot area, depth, and width requirements for each parcel and the minimum setbacks, height, and floor area ratio (FAR) requirements). Subdivision projects that conform to the underlying zoning District do not require rezoning; however, a General Plan amendment is necessary for this application to allow for residential uses to be developed on the site. Other key changes to the proposal included:

1. Reducing the number of lots from 43 to 37;
2. Removing the perimeter wall and installing traditional redwood fences;
3. Removing the in/out street gate;
4. Removing the age restriction for community residents;
5. Designing streets and sidewalks that meet the City's Complete Street standards ;
6. Providing a street presence along Valley Trails Drive by orienting the homes to face Valley Trails Drive; and
7. Redesigning the development layout to be compatible with the surrounding area.

As a part of this revised development application, Ponderosa is proposing to install a new tot-lot and perform landscape improvements to provide water conservation measures (i.e., turf removal and replacement with groundcover at specified locations) in Valley Trails Park. In addition, a community clubhouse is proposed in one of two locations (Lot 37 or Lot 11) as part of an optional development plan. This community clubhouse was developed in response to the applicant's discussions with VTHA to have a club/meeting room with restroom facilities adjacent to or within Valley Trails Park as a part of the applicant's proposed project. The City has been supportive of this request as long as construction and maintenance of the facility do not incur any costs to the City. If a club/meeting room facility is approved, one of the 37 lots would be designated to the club/meeting room facility. Therefore, a total of 36 residential units would be developed on the site. Ponderosa is proposing to construct the club/meeting room facility, dedicate the land and building to the City, and provide some funding to assist in the City's maintenance costs.

### **PROJECT AND ANALYSIS**

Prior to proceeding with a Planning Commission hearing at which a recommendation on the project to City Council would be made, the proposed project is being presented to the Planning Commission as a work session for the Commission's review and direction. No action on the project will be made at the work session.

### **Area and Site Description**

Valley Trails Neighborhood (VTN), where the subject site is located, is bordered by Arroyo Mocho and West Las Positas Boulevard on the north, Hopyard Road on the east, the Pleasanton Canal on the south, and Alamo Canal and Interstate 680 on the west. VTN contains 498 detached single-family homes, Valley Trails Park (approximately 6.1 acres in size), the Pleasanton Masonic Lodge, St. Clare's Episcopal Church and Preschool, and Harvest Valley

Christian Church. The subject site is generally located on the west side of the neighborhood and northwest of Valley Trails Park (see Image 1).

The subject site, approximately 9 acres in area and relatively flat, contains an approximately 11,067 square-foot religious building and a 108-stall parking lot. The majority of the lot is undeveloped (see Image 2). There are 14 mature trees on-site, one of which is considered heritage-sized. Mature landscaping (i.e., shrubs/bushes) run the length (north to south) of the western property line, east of Valley Trails Drive. The subject parcel is primarily accessible from a single driveway off the east side of Valley Trails Drive. The properties adjacent to the subject site comprise one- and two-story single-family homes and Valley Trails Park, a City neighborhood park.

**Image 1: Project Site in the Context of Valley Trails Neighborhood**



**Image 2: Aerial Photograph**



**Project Description**

The applicant is proposing to subdivide the site and construct 37 single-family residential lots and related infrastructure, which would require a General Plan Amendment to change the land use designation from Public and Institutional to Medium Density Residential. The existing religious building, trees, and other site improvements would be demolished.

Site Layout and Access

Lots 29 through 37 along the northwestern perimeter of the subject site would be accessed directly off of Valley Trails Drive by individual driveways consistent with the development pattern established for existing houses fronting Valley Trails Drive. The rest of the proposed development would be accessed by new public streets. There would be a new entry street off of Valley Trails Drive at Lassen Street into the proposed development. The applicant is proposing a four-way stop at this intersection to ensure safe traffic circulation. There would also be two additional interior streets with dead-end courts providing vehicular access to the rest of the proposed development and new pedestrian access to the neighborhood park and walking paths. Please refer to Figures 1 and 2.



**Figure 1: Proposed Site Plan**



**SITE SUMMARY**  
 NUMBER OF NEW UNITS  
 GROSS SITE AREA  
 SINGLE FAMILY RESIDENT  
 RIGHT OF WAY  
 OPEN SPACE  
\* LOTS 11 OR 27 SHALL BE OPTIONAL  
 SEE SHEET 3 FOR DETAILS

**Figure 2: Proposed Site Plan Overlaid with Aerial Photo**



The applicant is proposing to improve the existing sidewalk along Valley Trails Drive that fronts Lots 29 through 37. The project would provide a new sidewalk that would fill in the missing section of sidewalk between the church parking lot and the existing residences to the north and create a continuous sidewalk for the neighborhood along Valley Trails Drive. New landscaping and street trees would also be planted to provide separation between the sidewalk and Valley Trails Drive. Internal pedestrian access throughout the development would also be provided by sidewalks that are separated from the street by a landscape strip with new street trees. The applicant is proposing curb extensions along Valley Trails Drive and all interior streets for traffic calming purposes and to provide stormwater treatment areas. The project would also include two paved pedestrian/bicycle pathway connections from the ends of the two cul-de-sacs to the existing Valley Trails Park pathway.

### Homes

The applicant is proposing five house models: two one-story models (Plan 1 and Plan 2), two one-story models with an optional upper floor (Plan 1X and Plan 2X), and one two-story model (Plan 3). Each model would have three elevation styles: Bungalow, Cottage, and Ranch. Each elevation style would utilize a combination of stucco and/or wood siding and provide three exterior color schemes for a total of nine color schemes.

**Figure 3: Front Elevations**



The five home model types would range in size from 2,451-square-feet to 3,387-square feet. The Plan 1 and Plan 2 one-story homes would range in height from 20 feet, 9 inches to 23 feet, 9 inches (measured from finished grade to the top of the ridge). The Plan 1X and Plan 2X one-story homes with an optional upper floor would range in height from 25 feet, 3 inches to 27 feet, 10 inches. The Plan 3 two-story homes would range in height from 27 feet to 29 feet. Using the Pleasanton Municipal Code (PMC) definition for height (measured vertically from the average elevation of the natural grade of the ground covered by the home to the mean height between eaves and ridges for a gable roof), the homes would range in height from 16 feet, 1 inch to 24 feet, 1 inch. The applicant is proposing to comply with the development standards of the R-1-6,500 Zoning District. Please see Table 1 (Development Standards) below for the other primary development parameters of the proposed project.

**Table 1: Development Standards**

<b>R-1-6,500 Zoning District</b>		<b>Proposed Project</b>	
<i>Setbacks</i>		<i>Setbacks</i>	
Front (Home / Porch)	23 feet / 12 feet	Front (Home / Porch)	23 feet / 12 feet
Sides (One Side / Both Sides)	5 feet / 12 feet	Sides (One Side / Both Sides)	5 feet / 12 feet
Rear	20 feet	Rear	20 feet
<i>Maximum Floor Area Ratio</i>		<i>Floor Area Ratio</i>	
40%		Range	24.7 to 40.0%
		Average	35.8%
<i>Minimum Lot Size</i>		<i>Lot Size</i>	
6,500 square feet		Range	6,760 to 12,656 square feet
		Average	8,367.2 square feet
<i>Min. No. of Parking Spaces per House</i>		<i>No. of Parking Spaces per House</i>	
2		2	

The development plans submitted for this work session do not conform to a few of the development standards for the R-1-6,500 District (minimum corner lot width, building separation, rear yard setback, and front porch depth). However, the applicant has indicated that the development plans will be revised to meet all the R-1-6,500 District development standards prior to returning to the Planning Commission for a formal recommendation to City Council.

### Parking

Each home would have an attached two-car garage. Therefore, the total number of off-street parking spaces provided for the development would be 74 if 37 homes are built. The development would also provide 50 on-street parking spaces dispersed throughout the development (20 of the 50 on-street parking spaces would be provided along the project's Valley Trails Drive frontage).

### Trees

An arborist report prepared for the project surveyed all trees, measuring 6-inches and greater in diameter, within and adjacent to the site. A total of 25 trees comprising seven species were surveyed (please refer to Exhibit D for the tree report). Of the trees surveyed, 14 are on-site, 2 of which are on the shared property line, with the remaining 11 off-site. Three of the 25 trees surveyed are considered heritage-sized (as defined by the PMC) with two of those trees being located off-site. The tree report recommends preserving a total of 13 on- and off-site trees (11 on-site and 2 on the shared property line). The applicant is proposing to remove all but one off-site tree, 10 of which are trees within Valley Trails Park, that conflict with building pad locations and/or within areas where grading would occur (the tree locations are shown on sheet 6 of Exhibit B for reference). The one off-site tree to be preserved is a heritage tree. Staff does not support the removal of off-site trees and will continue to work with the applicant to preserve off-site trees prior to returning to the Planning Commission for a formal recommendation of the project to City Council.

### Open Space and Amenities

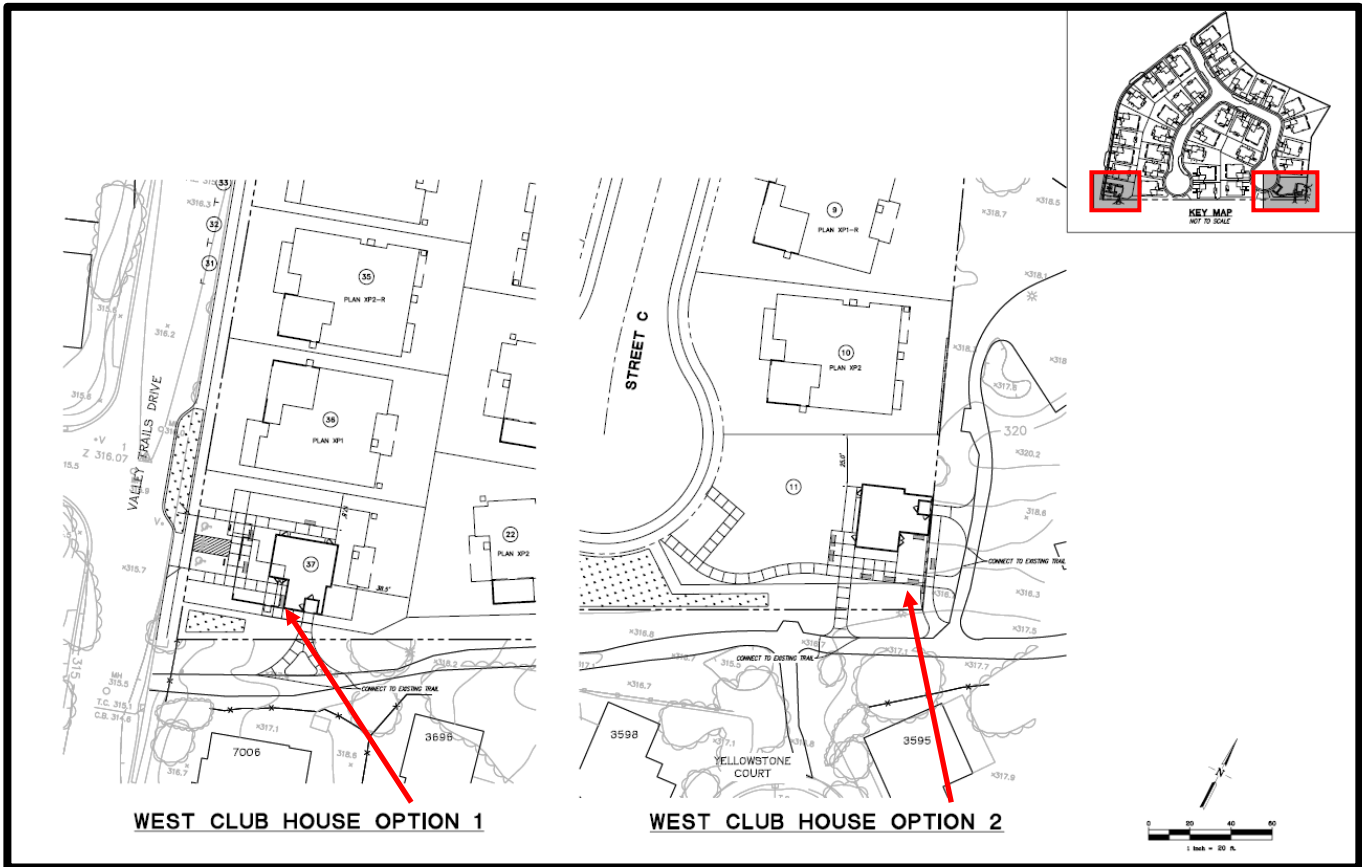
The proposed project includes two private landscape areas near the cul-de-sacs (labeled "Parcel A" and "Parcel B" on the proposed site plan) totaling approximately 0.23 acre, which would be maintained by the future homeowners/maintenance association. The project would also provide two paved 5-foot wide pedestrian/bicycle pathway connections from the ends of the two cul-de-sacs to the existing Valley Trails Park pathway.

Ponderosa is also proposing to install a new tot-lot and perform landscape improvements (i.e., turf removal and replacement with groundcover at specified locations) in Valley Trails Park. The landscape replacement is consistent with the Valley Trails Park improvement recommendations listed in the Parks and Recreation Master Plan. The location of the proposed improvements (i.e., tot-lot and landscaping) are shown in Exhibit E and the Parks and Master Plan recommendations for Valley Trails Park are included as Exhibit F. The improvements will require review from the Parks and Recreation Commission prior to a formal application being presented to City Council. Any recommendations from the Parks and Recreation Commission will be provided to the Planning Commission prior to forwarding a formal development application to City Council for action.

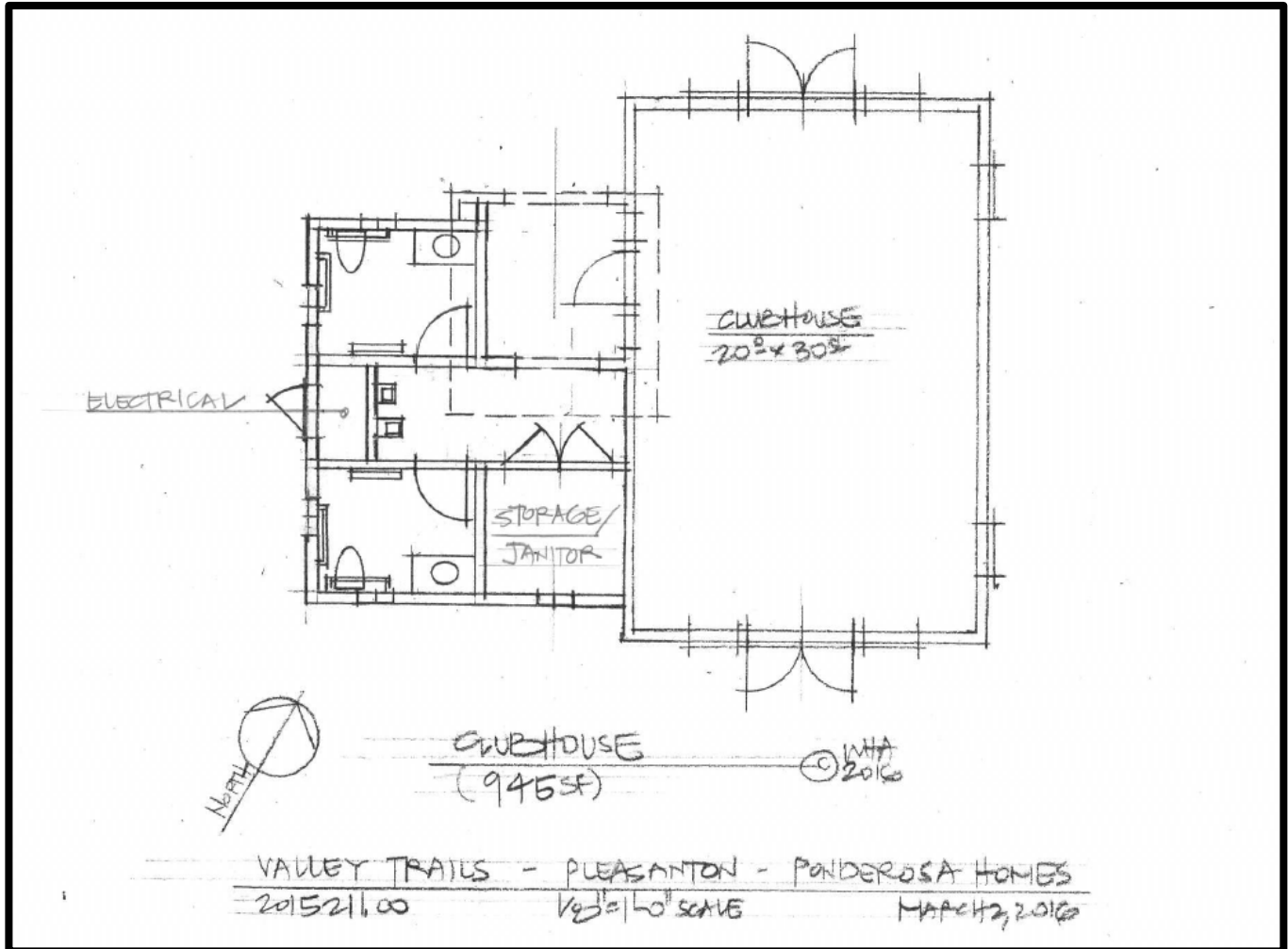
An optional development plotting plan (sheet 3 of Exhibit B) provides two options for the location of a possible club/meeting room facility. In-lieu of a residential unit, the club/meeting room building could be located on Lot 11 or Lot 37. Both lots border Valley Trails Park (see Figure 4). The approximately 945-square-foot building would include an approximately 600 square-foot club/meeting area, storage rooms, and two restroom facilities, which will be accessible from the meeting room (see Figure 5). The City's expectation is that the club/meeting room facility would not be maintained by the City (and would be maintained by Ponderosa and/or VTHA), but ostensibly would be open to the public for at least limited durations (and this requirement could

be made a condition of project approval). Elevation drawings were not included with this development plan; therefore, the height and design are unknown.

**Figure 4: Potential Locations for a Club/Meeting Room Building**



**Figure 5: Club/Meeting Room Floor Plan**



**PROJECT SITE ALTERNATIVES**

The current General Plan land use designation does not allow for residential uses, but the site is zoned for residential uses. Should a General Plan amendment be approved, the 36 (or 37) unit residential development with improvements to Valley Trails Park, including a tot-lot and as listed in the Park and Master Plan recommendations (Exhibit F), and a privately maintained club/meeting room facility, is staff’s preferred option for this site. Other options for the site could include:

- 1) Retaining the religious facility and parking lot and developing the remaining vacant portion of the site with a residential project;
- 2) Developing a higher density residential project;
- 3) Developing a private school; or
- 4) Expanding the existing church building.

The first and second options would require a General Plan amendment to change the land use designation of the site in order to allow for residential uses, in addition to rezoning and could

require the site to be rezoned to a PUD district to allow for flexibility in development standards (i.e., lot sizes, setbacks, and FAR). The second option would generate higher volumes of traffic and noise. The third option wouldn't require a General Plan amendment; however, a private school could generate higher volumes of traffic and noise within the established neighborhood. For option four, a new religious organization could occupy the existing church and propose to expand the building or use (i.e., daycare/preschool). This option could also generate higher volumes of traffic and noise.

**PROS AND CONS FOR THE PROPOSED PROJECT**

Pros	Cons
The General Plan and zoning designation would be consistent (i.e., residential).	New development would be added to an established neighborhood.
The development plan, when revised, would conform to the current zoning designation.	The project would incrementally increase traffic, noise, activity, and parking demand.
The Parks and Recreation Master Plan recommendations for Valley Trails Park would be installed by the applicant.	Existing trees would be removed to accommodate the development.
The project is well-designed and would protect the character of Valley Trails Neighborhood by adding residential population on an underutilized site adjacent to a public park in an established neighborhood.	

**CONSIDERATIONS FOR THE WORK SESSION**

Staff is presenting the Commission with development plans for the site (Exhibit B) for consideration and comment. This work session will allow the Planning Commission the opportunity to provide direction to the applicant and staff regarding any issues it wishes to be addressed prior to consideration of project approval. The areas noted below are where staff would find the Commission's input most helpful.

**General Plan Amendment**

The subject property currently has a General Plan land use designation of "Public and Institutional," which does not allow residential uses. Therefore, a General Plan amendment is proposed to change the existing land use designation to "Medium Density Residential." The Medium Density Residential General Plan land use designation allows for 2 to 8 dwelling units per acre (du/ac) with a midpoint density of 5 du/ac. The General Plan indicates that residential projects which propose densities greater than the midpoint should be zoned PUD and include sufficient public amenities. The proposed project would have a density of 4.1 du/ac (37 lots on a 9-acre site) or 4.0 du/ac (36 lots on a 9-acre site), which is below the midpoint density. Therefore, PUD zoning and public amenities are not required for the proposed project. However, the applicant is proposing to provide amenities (please refer to the amenities section of this report).

The proposed General Plan amendment would reduce the total acreage of privately-owned, potentially developable sites in the City with the Public and Institutional land use designation from approximately 60 acres to 51 acres. This change would effectively reduce the amount of land in the City available for public and institutional uses such as religious facilities, cemeteries, corporation yards, sewage treatment facilities, utility substations, hospitals, post offices, community centers, senior centers, libraries, and City administrative buildings. The General Plan also provides policies and programs that encourage the evaluation of land use changes and provision of community facilities:

1. Land Use Element Policy 5: *Evaluate land-use changes in the context of overall City welfare and goals, as well as the impacts on surrounding neighborhoods.*
2. Land Use Element Program 5.2: *Consider surrounding land uses and potential impacts when changing land-use designations.*
3. Public facilities and Community Programs Element Goal 1: *Provide sufficient public facilities and community programs to efficiently serve existing and future development while preserving and enhancing the quality of life for existing and future residents.*

The Commission should also take into account the fact that the subject property is currently zoned R-1-6,500 District, which is inconsistent with the Public and Institutional General Plan land use designation. The proposed General Plan Amendment to change the land use designation to Medium Density Residential would reconcile the General Plan land use designation with the zoning of the subject property. In addition, there are other properties in the City that do not have a Public and Institutional General Plan land use designation that allow for some of the uses of the Public and Institutional General Plan land use designation. For example, religious facilities, various types of schools, and public utility and service facilities are conditionally permitted uses in the R-1 and R-M (Multi-Family Residential) Zoning Districts. Post offices are permitted in various commercial zoning districts and hospitals are conditionally permitted in the Office and Agricultural Zoning Districts. These uses are also permitted or conditionally permitted in other zoning districts including PUDs. Also, the surrounding neighborhood is already well-served by community and public facilities. Furthermore, the General Plan provides goals and policies that encourage residential infill development and land use changes from non-residential to residential designations where appropriate:

1. Land Use Element 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.*
2. Housing Element Goal 15: *Adopt land use changes from non-residential to residential designations where appropriate.*
3. Housing Element Policy 38: *Strongly encourage residential infill in areas where public facilities are or can be made to be adequate to support such development.*

### **Amenities**

The proposal would not exceed the General Plan midpoint; therefore, dedication of land or amenities is not required. However, the applicant is proposing to dedicate to the City a portion of “open space” land for public use, if the City accepts the maintenance responsibilities of the of



the club/meeting room facility, adjacent to Valley Trails Park. Furthermore, Ponderosa is also proposing the installation a new tot-lot and to perform landscape improvements within Valley Trails Park. As noted earlier, the VTHA have strongly expressed a desire to have a club/meeting room with restroom facilities within Valley Trails Park. As shown in the development plans, Ponderosa has provided two optional sites and details of the proposed building. Ponderosa would dedicate the land to the City, construct the building, and provide some funding to assist the City's building maintenance cost. The concept of dedicating a club/meeting room has been discussed by City staff from the Community Services Division, Parks Division, Planning Division, and Operation Services Center and it was concluded that while staff would support the development of a club/meeting room on the site, construction and maintenance of the building would need to be funded (constructed, operated, and maintained) entirely by non-City sources.

Valley Trails Park is 6.1 acres in size and is classified as a Neighborhood Park. According to the City's 2014 Parks and Recreation Master Plan, Neighborhood Parks are, typically, 5 acres in size, but can be as large as 10 acres. Neighborhood Parks are intended to serve City residents who live in close proximity. Ideally, everyone in the City would live within convenient walking distance (typically 0.5-mile) of a Neighborhood Park. This is defined as the "service radius" or "service area" of a Neighborhood Park. Therefore, such parks usually do not have restrooms, on-site parking, lighted sports facilities, or community rooms.

Neighborhood Parks are designed to address the daily recreational needs of the surrounding neighborhood. Features of neighborhood parks might include playgrounds, open turf areas, picnic tables and/or picnic shelters, walking paths, attractive landscaping, and passive recreation features. A size of 5 acres or more is considered appropriate to serve a neighborhood of approximately 1,000 residents within its service area. On the other hand, Community Parks are at least 10 acres in size and serve the entire community (e.g., Bernal Park). Although they often have similar features as Neighborhood Parks, such as playgrounds and picnic areas, they also have "active" recreation features such as lighted sports facilities (sport fields, tennis courts, and swimming pools), community/recreation center, off-street parking, and restrooms.

In addition to the aforementioned requirements, Neighborhood Parks also contribute to the overall park system that is accessible to the entire community, which sometimes warrants the need for additional amenities. Examples of City Neighborhood Parks where design exceptions have been made to provide for amenities include Lions Wayside and Delucchi Parks, Stoneridge Creek Neighborhood Park and Creekside Park. All of those exceptions have been made to account for special circumstances, as described below.

Lions Wayside and Delucchi Parks – Although both parks are considered Neighborhood Parks, they also serve as a central hub for Downtown and City related events. Restrooms were added as a result of a request from the Pleasanton Downtown Association (PDA) to help support the weekly Farmer's Market and Concerts in the Park. In addition, the development of the Firehouse Arts Center and parking lot were a result of the 1998 Cultural Plan, the Downtown Specific Plan, and the Downtown Parks and Trails System Master Plan.

Creekside Park – Creekside Park is within Hacienda Business Park and is adjacent to businesses, apartment complexes and a regional trail system (Iron Horse Trail), warranting the inclusion of restrooms.

Stoneridge Creek Neighborhood Park – This Neighborhood Park went through a joint master planning process along with Staples Ranch Community Park. Although the support and funding for the Community Park dissolved, the Neighborhood Park was funded by a private developer, Continuing Life Communities (CLC). During the Master Planning process, the Developer (CLC) asked the City what type of amenities were needed on the north side of the neighborhood park, and the City identified the need for lighted tennis courts, an off-leash dog park and restrooms. However, the off-leash dog park was eliminated due to the expansion of the detention pond area.

In general, the City has been reluctant to take on maintenance of new (and unplanned) buildings given the City's long-term facilities strategy and approved master planning efforts. Furthermore, there are suitable public meeting spaces to accommodate neighborhood meetings, including the nearby Tennis Park, Senior Center, Firehouse Arts Center, Remillard Room (located at the City's Operation Services Center on Busch Road), and the City's library community room. Most of these facilities are available to the public at no cost. Should a club/meeting room facility be constructed, staff's position is that it be privately constructed, operated, and maintained by the developer and/or VTHA.

### **Site Layout & Access**

As previously discussed, Lots 29 through 37 would be accessed directly off of Valley Trails Drive and the rest of the development will be accessed by new interior streets with dead-end courts. The missing section of sidewalk on Valley Trails Drive between the church parking lot and the existing residences to the north would be installed and create a continuous sidewalk for the neighborhood along Valley Trails Drive. The interior sidewalks would also be separated from the interior streets by a landscape strip. The applicant is also proposing traffic calming measures and pedestrian connections to Valley Trails Park.

Staff seeks the Commission's comments regarding the street design and overall pedestrian experience. Staff believes that the site layout provides adequate vehicular and pedestrian access/flow and integration into the existing neighborhood. The interior streets, which are public streets, and pedestrian connections along Valley Trails drive and to Valley Trails Park help integrate the proposed development into the existing neighborhood. The vehicular and pedestrian connections also comply with the City's Complete Streets Policy and the overall street pattern is consistent with that of the surrounding neighborhood. However, staff believes that the two paved 5-foot pedestrian/bicycle pathway connections from the ends of the two cul-de-sacs to the existing Valley Trails Park pathway should be widened to 7 or 8 feet (which is more consistent with the width of the Valley Trails Park pathway) to allow for simultaneous pedestrian and bicycle travel.

### **Residential Architecture**

As previously discussed, the applicant is proposing five house models, which include two one-story models, two one-story models with an optional upper floor, and one two-story model. Each model would have three elevation styles, which are Bungalow, Cottage, and Ranch. Each elevation style would utilize a combination of stucco and/or wood siding and provide three exterior color schemes for a total of nine color schemes. Overall, staff believes that the proposed homes are adequately designed and provide enough interest and variation. The architectural styles and heights of the proposed homes are also compatible with those of the homes in the surrounding neighborhood, which include a mix one-story and two-story homes.

However, staff believes the architecture could be marginally improved by setting the garage back further from the street and/or deepening the front porch if feasible.

### **DISCUSSION POINTS**

- A. Does the Commission support the General Plan Amendment to allow for residential development on the subject property?*
- B. Does the Planning Commission support the construction of a club/meeting room building with restroom facilities within the project site?*
- C. Are the overall site plan and street/pedestrian design layout acceptable?*
- D. Are the home model types and elevation styles acceptable?*
- E. What other information would assist the Planning Commission in its decision on the proposal? Do you have any other comments on the project?*

### **PUBLIC COMMENT**

Notices for this work session were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit G for reference. One resident, Marta Seda, expressed concerns regarding the traffic and circulation impacts of the proposed project in an email submitted to staff dated “July 21, 2016” (Exhibit H). At the time this report was published, staff has not received any other public comments about the project.

### **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.

### **SUMMARY/CONCLUSION**

Staff requests the Commission to review the proposal, hear all public testimony, and provide comments to staff and the applicant regarding the proposed General Plan Amendment, project alternatives, proposed site layout and access, and any other discussion points.

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**Reviewed/Approved By:**

Steve Otto, Senior Planner  
Adam Weinstein, Planning Manager  
Gerry Beaudin, Community Development Director

**P16-1386, TRACT 8259, and P16-1385, Ponderosa Homes**

Work Session to review and receive comments on an application to amend the General Plan Land Use designation from Public and Institutional to Medium Density Residential to allow for the demolition of the existing religious building and development of up to 37 homes on the approximately 9-acre site located at 6900 Valley Trails Drive. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Jay Lee presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner Allen: I'm not used to seeing projects when we have a General Plan that is inconsistent with zoning and so I'm trying to understand the implications. Does the General Plan trump the zoning or does the zoning trump the General Plan?

Weinstein: When there's an inconsistency between the zoning and the General Plan, the General Plan would govern.

Commissioner Allen: Okay. The second question is if we were to build this prior to 2022 and build it as mid-density, would we receive any RHNA credit for it now or would it carry over the RHNA credit after 2022? When I say RHNA for people who don't know, it's Regional Housing Needs Allocation. We have an allocation through 2022 and so the question is does this help us meet that or would it help us after 2022 if we were to build it now?

Weinstein: Right, so if it's re-designated now. RHNA really focuses on zoning, but obviously for zoning to work, the zoning for different housing sites has to be consistent with General Plan land use designations. Assuming we change the land use designation for this site such that it matches the zoning of the site and then housing is built on it that will count towards our next RHNA obligation. What will happen is in the early 2020's we'll get new RHNA obligations from ABAG. ABAG will say, City of Pleasanton, you need to zone enough land for a certain number of housing units, and assuming this site is built out according to its changed General Plan designation and current zoning designation, this site won't be available to count towards our RHNA obligation during the next RHNA cycle. We'll have built some market rate housing which some people might consider to be a good thing and we'll get some in-lieu fees from the project applicant which could be used to promote some of our affordable housing policies, but the General Plan Amendment for the site won't count for our next RHNA obligation.

Commissioner Allen: Nor will it count for this one because we've already met it, correct?

Weinstein: Right.

Commissioner Allen: Okay, thank you.

Commissioner Brown: I have a few questions. How many of the one-story, two-story and the optional loft are there?

Lee: There are 13 one-story homes, 15 one-story with optional loft and nine two-story.

Commissioner Brown: Okay, because when I went out to the neighborhood earlier, I saw a lots of 1½ stories and that's why I was asking. In terms of the R-1-6,500 designation just so I can clarify, that's essentially because it's one lot today and you can have one family on it, was that done so the pastor can live on the property?

Weinstein: Yes, so the R-1-6,500 zoning district is really our standard, relatively smaller lot single family zoning district so that means you can divide the site up into 6,500-square-foot parcels so you could accommodate a lot more than one parcel on the site.

Commissioner Brown: Okay, I just wanted to clarify. And, maybe this is more a question for the applicant, but does the church have another site they are relocating to?

Lee: Yes, from my understanding they are moving to another site.

Commissioner Brown: All right, I have some other questions but I'll hold them until after the public session.

Chair Ritter: Okay, great, any other staff questions?

Commissioner Nagler: On the public amenity that the applicant is offering; a meeting room and restroom, as you pointed out there is a choice to be made of location. Does staff have a preference on location?

Weinstein: There are merits to both options. You could make an argument that a clubhouse on Valley Trails Drive is great. It's right on the street. It fronts the public right-of-way; the public's sphere on the street at least, easy access maybe by vehicles so you could make an argument for that one location. You could also make an argument for the other location too that's closer to the park that there's a potential for the clubhouse to be better integrated with the park. You can walk through the park and immediately arrive at the clubhouse. So I think staff's opinion is that both sites have merit. I don't think there's a strong preference for one over the other.

Commissioner Nagler: Thanks, and on the restroom, I guess there's some question about how the restroom would be accessed. Does staff have an opinion about that?

Lee: It will be accessed at least the way the floor plan is now from the inside; from the clubhouse. I think that's because it's going to be open to the public only for part of the time. So for a large part of the time it will be just for the development and also maybe a benefit is that it could be a little safer by not being open to the public at all times.

Beaudin: I'm going to just maybe clarify a little bit on that point. Staff does have a preference that it be outward facing. To be truly available to the public I think it has to be open to the public. I don't think it's a make or break point. I think the points that Jay made are valid, but I think if it's a restroom accessible to the park, having to go inside of what will feel like an interior space that may not be as available to the public may make it less accessible. So the idea here is if there is going to be a restroom and it is going to serve the public realm, then it should be accessible from the public side.

Commissioner Nagler: Okay. I believe at one time the amount of space to be allocated to this amenity was actually two lots to properly site it and maybe even allow for some parking for its use. But, when the option was created to move it to Option 2 to Lot 11, it was reduced to one home site. Is that accurate in staff's perspective?

Beaudin: Yes, we did see an option that did involve some on-site parking and I believe the site was slightly larger and I think that what we've come to realize is that the clubhouse is not going to be that large. It may draw from the larger community but the numbers of people who may be using this space could easily be accommodated elsewhere in the neighborhood for the duration of a neighborhood gathering at an event location like this. So there's not as much land allocated to this particular use, but in general, whether it's C Street within the development or Valley Trails out on the main road, there's going to be adequate space for people to use for parking. It's not a large amenity building.

Commissioner Nagler: Thank you.

Commissioner Balch: To refresh my memory, Valley Trails Park does not currently have restroom facilities in that park, correct?

Beaudin: That is correct.

Commissioner Balch: Can you please elaborate as to why the City policy is not to accept additional ancillary buildings at park locations in light of Creekside Park restroom and Bernal Community Park restroom facilities that the City already owns and maintains.

Beaudin: There is a difference between community parks and neighborhood parks. Neighborhood parks are typically more proximate to the users. They're smaller size and the people who are using the parks are living nearby. Community parks are more of a destination. There are exceptions here in the City of Pleasanton that have been made over time and the Park and Recreation Master Plan does have some explicit criteria about when a restroom is installed and that's what we see tonight as part of the staff recommendation. There are on-going operations and maintenance costs that go with accepting a facility like this and those are things that have to be budgeted for and properly accounted and planned for, and that's really what the Park and Recreation Master Plan does. So that is the staff recommendation at this time.

Commissioner Balch: As a former Park and Recreation Commissioner who voted for it and sat on that task force I understand that.

Beaudin: Yes, and I'm sure the criteria were carefully thought about in terms of where those kinds of facilities go and understanding the costs.

Commissioner Brown: The Valley Trails Homeowners Association; that is not a legal entity at this time, correct?

Beaudin: I can't answer that. I have had this conversation with Connie Cox and with I believe Ed Broom as well. My understanding is they are an affiliated group but not a

legal entity, but when Connie comes up it might be a great question for her tonight to further clarify that point.

Commissioner Brown: Okay, so the ancillary question is, if the answer is no and it is not a legal entity, does that mean that if the clubhouse was designated, then it would have to be open to the public and they would have equal rights to use that facility as any other member of the public.

Beaudin: The way the condition of approval is written, as of now, is that the neighborhood can book the venue and the question is, what is the neighborhood if they're not an official HOA. It's a point that has to be clarified and before we finalize the project we'll have to come to some agreement on either a certain distance from the amenity building if the amenity building stays in the project or a definition of the neighborhood in that condition of approval. I think the intent here is to have a building that serves this neighborhood for potentially a monthly meeting or smaller gatherings and we want to set a number of uses per month or per year and we also want to identify who's going to go into that space.

Commissioner Brown: Okay. There was mention in the Staff Report of the in-lieu fee versus credits from a previous project with Ponderosa Homes. Is that being resolved or is that still in flux?

Weinstein: The affordable housing agreement for the project hasn't been negotiated yet so after we go through the workshop process that agreement will be negotiated and will likely be requiring the applicant to pay in-lieu fees to fulfill their affordable housing requirement and not build units on site.

Commissioner Brown: Okay, thank you.

Commissioner Allen: My initial assumption going into this has to do with the restroom and funding the maintenance of the restrooms. I initially assumed that the community center and restrooms would be funded by the new homeowners association that these specific homes and PUD would be part of. But what I'm hearing you say is, they can essentially regulate how they want them to be used or if they want to charge other people to use them. It sounds like you're thinking that you would create a broader homeowners association, broader than just the units we're talking about for this project. Is that correct?

Beaudin: I want to clarify. There's the existing neighborhood; the residents that are in the neighborhood are the folks who really have been advocating strongly for an amenity building. So that's really the question, how do you define who gets to use that space going forward. What we'd like to do is if we have the amenity building we want to have a condition of approval that in the future, I'll call it "Ponderosa HOA", would have to allow access for a certain number of events per year or days or times per year or per month. The two HOAs or the neighborhood and the Ponderosa HOA would have to work together and it would be a condition of approval on the project. So the intent here is that the Ponderosa HOA from the City's perspective builds, owns, maintains and essentially manages the facility and then folks from the neighborhood would have access to it at times that are determined through this process.

Commissioner Allen: Okay, that's helpful. Given that, let's just pretend that there is loitering in the restroom area and the maintenance is a lot more expensive than the new Ponderosa HOA expects it to be. Would you expect that that HOA would have the right over time to shut down the restroom or to actually charge and give the residents in other areas, let's say, a key or certain fee to cover their costs? Is there potential that this public restroom over time might not be so public?

Beaudin: The condition of approval we're looking at for this project would be maintenance in perpetuity for the public use and then the specific management of events and number of events per year would be regulated. The idea isn't that this becomes a community room for citywide purposes; it is that it serves this HOA or it serves the broader neighborhood, not citywide functions and those kinds of events.

Weinstein: They would have to come back as well if that situation occurred where the costs of maintaining the restroom were a lot higher than expected. To change that condition of approval that Gerry was talking about, we would bring it back to the Commission and City Council possibly to renegotiate or revisit that condition.

Commissioner Balch: I can guarantee it's going to come back the day it needs to be rebuilt. The "Ponderosa HOA", for lack of a better term or understanding—it's purpose is going to be formed so it can maintain the landscaped areas at the ends of the courts, the buffer zone between itself and the park, and then this parcel on which the clubhouse public amenity sits and likely, the amenity itself. Is that a general paintbrush similar to like a public art area or public open space area?

Beaudin: Yes, I don't want to say that you've covered it all but you covered most of it. Assistant City Attorney Harryman mentioned that stormwater is likely part of the equation and I'm sure there are one or two other things that may come up in the agreement that's ultimately reviewed.

Commissioner Balch: And that was a lead in for asking about the street itself. Who is going to repave the street?

Beaudin: These are public streets.

Commissioner Balch: Thank you.

Chair Ritter: If they start this HOA it's for 37 homes, correct?

Beaudin: It really depends on the amenity building. It's either 37 or 36.

Chair Ritter: So they're the ones paying for the clubhouse but the public would get to use it. Is that the way you're posing it?

Beaudin: I'm not sure if we wrote it into the staff report at this point in time, but we talked about once a month for the level of use by the broader neighborhood; not for the entire community but for the broader neighborhood and we'll call it the "Valley Trails Association" affiliation. Then, yes, the idea is that the project—it's obviously the homeowners who ultimately pay for this on the back end, but on the front end, the



project would build the amenity building with the homes and then turn it over to the HOA.

Chair Ritter: Okay, so the back end is the hard part it sounds like. We have 33 neighborhood parks and only Creekside and Delucchi have bathrooms, and I guess Stoneridge Creek. So we don't really have any bathrooms at neighborhood parks based on the numbers, correct?

Weinstein: Correct, and the neighborhood parks that have bathrooms have unique circumstances that call for bathrooms. Lions Wayside for instance is a neighborhood park but it's really a community gathering space for downtown so it has a restroom.

Chair Ritter: So the City is technically maintaining four bathrooms in neighborhood parks and that's not what the City usually does. Okay. So, if we don't rezone this, it's currently set up for religious facilities, cemeteries, corporation yards, post offices, community centers, senior centers, libraries, city administrative buildings. Do you believe there is a need for any of those uses in that location?

Weinstein: We have a lot of churches and tutoring facilities and not necessarily large scale private schools but uses like that coming into the planning division with applications and they're not necessarily all looking for public and institutional land. We have lots of zoning districts in the city and you'll hear more about them actually when we talk about the zoning code update after this item. But there are other zoning districts that allow for those sorts of uses. There are residential districts that allow for academic uses or church uses as well. Our experience has been if a church or religious organization wants to operate in town, they're usually able to find a space for it. We're working with a handful of them right now in different zoning districts and General Plan designated sites throughout the city. I don't think any of them in terms of our current religious applications are looking at public and institutional sites. I think they're all looking at other sites.

Chair Ritter: So the answer's no, there's no need for that right now.

Commissioner Balch: This is just a workshop so the conditions you mentioned earlier, those are still being crafted for later?

Beaudin: Yes, and can I just let Adam maybe add to that last point.

Weinstein: Yes, it's important. I don't want to say that public and institutional land is not used in the City and we shouldn't be really, really careful about amending the land use designation for sites like this, but there are lots of considerations to look at when there's an application like this. We look at the overall amount of acreage in the city that's designated for public and institutional uses. We look at what the demand is for public and institutional lands both at this time and in the future so I definitely don't want to downplay or discount the seriousness of re-designating a site from something to something else, but again, there are lots of considerations we look at. It doesn't appear to us there's a shortage of public and institutional land at this point in time. It doesn't mean there couldn't be such a shortage in the future. It's hard to anticipate how conditions will change in the future.

Chair Ritter: Okay, great. Thank you. Again, this is a workshop so how many have been at a workshop before? (A few hands were raised) A workshop is an opportunity for us to exchange ideas and to give staff and the developer some feedback based on what we see so far. It sounds like there has been good outreach. We're going to have a report from the applicant first, but I wanted to point out that's what a workshop is. After we hear from the applicant, we'll have those who have filled out speaker cards come up.

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

Pam Hardy, Applicant: Good evening Chair Ritter, Commissioners and staff. I wanted to thank the Commission as well as staff for accommodating the application as well as the Valley Trails Community with a special meeting tonight. We appreciate that. I'm going to make my remarks somewhat limited because I know there's a whole lot of folks here in the audience that I'm sure would like to speak sooner than later. I think staff's done an excellent job on the staff report. Again, thank you. A couple of fill-in's from what the staff alluded to but may not have pointed out specifically is that we have not only been working with the community at large in Valley Trails for the past two years and as highlighted in your staff report, through that iterative process with the neighborhood, yes, the project has changed. We've made a lot of refinements. We've reduced the number of lots and because of it; we've produced a better plan as a result of neighborhood input. So we've had a very good collaborative and working relationship over the past two years and we've come out with a better design because of it.

I'm a little bit new to your workshop session here so just bear with me a little bit. In my mind, I can answer some questions of the Commission; that there are 14 single stories. I counted one a little different from staff, but we were very careful on how we plotted these houses. If you look on your site development plan, you'll see every single one of the lots have been pre-plotted with a plan type. Why is that? When we met with the neighborhood, we got individual input on all these houses so we were trying to be very sensitive to the one- and the two-story and the spatial relationship between our existing neighbors and the new homes, many of which may meet the existing zoning requirements but many that don't. So our project will meet and exceed the R-1-6,500 standard as well.

With respect to the General Plan Amendment, I think that's been covered quite well by staff. Again, in our discussions with the neighborhood, we agree with them that this proposal is far more superior and will be a less intensive impact to the neighborhood and a typical P&I use; something that will create more traffic, more potential for noise and things of that nature. I think the Commission recently had an application before you with the Masonic Lodge and those are classic situations where you have a P&I use that's adjoining an established residential neighborhood. So we took that well into account in laying out our site plan and putting together our development standards.

With respect to the amenities staff mentioned earlier, we are below what would be otherwise considered the mid-point of this proposed General Plan designation; the General Plan designation at the low density being consistent with the zoning of R-1-6,500. Regardless, we are proposing an amenity package which I do believe you received in your agenda report. We are committing to about \$300,000 of improvements that will specifically improve the Valley Trails neighborhood, not Citywide, but

specifically for the Valley Trails community at large, and this is in addition to the citywide impact fees that this project will generate in terms of traffic mitigation and park in-lieu dedications. And if you have any questions on that I'll be happy to answer that, but they're pretty far ranging. They involve a lot of upgrades to the public park, other landscape improvements perhaps to the entry area, some traffic calming features. This is more input and feedback that we expect to get as we move further down the road in working with the neighborhood and with City staff.

A lot of discussion about the clubhouse—again, this was a strong sentiment that the neighborhood shared with us in their desire to have a community meeting space. They felt that would be the heart of their community so taking that into consideration, we proposed one of two potential locations within our project site that could be for that purpose. We're proposing to construct the building and deliver it turnkey. Our position has always been and it remains that if it is going to be for the public's use, that it be a public facility; however, further down the road we would like to have more dialogue with the City about how we can best help in offsetting those long term maintenance costs. If the public restroom is to be a public facility, it should be accessible by the public. So we're not at this point proposing that our project HOA take on that maintenance responsibility. But again, this is a workshop. We'd love to get your feedback about the site plan and design, and as we go forward and working with the Parks Commission, coming back to you and going to the City Council, refining that dialogue with respect to this type of facility.

With that, I will conclude and I'm sure a lot of the neighbors are here tonight and are anxious to get up and address the Commission. Unless you have any questions from me, I will happily sit down.

Commissioner Balch: I do actually, a quick question about the facility amenity. The position is that if it's a public facility and hence, not part of the HOA, how are you handling the land? Where is title on the land? Is that going to stay in the HOA?

Hardy: We have offered to dedicate that as public park space. If it's going to be a public building it should be on publicly dedicated parkland.

Commissioner Balch: So basically, and to make sure I'm interpreting it correctly, it sounds like you're saying we'll build it on the parcel, landscape it, get it done and then we'll dedicate it and it's not even part of our HOA area anymore because it's into the public use.

Hardy: That's correct and obviously, as a result, we're losing a lot in that process. But in order to accommodate that and to give setbacks and not impact the existing facilities within the park, we're doing it within the confines and boundaries of our project site.

Commissioner Balch: Thank you for the clarification.

Chair Ritter: Does Ponderosa run a HOA for any other public facilities similar to this amenity?

Hardy: Many of our projects have an HOA to take care of common area maintenance responsibilities. It's standard operating procedure where Ponderosa will stay on that board until such time as the majority of the homes are sold to new homeowners and then they take on the majority position on the board and then Ponderosa is no longer part of that HOA other than perhaps providing some guidance and assistance as they continue in their setup and may need some assistance in that regard. But once it is turned over to the private HOA, we are out.

Commissioner Brown: Is anyone from the church planning to speak?

Hardy: The pastor is here tonight, and I'm sure if you have specific questions of him, he'll be happy to answer that.

Commissioner Brown: I have a question which would best be addressed by the owner.

Hardy: And one other quick thing I wanted to point out to staff—the plan that you referenced that showed some parking on an additional lot within the project site, I believe you're referring to a study we prepared internally to show you the merits or lack thereof of having this be a public facility that would be accessed by the streets in our project site. Naturally, we would be concerned if a parking impact occurred to our new homeowners as well as the surrounding, existing neighbors we have.

Chair Ritter: Great, any other questions? Okay, thanks. We'll invite up our first speaker.

Ed Broom: Thank you. My name is Ed Broom. I live on Hawaii Court. Frankly I didn't think this evening would ever come, but we're here. So as Pam mentioned we have been working hand-in-hand with Ponderosa for the last couple of years. I would like to clarify and support what staff said about Valley Trails Homeowners Association. It is defunct. We put together a subset of that organization so to speak. It can best be described now as an advocacy group or social club type of thing. There are no dues. There are no compulsory rules. The leadership is informally formal so there are no elected positions, but obviously some folks do need to rise to the occasion to kind of voice our concerns, get the neighborhood together as a whole and get the different ideas and so forth. So that's kind of the background of where we are. Even though it's referred to in the staff report as the VTHOA or the homeowners association, I just wanted to clarify that's a misnomer.

So, we are speaking tonight mainly from that point of view and we are in very much support of this project. It's been a long road. We think that it's time in the evolution of this particular parcel for the church to convert one of their larger assets into capital so they can move elsewhere and grow which is really I'm sure what their intent was all along with this piece of property. History didn't prove that out. The neighborhood was very much opposed to this as you all well know over the years and it's just recently that that attitude has changed a bit and they're more welcoming. We think that Ponderosa has a great plan. We think that the density and design of the plan will work very well and it's a good complement to our neighborhood as a whole.

The community room or amenity which seems to be the topic of choice tonight, that really came about from the voice of the neighborhood as a whole. Obviously not everyone agrees to that and we respect those opposing viewpoints, but right now when

we look at how we utilize the church building we utilize it now as a place to vote, we utilize it for Scout meetings, we utilize it for community club meetings so when it's said it's the heart of our neighborhood, it really is. It does serve that purpose. When we started thinking about that going away, that left a hole, so that was the genesis for us getting behind the community building. The one thing we would prefer is we would prefer the Lot 11 location which I think is Option 2. We would propose that Lot 11 be the preferred location mainly because of its proximity to the park. If there's going to be a restroom facility, it only makes sense that its closer to the play equipment which is what our residents mentioned would be their preference and their favor. I think some policing issues and concerns have come about through different letters and so forth and that's really we feel a police action and it should be considered but I don't think it should be the deal-breaker in my opinion. Also, we do intend to have further discussion on the City accepting the dedication of the facility. We think Ponderosa has put together a very solid funding plan for not only the day to day operational costs but a small capital improvement fund to handle things over time. The one change we would ask however and I think the two-lot came up—Commissioner Nagler, you brought it up—originally yes, Ponderosa did displace two lots when there were two entry/exits to the project. So what we did is we were trying to come up with a creative way to make this clubhouse work, to make the restrooms contiguous with the park, how could we do that? So we essentially changed the two lots that were displaced by a roadway, made it a single entry/exit and moved those two lots which was Lot 10 and Lot 11. So what we would ask is that we would be allowed Lot 10 as well and that would accommodate off-street parking which we believe would be a requirement of zoning code Chapter 18. We feel there would be at least 10 parking spaces that would be needed for that community room as dictated by that section of the zoning code.

Dan Lacey: Thanks for having me. I'm Dan Lacey. I live at [REDACTED] Valley Trails Drive. I agree with Ed on the location of the facility; the restroom and the meeting room. I think the restrooms should be made open to the public with the exterior entrance of it all. I'd also like to say I've been a boardmember of the former Valley Trails Homeowners Association for about 15 years. I'm still active with the current group and we've done a lot of work with the Ponderosa group. We've seen the progress through the years of the different plans for that lot. You may know that we fought diligently against them. This is one that most of us agree with. You know, there are a few dissenting voices about a bathroom and NIMBY (not in my back yard) situations, but I think that's all I'd like to say but I'm all for this current plan.

Bob Anderson: Good evening. I'm Bob Anderson. I live at [REDACTED] Shenandoah Court. I've been a resident of Valley Trails for about 35 years and have seen many different proposals for this piece of property and by far this is the best one that's been presented. I think it has a win/win situation for not only Ponderosa but for Valley Trails and the City of Pleasanton. I'd like to keep and have the amenity of the clubhouse because as Ed said, the church is where we meet on election day to vote and we also need a place to vote. The church has been very supportive in this proposal as well as most everybody in the neighborhood. You're not going to please everybody 100% of the time, but I think we have a large group of people who are for this proposal and would like to see it go forward with everything that Ed has said and what Pam has said. So that's all I have to say.

Carolyn Lacey: Hello. I'm Carolyn Lacey. I live on Valley Trails with Dan Lacey and we've lived there for 19 years and had to look at the church—I don't know if you guys know, but probably for 5 years there was a lawn chair on top of the church and I'm sorry Bob, but it was in disarray and it's still not quite up to par and it would be nice to see something developed there and this is a great plan. We've been working with Ponderosa and Pam and we just all agree with it. The bathrooms I do believe should be open to the public. I think like Muirwood or Creekside or the sports park, they lock and we can use them. The kids need them. I need them when I walk the dogs. I'm in support of the project and \$300,000 to improve Valley Trails would go a really long way. We've needed some improvements in there; our gateways, everything. I know that they're willing to do those things for us so I'd be nice to have that, and that's all I have to say.

Sandy Temberg: Thank you. Good evening Chair Ritter and members of the Commission. My name is Sandy Temberg and I reside at [REDACTED] Isle Royal Court in Valley Trails. I feel kind of like the little dissenter up here. I think it's a great infill project for this site. I have no problem with Ponderosa's recommendation and the work that my fellow residents have done; however, I do not agree with putting in a restroom facility. I'm glad you brought up the conversation about the neighborhood park differences. I don't necessarily think that restrooms in a neighborhood park are warranted. In some cases they are, but I don't believe they are in this one. There's a lot of maintenance, on-going capital costs with a public facility including a restroom facility that we're just not set up to accommodate, especially if the City does not want to take over the maintenance of the restroom daily as well as long term. In addition, I think that even though the conversation about the locking mechanisms on the doors have come up and most restrooms in public parks do have those locking mechanisms on them, people still find a way to vandalize them so it only increases the cost of maintenance and the long-term cost for maintaining that facility or making it usable for the residents so I have a problem with the restroom facility, and that's all I have.

Nancy Mullins: Hi, I'm Nancy Mullins. I live at [REDACTED] Yosemite Court North and I have a day care there. As somebody who spends a lot of time at the park, I definitely want the restroom. There's also, we talked about before having a tot park there for the littler kids. The playground there is mostly I think for 12 and up and so it's really dangerous for the little kids. There are like three openings up there and it's pretty dangerous. I don't let my kids go up there because it's just not safe. The other thing is, you know, the walkway from one end of the park to the other is pretty decent now, so if you make it wider you're just going to take away more of our green space. I think when you talk about Lassen and having the entrance there, I think there's like three streets there so that's going to be a big traffic jam and then you guys have to think about the lights. The lights for people taking their kids to school in the mornings, they never change so people are having to leave school 20 minutes early to get their kids to school on time, so that's a really big problem, and now with at least every one of those houses, they're going to have at least two cars, so that's another 70 something cars coming into the neighborhood.

Marta Saida: Hi. My name is Marta Saida. I live at [REDACTED] South Valley Trails. I am sort of between the....Valley Trails is a horseshoe street. I'm kind of midway and closer to Hopyard. My concern is that currently we have a traffic situation on Valley Trails. There are cars speeding from deep into the neighborhood. I've seen one car probably go

about 50 mph. I've called the police about this in the past and nothing has happened. So my question is, what traffic calming procedures or devices have you actually studied for traffic impacts in our neighborhood especially from the neighbors up at the top closer to Hopyard? My concern as mentioned before, is this is going to cause, potentially 77 cars volume-wise to come in and I've already had one of my cats run over due to a speeding car. I would like to see traffic studies be done or some kind of an assessment of what the current situation is in the neighborhood.

Connie Cox: Hi. I'm Connie Cox. So usually what I do is I kind of summarize. I've taken notes and I have some concerns and questions of things that were said, so it's clarification. We have been working with Ponderosa for two years and we are excited that this project is close, but in order to get rezoned, the neighborhood wants to have a benefit from it, and the neighbors are the ones who have asked for the bathrooms and the clubhouse. What many people don't realize and you may not—how many of you have walked Valley Trails Park? Okay, cool, so since the Dolores Bengston days when she was park, I've been dealing with the issue that we have a long linear park. I've been told since 1989 that the City would never build it again because of the difficulty in maintenance, etc., etc., etc. But if you imagine that you live up here on Crater Lake Court and you need to go to the bathroom and you're down here or you have a toddler, this is a long ways to go. What we have now is kids going in the bushes, etc. So we don't want that. We want the clubhouse and we want the bathrooms. Up until tonight, I thought the bathrooms were going to be open until 8:00 p.m. or 9:00 p.m. like the sports park. That's what we've talked about where the automatically lock. Again, from the Dolores Bengston days, when we got the park renovated we got \$550,000 from the City to redo the park in the early 90's and we found out that studies show that if you use the park, that cuts down on crime and loitering and that type of thing. If you're not using the park and that's how it was in Valley Trails before, we used to have a lot of vandalism in the park, but now we don't have as much, although we had a little graffiti this week, but we don't have it because people are using the park. So I know people are concerned about vandalism, but the sports park we have as an example, and that is also why we need the extra parking. Nelson is the one that really needs extra parking so that the police and stuff can park right there should there be a need. So with that said, I'm going to go through my notes. We said 37 homes, but I agree with Ed, when we gave up the second entrance—there was a plan with two exits and entrances but now we were down to Lassen only. So that would give us 35 lots. Two lots, exactly, but Ponderosa is giving us one and we want the bathrooms for the reasons I've already said right here next to the park. Now I live down here and it may not look like it but that's a ways to go if you have a toddler. So we need the bathrooms and the clubhouse by the park, not on Valley Trails Drive.

All right, so then we also have some issues about the 4-way stop at Lassen instead of 2-way, and Gerry, we talked about this, right? I haven't heard anything from traffic about this....

Chair Ritter: We'll ask the questions. You've got one minute left.

Cox: Okay, so then we want the bathrooms open, two lots, definitely not on Valley Trails Road, and we always thought the City was—well, we're open to the City accepting the building or Ponderosa having their HOA pay for it. But Valley Trails HOA has been

around since 1989 so the last two years they've tried to reorganize it with a different name because certain people wanted to change the name, but we're only \$25 a year voluntary and the City has told me for years we're the most active HOA in the City. I mean as you all know, we've got the homes out of the flood zone and some other issues, so at \$25 a year voluntary we can't commit, and Sandy brought up we might be paying for this. We're not committing to paying for this. Ponderosa is paying for these bathrooms and the maintenance or if they deed it to the City, you would. So either way, we're okay. We wanted it for 12 times a year; the use of the facility, but we do want the bathrooms all the time and I know you said 33 parks but I explained to you the difference. Those parks are usually more square than ours and that's it.

Chair Ritter: Thank you. Thank you so much Connie. I appreciate all you're doing for the community there. That's the last speaker card. All right, does the applicant want to follow up? Okay, so now we'll close it and bring it back to the Commission.

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

Chair Ritter: This is a workshop so we're really not deciding anything. We're just giving direction to staff to go back and work with the applicant and we'll just start with discussion point Number 1:

### **Does the Commission support the General Plan Amendment to allow residential development on the property?**

Commissioner Balch, and Chair Ritter: Yes.

Commissioner Nagler: Yes because other uses have been considered and there is no other demand.

Commissioner Allen: So I'm uncertain and my question has to do just with timing. I actually think it's a good project. The question is, is now the right time to rezone it when it is a time we don't receive any credit from RHNA, or is it better to consider this in 2022? I always look at what is the most compelling reason for doing it now? I'm just saying I'm not sure where I'll land on that one and I do have a concern that I'm not seeing a real compelling need to do this immediately.

Commissioner Balch: Could I ask a follow-up question to that?

Commissioner Allen: Sure.

Commissioner Balch: Maybe to staff. When does it count towards RHNA? When the Council does accept an amendment to the General Plan and zoning, that's when it counts? That's the line it's measured on?

Beaudin: So the RHNA cycle, they vary in timeline.

Commissioner Balch: The cycle I understand. I meant, when we're counting.



Beaudin: Within that cycle. So it's within that time period. If a unit is approved and it's building permit issued during that cycle, then essentially there is no paying credit forward. Essentially, you have to do it within that RHNA cycle window to get credit for it in that cycle.

Commissioner Balch: A permit must be issued. So conceivably if I may ask just as a....

Beaudin: ....so I want to clarify, so we rezone property. We identify opportunity sites. We identified them in the General Plan and so those are our opportunity sites and we say we have enough land. So then we've technically taken care of RHNA at that point. The credit part of it is when things are actually built. So we've rezoned for this cycle. A lot of those sites are under construction in the City at this point in time and so we do not have to rezone more land to meet that RHNA obligation in this cycle. The credit part; the accounting we do with HCD; the State Department of Housing and Community Development, happens on an annual basis and we essentially take credit for the things that we've issued permits for.

Commissioner Balch: Thank you, that's extremely helpful. So if you were kind of near a RHNA cycle, you could conceivably have it here before us in one cycle and the building permit not make it until the next, and that would count for the next cycle.

Beaudin: That's right.

Commissioner Balch: That's potentially the most forward credit you could go.

Beaudin: You'll be rezoning for properties as part of planning for the next RHNA cycle and you may be reviewing a project that will stumble into the next RHNA cycle. But again, we're working with the General Plan, and when working with the General Plan all of the elements are equal. We're trying to balance the objectives of the various policies and commitments we've made as part of those policy documents so it's not usually the mark that you try and set the bar at.

Commissioner Brown: Can I clarify something Gerry? So, in this instance where the zoning is inconsistent with the General Plan and you said the General Plan trumps, is RHNA tied to the General Plan reallocation of something to residential because in the General Plan it's not residential. Or, is it tied to zoning which it is residential?

Beaudin: Neither. We don't need this site for RHNA purposes. We've already rezoned enough of other properties in town to meet our RHNA. So what I would say in this particular case is that the General Plan Amendment is needed to facilitate the residential project. If we leave it as is, whoever comes next is going to have to bend one way or the other. They're going to have to want to amend the General Plan to have to go towards a residential project that's consistent with the zoning or they may have to amend the zoning to get a project that's consistent with the General Plan if they wanted to come in with a larger private school or something like that.

Commissioner Brown: I get the application, so I'll try a different question. If we were in a RHNA cycle right now and we were to agree to amend the General Plan to allow this project, would it count toward RHNA allocation or not? Because the zoning wouldn't be changing, but the General Plan would change.

Commissioner Balch: If we had a need to rezone.

Beaudin: Thank you, I think that helps me. If we reset the clock, so if it's 2022, and we were looking at this site, it would potentially be evaluated by the City Council, by the Planning Commission, by the community and it could be counted toward RHNA. We may decide to upzone this site or leave it as it is and we would try and count it as an opportunity site.

Chair Ritter: ...which would go from medium density to high density?

Beaudin: It could but it doesn't have to.

Chair Ritter: And this has already been through one RHNA cycle when we decided not to make it high density; not to change it at all.

Beaudin: We decided not to evaluate it as an opportunity site.

Chair Ritter: Right, at the last RHNA cycle.

Beaudin: Correct.

Commissioner Allen: I just want to make sure on this. So this was evaluated and it was decided it didn't make sense for high density housing. During the Housing Element it was actually dropped somewhere early mid-cycle because...

Beaudin: Early yes. Neighborhood concerns.

Commissioner Allen: There were a lot of concerns because it was so far away and the transportation wasn't nearby and there were a lot of reasons. So, who knows, but it's probably likely it wouldn't be considered again because of those same reasons. However, let's just pretend it just stays medium density, just exactly like this project. My understanding and I just want to double check from what you asked is that if it was 2022 and this same project proposal came forward, if to the degree we get a number that says you have to have 1,000 units that are above moderate income you need 1,000 that are moderate and 1,000 that are below, this project could likely count toward the above moderate income number that we would need to meet if it was 2022.

Beaudin: I would say that is correct.

Commissioner Allen: Okay, thank you. Versus if we did it now it would not count toward any numbers.

Chair Ritter: Let's clarify that. HCD wrote that approving and permitting a project would be considered progress towards the regional housing need and can be reported as RHNA credit in the annual report in the implementation of the General Plan pursuant to Government Code section 65400.

Beaudin: Yes, so they wrote us that letter on the Kaplan Zia Irby project and I think their word choice is a little challenging for me. The credit piece is on our annual reporting which is a requirement that we have and that's on our overall achievement toward

meeting housing element objectives. So things like a contribution to an affordable housing project or even approving above moderate income housing are all moving in a direction supportive of the overall housing element. So there's the Regional Housing Needs Allocation which is a specific number and we zone for that and plan for that in the community and then there's all the other things that we're doing that support essentially market rate housing for the most part here in Pleasanton to build additional housing supply into the region. So HCD is supportive of those kinds of projects because it's what Adam mentioned a little bit earlier when we were talking about RHNA. You're collecting money for affordable housing projects, you're adding more market rate housing into an area that needs that at this particular point in time, and so credit is just a loaded word because it makes it sound like you're getting chips in the bank, but you're really not. You're really just doing the right thing per your Housing Element.

Chair Ritter: Okay, are we good with Number 1? Did you get enough information?

Beaudin: Viewed favorably.

Chair Ritter: Viewed favorably. Commissioner Allen said not sure, Commissioner Brown, yes or no?

Commissioner Brown: No, I'm not. I do apologize to the audience because I do understand the public input. You guys are very supportive and worked hard for the last couple of years with Ponderosa, but from a city perspective, I've got a few concerns. One is zoning 60 acres of public institutional land. Nine of that 60 acres that's left, there's no plan for. There was a slide up of the schools there. It showed that the enrollment at Donlon Elementary School was 950 with a current capacity of 600. Staff made comments about you could do some redistricting and reallocation and some of that gap might be closed, but at this point, I know the project is small. You're talking about 15 elementary school students, but every lit bit makes that situation worse and so there's no plan for the impacted schools. The General Plan trumps the existing zoning and we need to consider any amendments to the General Plan carefully and I did go out and look at the property. I do recognize the fact that it's 9 acres and the church is using a small portion of that today and I did notice that it needs improvement in terms of the parking lot and surrounding landscaping. I do recognize the need for something better, but I haven't seen enough data to convince myself that reallocating public institutional land at this point when we only have 60 acres open left is the right choice. I haven't been given enough data there. I have asked for more information from the Pleasanton Unified School District from the planning division, etc., and will educate myself in the meantime, but if you were to ask me at the current time, I'm not supportive of the General Plan Amendment.

Chair Ritter: Okay, and to clarify, when was the General Plan created? And how often has it been amended since?

Weinstein: So it was adopted in 2005 and it plans out to the year 2025.

Chair Ritter: It's been amended three or four times?

Weinstein: There's been several General Plan Amendments in the last couple of years I would say. I don't think we have the number at our fingertips, but there's been several General Plan Amendments, primarily for changes in land use designation of the type we're talking about tonight. If I could just clarify really fast, some of the numbers that Commissioner Brown was talking about, just to make it really clear, he's correct. We have 60 acres of privately held, developable P&I land; public and institutional land that's in the context of 600 acres of P&I land overall in the City, so I just want to make that distinction between privately held, developable that is sort of under-utilized and not a lot of development occurring on those 60 acres in the context again of 600 overall acres of P&I land in the City that are privately and publicly held. Some of those sites have existing buildings on them. It doesn't mean that they can't be redeveloped in the future, but again, I just want to call out that point.

Chair Ritter: All right, let's move on to the second one.

Commissioner Balch: Can I make a few additional statements on this item?

Chair Ritter: Sure.

Commissioner Balch: So I struggled a little bit at first, especially in light of the 60 acre element that Adam just mentioned, but I would like to mention that the way I was able to get there if it helps your logic is that when I look at the Valley Trails Drive road itself being a horseshoe and the concept of any other use of this site being something that would basically chokehold this street to gridlock, I can't personally justify anything else than the housing element in my opinion. I definitely think the school issue is a challenge. I definitely think if you put anything of a public nature in this area, you're going to chokehold Valley Trails and I see it when you have to deal with it at every light cycle with Ken Mercer's sports park across the street. So from my view, I think that's how I was able to say a General Plan Amendment in my opinion is supportable.

Commissioner Allen: May I make one comment. I may be the only person involved during the Housing Element Task Force. If Greg was here, sat with me about four or five years ago through almost every single Housing Element meeting and that's when I met Connie Cox and sat through to hear the disposition on every project. That is what causes—and in those meetings and we have three Councilmembers who were actually serving on the Planning Commission then and as they made a final decision about how many total projects to rezone, there was quite a discussion of should we rezone additional land and additional project sites, not in Valley Trails projects—like that was taken off of the list. Should we rezone more than we need to just in case. And as I sat there listening to the three Planning Commissioners who were up there, it was absolutely not over my dead body would we do that and that was because of the strong public input that came in over a year and one half about why would we do that. So I lived through that. I saw the public input that came and I'm also looking at the survey that was done just last year. It's the most recent survey of our residents across Pleasanton when we asked them what their number one concern was. This was an open-ended question. What is your top concern if anything, and the number one concern was there was too much growth and development. That was the number one, unprompted concern. It was twice as much as the second concern which was water.

On that same survey they asked a separate question which was what are your top issues and of the issues, it was 43% of people in total across the City said too much growth and development was a top issue and 2 years previously that number was just 23%. So what it said as a whole community, people are increasingly concerned about that issue and in contrast, only 14% said too slow a growth was an issue. It was because of traffic and water, but I'm just highly, highly sensitive of this community here I understand why you're here but I'm really needing to look more broadly at sitting through those meetings that I sat through for a year and one half and this material to say I'm not sure this is the right time. But, I want to acknowledge, Jack to your point, that medium density housing is the right use for this land and I also agree that probably institutional and certainly high density housing absolutely doesn't make sense. So my concern, and again, I'm not voting here. I just need more information, but my concern right now is just a timing question. It's not about the project, but I want to participate though in the project in how to make it the best it could be.

Chair Ritter: Great feedback. Let's move onto Number 2:

**Does the Commission support the construction of a club/meeting room building with restroom facilities within the project site? If so, which location?**

Commissioner Nagler: This is an interesting one because when I met with representatives of the entity and it's not really an entity, that shall remain nameless but very active and very influential in their neighborhood, it was clear that while they welcomed what they considered to be a better use of this land, what they certainly were losing was a place to gather and therefore they wanted this amenity and Ponderosa in its well-maintained track record of working with communities agreed to build it. And it raises some interesting questions about the private construction of a public facility and what happens to that over time. The day it's opened, and Commissioner Balch referred to this, the day it's opened it's wonderful, it's maintained, it's gorgeous, it's used, it's welcomed, it's 1 year, 2 years, 10 years down the road, different residents, different time, different attitude, different condition of the building itself and it begs the question— if it isn't the responsibility of the taxpayers at large and therefore fits into the work stream of the City, what does happen to this facility? Does it become an eyesore? Does it become something that isn't properly managed? It occurs to me for example, we can say as an easy statement it's use, even in good times, will be managed by the homeowners association but none of the people buying the homes are being asked the question do they want to take responsibility for managing a facility and somebody has to sit at his or her kitchen table with a spreadsheet and say, sure, you can use the facility on May 15<sup>th</sup>, right?

So I am troubled by this idea of us creating a so-called public space with private dollars and the accountability for maintaining it with yet to-be-identified private individuals.

I guess the bottom line for me is I would actually in the end prefer this not to be part of the project. If it is part of the project I think parking is an issue and that it ought to be two lots. If it does exist I absolutely think it should be on Lot 11, but I also think Lot 10 should be included because we do need to be sensitive to parking. We do need to be sensitive to the use of the facility and not have it burden the people whose homes are nearby. But, I'm wondering whether it's a business we want to get into.

Commissioner Balch: I served on the Park and Rec Commission for 4.5 years before this. I was a member of the Park and Rec Master Plan Task Force. I voted in favor of the task force plan. I will say just like that, the Council just stopped building two tennis parks that were also listed in the Parks and Rec Master Plan because the community it affected the most widely has voiced their opinion. And listening to this community, we can see that the Park and Rec Master Plan conducted at a 30,000 foot level did not necessarily get the full feedback from the community as we are hearing here. So, I can easily with a sound mind say we should be building this facility for these residents.

I have several things I want to mention about this unique item. One, the City is already in the business of maintaining bathrooms. The opinion or the fact that they don't want to get into the business or maintain the bathrooms is because it is difficult and I understand that. But the fact that this is a public park for the greater city I look at as a bolt-on item and I think the City is already in the business. In fact, I happen to know that the crew who maintains the park is typically the crew that maintains restroom facilities, so they're typically already there.

So in regards to if we should build it, I would vote yes. I initially was leaning towards the other lot; Lot 37, but I think the comment or feedback we received tonight about it being Lot 11 does make sense and with the parking element that has been discussed, I know this is a workshop so we don't necessarily have to rule on it, but I'm personally okay with not taking the second lot but I am looking at where Lot 11 is and Parcel B on the map where it's basically the bulb to the court and from my view if they somehow straighten the bulb and cause it to be less linear or have less curvature to allow for perpendicular parking into that Parcel B area kind of at the head of the bulb—I don't know how to necessarily describe that—but I would presume you could get not necessarily ample parking but you could get some parking and I think it might help me get to a solution that might meet everyone's needs. In my opinion, there's no doubt that they should be able to dedicate this to the City and the City should accept it and I can't believe that government bureaucracy could stop something so, in my opinion and only in mine, logical.

Commissioner Brown: I hesitate to speak since I know I'm being the dissenting voice tonight, but so first of all, I have a community park just a couple of blocks from my house and I have a toddler, and I think it was just the other week when all of a sudden we had to make an emergency potty break and I had to literally run down the sidewalk with her, so I do sympathize. I have seen the linear park and if I look at the lot layout I can certainly see why somebody in the far reaches of the community would want a bathroom. I'm a little bit on the fence so given we're not voting tonight, I'm not going to come up with a hard and fast...I can take public input. If the majority of residents want it and are not opposed to putting in a restroom facility, I would rather Ponderosa maintain the facility in perpetuity over the Park and Rec Department frankly and if you were to ask me which lot, I would say the Lot 11 that was mentioned. And, in terms of the meeting room, one of the questions I had is, it was mentioned that there is Boy Scout meetings, advocacy group meetings, etc. How large are those meetings? And is the proposed meeting room large enough to accommodate those for like how large is the advocacy group meetings that meets once a month? And how large is the proposed uses and if it's not large enough for those meetings, then why build it I guess would be my question. Like I said, these are more comments than anything else and I'm not proposed to come hard and fast on the other two.

Commissioner Allen: I appreciate all of the comments. I also did want to disclose that I did meet with the developer. I met with Connie Cox over the phone and I walked the park and talked to about 10 residents, including the woman who has the day care center who is here. Everyone I talked to lives in that area; in the Valley Trails area, and there wasn't anyone coming from outside that area. I also tended to talk to...many of the people aren't represented today and they were from the Yosemite Court area which is the area a little nearer to where the restrooms would be. I think right now where the playground is.

(audience—It's not Yosemite)

Commissioner Allen: Oh, sorry. It's near that area.

(audience—Yellowstone)

Commissioner Allen: Okay, thank you for clarifying that. So I heard two needs today. First of all, I think there is a divided community and I don't know if what we're seeing today is representative or not. So I would like to see a survey done of all residents everywhere so we can find out two things; number one, I'd like to find out what their priorities are in terms of the need as Ed started with; the first speaker-the need for a clubhouse for the Boy Scout meetings, and how many people think that's the top need versus how many want a public restroom. I'd like to find out what the priority of the community is and then secondly, find out just where they would place it and use that as a piece of input for us. Where I come out personally is I'd be open to it, but I agree with Commissioner Nagler about we're creating sort of a public space with private dollars to be maintained by a yet-to-be-named homeowner's association, but you know what, it can be done. So I do see problems later but I guess the homeowner's association will just have to deal with it or come back if there's an issue with what we grant them in terms of conditions of approval. However, I believe very strongly it's inappropriate to use City money to fund, to take over this responsibility for the land and the restroom and that's because—not just because it's in the Parks and Rec Plan because Commissioner Balch is absolutely right that plans could change, but mainly because most of our public parks that are truly neighborhood parks (which this is) don't have public restrooms. I think we're setting the wrong precedent because I know the park I live near which supports about 500 or 600 people requested bathrooms several years ago and we were turned down because of consistency; for the same reason you were given by staff—neighborhood parks, the City is not intending to maintain those bathrooms and I would rather that our City money be used on facilities that support a broader community.

And in terms of logistics, I do think if it's a clubhouse, if the clubhouse is the highest need, I would think that would be more near Valley Trails Drive, I guess Lot 37. If the highest need would be consistent with speakers today it would be the restroom then it should be near the park and if it's near the park I definitely think we should have some parking ideally on something like Lot 10. Maybe we could get creative with the dead-end street but I think we need more than that so that's what I'm thinking.

Chair Ritter: Okay, great. I appreciate everybody's feedback. I value it. I also served six years on Park and Rec and sat through the master plan and we had the discussion what's a community park, what's a neighborhood park and we have 10 community

parks and about 33 neighborhood parks. But one thing I noticed is that Alviso Adobe is classified as a community park at 7 acres and it has a bathroom. Valley Trails Park is 6.1 acres and this is one we're talking about and it doesn't have a bathroom and it sounds like there is a need for more bathrooms in these parks. And if we're creating a revenue stream for the City I would like to see that as far as what taxes are incurred from this as compared to what the church is paying and maybe those taxes that we bring in through that would help support the bathroom maintenance, etc. so it's an added benefit but we're getting some revenue out of it. So I am in favor of re-looking at all of the neighborhood parks and bathrooms. I think it's important to be able to go when you have to go and I mean, there's a lot of homes on this map. There's not just 37 homes we're talking about that would be able to use it and so I think I'm in favor of really analyzing it and making sure the numbers make sense.

Commissioner Balch: I think I can get Commissioner Nagler on this. The argument that we don't lose developer money to build something and then they continue to maintain it in perpetuity is actually, we do that all the time. The example which was my first vote when I joined this body was on the corner where we've got the Starbucks and Tapas, the plaza...yeah, on Main Street with the corner area being a dedicated open space. I think we were discussing at the time the furniture is provided by the developer at the time and they have to maintain it and I was saying well, what developer would put into their in perpetuity documents that they will always have to provide chairs, but they accepted and they have to. They bolted them to the ground—great idea. They solved the problem, but the concept of a developer using their private funds to build an amenity or provide an amenity and to maintain an amenity for all to use is not an uncommon concept. You know, if I can get you on one part maybe I can get you on the second. So the first part is, should they build it or not, right? And I think as I've argued there's, in my opinion, a basis to build it and then the second question about, well, is it being dedicated or if it's being maintained by the HOA, I think that definitely could be a discussion point that staff could hash out more before we move on. So I guess I'm trying to get you to say you could accept a bathroom.

Commissioner Nagler: So you are very persuasive.

Commissioner Balch: Excellent.

Commissioner Nagler: And just to be completely clear, the larger neighborhood has been waiting for a project to come along that they believe is supportive of the existing neighborhood and their homes and have worked diligently and energetically over an incredibly long period of time to get the right development to come along, and they met Ponderosa and Ponderosa's obviously willing to give them a development that meets the larger neighborhood's criteria which is terrific and I agree as we've said that that's I think the best and highest use for this piece of land; are single family homes.

They have worked so hard and have been so patient and so energetic and are asking for something relatively modest which is a place to meet, I think it is a completely laudable thing and therefore, and that there's a way to build it, we should take advantage of it. So that's part A. My concern again is, who manages it and who maintains it.



Commissioner Balch: Can I go to that point a little more in detail so that now I have you on the hook? So if a City facility, and I'm going to give you a perfect example of what this is, if you think of the Nature House which is located at McKinley Park which is located at Kottinger which is actually close to where I live, and this is a City facility that is about exactly this size and that little nature center was the best facility for my son when he was a toddler to go to music class because we could walk to it. There was a bathroom. It's next to a park that is dinky. The park has basically got a water tank that's bigger than the entire rest of the park, although it counts in its acreage so it probably meets the criteria. So here's a building that's on our very first park in city limits back in the day when we were a city that is serving a need in a micro-community if you will in such a great and positive way and the City, just like it maintains fields, field allocation, buildings, building allocation, gym space, everything through our Community Services Department, they already have the database and processes to maintain and allocate space throughout the city. Except for this building, a lot of facilities are maintained by the Community Services Department and I see no hardship to add one more frankly of the size of the Nature House is. And the programming from the Nature House has been extraordinary that the City sponsors and I think this could be too. It's small enough that you're not going to have major traffic—in my view and it could be different from the public here—but you're not going to have 100 cars going down your road to get to this facility. You're going to have 10; 10 to have your children join a "Mommy and Me" which is what my son and I were in. I didn't fit the title criteria but I still went. It provides a need for this community.

Commissioner Nagler: I appreciate that. Let me wrap this up by asking staff to continue to explore ways in which this community benefit would be managed over time, and it's an unresolved issue, but that we're unanimous in supporting its construction if we can address the way it's managed.

Commissioner Balch: I don't know if we're unanimous but a majority.

Chair Ritter: Okay, great. Let's do Number 3 here:

**Are the overall site plan and street/ped/design layouts acceptable?**

Commissioner Brown: I've got a quick question for staff if you've got a second. Have you discussed the possibility of a parking lot with the applicant as it relates to Number 2 at this point? Do they have a position on that?

Weinstein: Yes, it came up in our earlier exploration of adjusting the site plan and looking at different site plan alternatives. I think the concept that we ended up pursuing in conjunction with the applicant was that this would really be a neighborhood-serving clubhouse, and that's not to say that couldn't change in the future, but the concept we were exploring with the applicant team was that, yeah, the folks who would be using this clubhouse and using its restroom would primarily be living in the neighborhood. There wouldn't be a huge need to drive to the clubhouse; that people could walk to it from the surrounding neighborhood. It is a very elongated neighborhood-Valley Trails is, but it's not that big where people can't walk from one end to the other. So the expectation would be that there would not need to be a lot of parking. Again, that's not to say we

couldn't explore more parking with the applicant team or look at other clubhouse configurations, but that was the concept initially.

Commissioner Brown: Now it's a little counter to the argument....

Commissioner Balch: Yeah, you don't get both wins.

Chair Ritter: That goes to overall site planning.

Commissioner Brown: Overall site planning, that'd be a quick answer—yes. It's a much better design. I applaud Ponderosa for revising the plan to design what is in fact much, much better.

Commissioner Allen: Overall I thought it was good. I do agree that widening the bike and pedestrian path I think you said to about 8 feet—that made sense to me.

Commissioner Balch: Can I ask a clarification on that? Was that only for the area between the clubhouse and the existing sidewalk or was that the entire sidewalk throughout the linear park?

Lee: It was just for the pathways because the existing sidewalk is already 7-8 feet and I think it gets a little wider at other points.

Commissioner Balch: So is that from the clubhouse to the existing sidewalk or is that the sidewalk that meanders the entire linear lane for the park?

Lee: Just from the clubhouse to the trail.

Commissioner Balch: To the sidewalk.

Lee: Yes.

Commissioner Balch: So if I may, 2C, I did want to mention that I was supporting the bathrooms pointing outwards so they were public and not having to go through that clubhouse area. I thought that was a natural course. Okay, so a couple of things in terms of the layout, I think the layout's really good. One of the comments that we have received, I think it was supplemental to the Commission package, was someone asking about the heights and the layouts and basically a lot of the units—I think 15 or so—and the fact that in their opinion that the majority are two-story. But, when I looked at the plan and then with the applicant's comments, while I can't foresee a lot of problems with it, you know, I think this is a fairly good up/down changing. I did want to mention or kind of bring up and maybe for discussion is, do we think the intersection onto Valley Trails Drive; the single intersection—do we think that is properly going to be handled in light of the comments we received tonight?

Beaudin: Yes, so I'm going to jokingly say I'm going to channel Mike Tassano. We had a conversation about the Lassen and B Street intersection with Valley Trails earlier today and about three weeks ago. The point has been raised. There are a couple of different perspectives. It's a new development and having a controlled intersection 4-

way stop seems like a natural fit in today's society. A lot of the intersections around Valley Trails loop do not have any stop signs. And so the City Traffic Engineer continues to evaluate this intersection. The applicant has shown a 4-way stop. We think that a 2-way stop on the minor streets and not on Valley Trails can work just fine if we need stop signs at all. So I would say tonight I'll conservatively say we're talking about a 2-way stop for this intersection but more likely we're talking about an uncontrolled intersection much like the rest of Valley Trails and when we look at the number of vehicle trips coming out of Lassen right now, the threshold for stop signs is 100 peak hour trips and if you add all of the vehicle trips up in the two neighborhoods and you make some assumptions about when people leave their house which Mike does on a regular basis, it falls under that threshold. Valley Trails itself would have to have upwards of 300 vehicle trips so that is also not happening. There are kind of two ways for people to get out of this neighborhood. So we're somewhere in the middle right now I would say with a two-way stop being a maximum level of control and it's possible we'll have no traffic control at this intersection.

Commissioner Balch: Okay, thank you. And then because it's under site plan. I'll just say that I want to re-emphasize in my opinion and also as you've stated in the staff report—I think I've read it incorrectly but I'm pretty tired, but I want to mention that the 11 off-site trees they are not touching, they are to stay given they are not on their property so I wouldn't expect them to chop down their neighbor's tree or the tree in the park because it's not theirs. So I just want to emphasize that. And in terms of my other question, Lots 29 through 37 are the lots along Valley Trails Drive and I'll just mention this because I know Valley Trails Drive and all I'll say given it's a workshop is that this is not a meandering street. This is a fairly well traveled road. So all I will say is the setbacks for these lots in my opinion need to make sure, and it might be properly designed now and I'm not saying it's not, but they need to be a little bit more or adequate in light of if it was on a court where you're not having higher speed limits. I'll just say it like that because if I had my weathers I wouldn't put in any more houses with a driveway onto that road in my general opinion. I think this plan though works well so I'm not suggesting that that change out. With that being said, the setbacks or maybe we could just confirm we're okay. You know the person on Lot 32, he's going to be able to see both directions pretty easily, but the person on Lot 31 and 33, they're going to have a slight blind element backing out of their driveway. So I don't know if setbacks help at all, but they might be perfectly adequate.

And lastly is the traffic calming mitigation. I know people brought it up about Valley Trails Drive. At this point for me, I know that's outside the scope of it and my opinion on that is that they need to talk to the City more generally as community if they need traffic mitigation. We've heard a lot of neighborhoods come forward with traffic mitigation concerns or desires and I think, and just a bad generalization is that most people when they say it, they want it, but when they realize something in front of their house will be a blinking light they don't want it in front of their house. Put it on the neighbor's house, and then it just gets moving down the street and it's never in the neighborhood. So, we'll say we will evaluate it or say we could, I'm not going to put it on the bend for the overall bigger community in my opinion. That's it.

Commissioner Nagler: I think that the overall site plan is fine and I just have these very specific questions or comments. One, I just want to make sure—it was raised—I just

want to make sure that the tot lot is still part of the plan which I'm sure it is, but I just want to make sure. The second is again, just to echo Commissioner Balch, I appreciate your comments about the post stop lights at the intersection. I think that's unnecessary and in fact in the end if it's an uncontrolled intersection I think that's preferable just because the amount of daily trips that are going to be added to the street are not that significant at the intersection. The traffic calming measures that were generally discussed I would encourage staff to continue to focus on because even though I say what I say about the intersection I think overall, the way cars come around that horseshoe needs to be looked at so I think that's significant.

Chair Ritter: I would like us to make sure we're looking at the traffic issue on Hopyard because there is 37 more homes coming out there. And if we did have to do traffic calming on the curve here, I think right off the corner on Lassen would be the main spot to slow people down coming around the curve, but I would defer to Tassano's report on traffic quantities.

Beaudin: Yes, we'll make sure. There are a couple of things I might add at this point just to clarify. Neighborhood traffic calming: there's an entire program we run here in Pleasanton when we need neighborhood traffic calming looked at. In this particular instance we do have a development application and we can certainly try and consolidate some of that, but ultimately it's a very public process. All of the neighbors come to consensus on where those speed bumps are going to be or where the flashing sign's going to be so it's a process the neighborhood may want to initiate as part of this project that would take some amount of time and be separate from the project ultimately.

Chair Ritter: Okay, and I think you mentioned about setbacks so the yard's a little bigger. Was it in front that the garage setback?

Weinstein: Yes, we just wanted the garage to be pushed back a little bit or at least have that explored. We like pedestrian-oriented projects and the more you can push the garage back; the more you can de-emphasize the garage, the more that promotes a neighborhood that's really walkable and not oriented to automobiles.

Chair Ritter: Okay, and porches, that was the other thing I was going to bring up. I did like that concept. And then finally, oh, the sidewalks—I liked the concept of keeping the same sidewalks that we currently have there, the width, versus trying to make them smaller or larger so it blends easy. So follow the curved path.

Commissioner Nagler: Okay, so follow the path, whatever the width is through the park.

Chair Ritter: Yes, what was it, 7 or 8 feet? Just so it looks more natural—that's all. Let's move onto Number 4:

### **Are the home model types and elevations acceptable?**

Commissioner Balch: Well since I forgot to mention porches and garages and you did, I think I will echo that we've starting seeing a lot of buildings coming through with porches and I think there's nothing but benefit that comes from the porch elements. I think the

City has been emphasizing it more and I support that concept. The garage pushed back is probably secondary to those two concerns to me, but I don't want to speak on behalf of everyone. I think in terms of the design and what they've done, I would like to say Ponderosa has designed some very attractive houses. I really do think they've got a nice variety between the loft element, the two-story and the single story and then across them the different model types within each of those sizes. So I think it's actually a pretty nice variety and it won't look like the same house just one door over, right? And that's what I'd like to avoid so I think it's a nice layout.

Commissioner Nagler: Yeah, I agree. I was going to start with that comment. I think the architecture is very well thought through. The variety and placement of lots I think is very well thought through. It is very sensitive--I've heard this from neighbors—to the impact on existing homes and so I appreciate Ponderosa's work in all that regard. What I said the last time when I make my comment in the next category which is that very point; about the pushbacks on setbacks on Valley Trails. I think it's important on that road that the setbacks be significant. The porches are important and if it includes pushing the garages back, I would just encourage staff to focus on that because I think that would matter in the overall look of the homes.

Commissioner Allen: All right, I'm going to echo the points that so many of you have had. I think the architecture is very well designed. I like the nice mix of homes. I was originally concerned there were too many larger homes but I think it's a good blend and there are not too many larger homes. I agree about the setbacks on Valley Trails and making sure it's good for safety reasons and also for visual impact especially if we think about pushing the garages back and adding a little bit of variation. And the front porches definitely I think if they were a little bit deeper will add even more character to the nice architecture.

Commissioner Brown: Driving through the surrounding neighborhoods, my impression was it's a mix of one-story, one and one-half story, and a few two-stories so this project has kind of that mix. And in terms of architectural design, it is in keeping with the surrounding neighborhood. I would complement the job of the developer to staff's feedback and I have no objection to staff's incremental changes around the porch and garage aspects.

Chair Ritter: I concur. I do believe that Ponderosa knows the look of Pleasanton with all of the development they've done to support that. They listen. All right, the last discussion question is:

**What other information would assist the Commission in its decision on the proposal? Do you have any other comments on the project?**

Commissioner Allen: No.

Commissioner Brown: Just some commentary. First of all, thank you everyone for your time and feedback and for being here for 2 hours and 15 minutes and many of you being very patient so thank you very much. I'm not saying I wouldn't consider voting for this project. I do, like I said, have some concerns around converting. The thing I love about this project is the homes are in keeping with the surrounding neighborhoods. You

talked to the community around it and you've got some amenities for that community. My concerns that I expressed is around the City at large and so I guess my ask of staff would be to convince me there aren't any public and institutional alternatives and that residential is the way to go, and notwithstanding Commissioner Balch's comments earlier about traffic, etc. I do agree with Nancy in terms of a total survey of the surrounding community is appropriate. If you're going to put in a community bathroom and meeting facility I think that's a good idea. I'd be nice to have that before we vote on the project. I would, as I mentioned before, like to see a detailed plan regarding Donlon. I know the incremental for this project is small but I think it's come to us when we were talking about infill projects that we take into account impact to schools and I'm not saying there isn't a plan there, but I didn't see it tonight. And my interpretation of the comments earlier is that we would get RHNA credit. I agree with everyone here that I don't want to see high density on this. I do like the project, but my interpretation was that if we wait until the next RHNA cycle, we would get relief from incremental versus doing the project now and just getting the credit for the incremental. And the last request is Jay, if you could please send the school impact slide. That wasn't in the staff report and I would like to have a copy of that.

Commissioner Balch: So in terms of just general comments, I'm pretty supportive of it. I think it's well designed. I think Ponderosa has worked diligently with the community and maybe I'll be on my little soapbox. It's difficult I think for me, and I don't want to speak on others' behalf, when we are hearing so much about housing and water and we know, and I think I know—I'll speak again for me—if we were to go with the broader brush stroke that the community has enough housing which everyone I think clearly understands we have met the needs, this would be denied because it is out of cycle. And from my view, I don't think good projects should be held up by that, but it is difficult to do that when opposition to building anything is so great. So, I commend the comments about the General Plan Amendment because I think it's a valid and extremely difficult position. Again, I go back to my logic which I mentioned earlier. So in terms of what I would like to see have help us with that is, you know, I think they've mentioned it well. I guess maybe we think about—since I'm already pretty close to my decision---but we think about what other things could go there as an example so maybe we could frame or get context to alternatives that are there. And because I know that's probably the weakest element, that's kind of the first decision that needs to be made and I think that's where we need to focus information back to the body. But in general as to the project and what it will do for the Valley Trails community, the Valley Trails Park, the infusion of cash to improve facilities for your micro-community, I think it's an excellent solution and I really commend Ponderosa for what they've done and I'm thankful.

Commissioner Nagler: So, on the question of what additional information, just a couple of things. One, it would be interesting if we could find out in that school impact figure what other development or homes to be built are assumed in that number because this development is assumed in those impact numbers so what others are? So we can just look at whether or not we agree their projections are right or wrong.

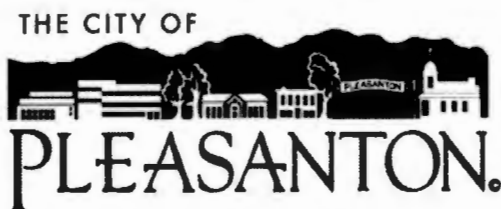
Number two, if there can be additional renderings particularly as Valley Trails will look in its final application back to us assuming it changes or not, but just a sense of view of what the street will look like will be helpful and, oh the administration.

Commissioner Balch: The clubhouse administration.

Commissioner Nagler: Right, and then details about how thinking evolves and what is the ultimate recommendation to the Commission and the Council on the administration of the clubhouse.

Commissioner Balch: Staff should work diligently with the applicant to try and have a unified decision on that, or a unified recommendation.

Chair Ritter: I echo a lot of the commissioner's comments. I think it's great that all of you neighbors got together and worked with staff and the developer. I think that was huge. As far as making an amendment to the General Plan, its 2005, and in my company we change our plan every year. Things change and I was using the Blackberry back then and now I'm using my iPhone, so things change and it's appropriate for the City to look at that and make some modifications. As long as this project's getting a community benefit out of it and it sounds like there could be for this neighborhood versus what it could be with high density or what it is with nothing there and ladders or chairs on rooftops, I think it's a positive thing that we're doing. Then one thing I want staff, the school impact fees are important to me and also the tax revenue to support the bathroom and the clubhouse if we decide we want to undertake that as a city. So I just want to make sure it's covered properly. But in general, thank you. I think we're closing it and we're not making any decisions tonight. The next time Ponderosa will come back is when they'll have a proposal planned to present it and then we vote on it and it goes to the City Council. Thank you all very much for staying late and listening. I appreciate it. Thanks to Ponderosa.



## MEMORANDUM

**Date:** December 12, 2016

**To:** Joint City of Pleasanton and Pleasanton Unified School District Liaison Committee

**From:** Daniel G. Sodergren, City Attorney *Daniel G. Sodergren*

**Subject:** School Facilities

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### I. BACKGROUND AND SUMMARY

This memorandum outlines various aspects of school facilities including: fees; mitigation under CEQA; and General Plan provisions in the context of questions relating to the impact of new development on school facilities.

The state has preempted the field of school facility financing. State law contains a cap on the amount of fees a school district can levy against new development to fund construction or reconstruction of school facilities. These capped fees are the exclusive method of considering and mitigating impacts on school facilities that occur or might occur as the result of the approval of any development project.

The City may not deny or refuse to approve a development project (which involves a legislative or adjudicative act, or both) on the basis that school facilities are inadequate.

State law also makes clear that the City is not required to describe and analyze a development's impacts on school facilities and may not impose mitigation measures other than requiring payment of the adopted fee amounts.

Finally, while state law encourages coordination between cities and school districts related to planning for school siting, long range master planning for school sites is ultimately the responsibility of school districts.



## II. SCHOOL FACILITIES FEES

### A. Historical Context<sup>1</sup>

Before the 1970's, school districts supported their activities mainly by levying ad valorem taxes on real property within their districts. In the early 1970's, in the wake of increased resistance throughout California to rising property taxes, local governments began the practice of imposing fees on developers to cover the costs of new schools made necessary by new housing based on their police powers under the California Constitution.

In 1977, the Legislature passed the School Facilities Act, which granted local governments specific legislative authorization to impose school facility impact fees. This Act, however, was somewhat limited. It did not authorize school districts to impose school impact fees themselves. Under the Act, school districts were authorized to make findings that their schools were overcrowded and there was no feasible method of reducing that condition. If the city concurred with such findings, it could impose a fee to provide only temporary classroom facilities.

In 1986, the Legislature substantially revised and expanded the School Facilities Act by authorizing the governing boards of the school districts themselves to impose school impact fees subject to certain limitations. It was at that time the Legislature made it clear that the state preempted the field of school fees and development requirements to the exclusion of all local measures.

Subsequent court decisions however, concluded that the limitations contained in the School Facilities Act only applied to adjudicative decisions of local governments, such as the issuance of subdivision maps and conditional use permits. Under these holdings, developers that were requesting legislative actions, such as general plan amendments or rezonings, were not protected by the provision that limited mitigation measures to the capped school facilities fees.

### B. Senate Bill 50 ("SB 50")

In 1998, the Legislature passed the Leroy F. Green School Facilities Act of 1998, creating a framework for school funding that combined state bonds, local school district bonds, and developer fees. ((Ed. Code, § 17070.10 et seq.) ("SB 50").) As it relates to developer fees, SB 50 made at least three important changes in the law.

First, SB 50 contains a state-wide cap on the amount of fees, charges, dedication or other requirements which can be levied against new development to fund construction or reconstruction of school facilities. Three different levels of fees are authorized by SB 50.

Level 1 fees are applicable state-wide where the need for new school facilities is triggered by new development – these fees are capped at \$1.93 per square foot for residential development and \$.31 per

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<sup>1</sup> For a more comprehensive background of the early legislative history of school facilities fees, see *Grupe Development Company v. the Superior Court of San Bernardino County* (1993) 4 Cal.4<sup>th</sup> 911.

square foot for commercial and industrial development, subject to annual inflation adjustments.<sup>2</sup> (Gov. Code, § 65995.)

Level II fees may only be imposed by a school district that:

- makes a timely application to the State Allocation Board (“Board”) for new construction funding and be determined by the Board to meet the eligibility requirements for new construction funding;
- has completed a School Facilities Needs Analysis; and
- satisfies at least two of the following four requirements: (1) has a “substantial enrollment” of its elementary school pupils on a multitrack year-round schedule; (3) has placed on the ballot in the previous four years a local general obligation bond to finance school facilities and the measure received at least 50 percent plus one of the votes cast; (2) has issued debt or incurred obligations for capital outlay in an amount equivalent to specified percentages of the district’s local bonding capacity; and (4) at least 20 percent of teaching stations within the district are relocatable classrooms.

(Gov. Code, §§ 65995.5 and 65995.6.)

Level III fees can only be imposed by school districts that have satisfied Level II requirements. In addition, Level III fees cannot be triggered until the Board determines and notifies the Legislature, that “state funds for new school facility construction are not available.” (Gov. Code, § 65995.7(a).) The statute provides that “state funds are not available if the State Allocation Board is no longer approving apportionments for new construction . . . due to a lack of funds available for new construction.” (*Id.*)<sup>3</sup>

The City may not issue a building permit until it receives certification from PUSD that its school mitigation fees and requirements have been complied with. (Ed. Code, § 17620(b).)

Second, SB 50 makes clear that the capped fee amounts are the exclusive method of considering and mitigating impacts on school facilities that occur or might occur as the result of any legislative or adjudicatory act. (Gov. Code, § 65996(a).) SB 50 also makes clear that a city may not deny or refuse to approve a development project (which involves a legislative or adjudicative act, or both) on the basis that school facilities are inadequate. (Gov. Code, § 65996(b).)

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<sup>2</sup> The current amounts, adjusted for inflation are \$3.48 per square foot for residential development and \$.56 a square foot for commercial and industrial development. (For annual fee adjustment information see State Allocation Board webpage: <http://www.dgs.ca.gov/opsc/Resources/AnnualAdjustment.aspx>.) PUSD has established Level I fees by resolution. (PUSD Resolution No. 2014-15.28.)

<sup>3</sup> Level III fees are intended to essentially replace matching funds from the state for new construction and modernization projects when state funding is not available. As a result, they roughly double Level II fees currently being collected by eligible school districts. For example, the Dublin Unified School District has established Level II fees of \$10.66 per square foot and Level III fees of \$21.32 per square foot. (Dublin Unified School District Resolution No. 2015-16-45.)

Finally, SB 50 provides that the capped fee amounts are also the exclusive method of mitigating school impacts for the purposes of the California Environmental Quality Act (“CEQA”). (Gov. Code, § 65996(b).)

**C. *California Building Industry Association (“CBIA”) v. State Allocation Board***

In May of this year, for the first time, the State Allocation Board (“Board”) made a finding that state funds for new school construction are no longer available, and that the Board is no longer approving apportionments for new construction due to the lack of funds. Therefore, pursuant to provisions of SB 50 (discussed above), the Board authorized the imposition of Level III fees for eligible school districts.

The California Building Industry Association (“CBIA”) then brought a lawsuit against the Board, in an attempt to enjoin the Board from authorizing Level III fees. (*California Building Industry Association v. State Allocation Board* (Sacramento Superior Court Case No. 34-2016-80002356).) In the lawsuit, CBIA alleged that the Board incorrectly found that funds for new school construction are no longer available, pointing to other existing sources of school facility financing (including state funds dedicated to seismic improvements).<sup>4</sup> The trial court rejected CBIA arguments, and upheld the findings of the Board. The CBIA filed an appeal of the trial court’s decision, which was denied by the Third District Court of Appeal on October 28, 2016. (Case No. C082812.)<sup>5</sup>

**III. SCHOOL FACILITIES AND CEQA**

As mentioned above, SB 50 amended Government Code section 65996 to provide in relevant part that the capped fee amounts “shall be the exclusive methods for considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act . . . involving [the approval of the] development of real property . . . .” (Gov. Code, § 65996(a).)

SB 50 also added the following language to Government Code section 65996:

(b) The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding [Government Code] Section 65858 , or [CEQA], or any other provision of state or local law, a state or local agency may not deny or refuse to approve [the] development of real property . . . on the basis that school facilities are inadequate .

(c) For purposes of this section, ‘school facilities’ means any school-related consideration relating to a school district’s ability to accommodate enrollment.

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<sup>4</sup> The City of Dublin filed an amicus curiae (“friends of the court”) brief on behalf of the Board.

<sup>5</sup> Notwithstanding this litigation, given the approval of the 9 billion dollar state school bond measure on the November 2016 ballot (Proposition 51), Level III fees will likely no longer be authorized once the Board begins to approve and fund apportionments.

(d) Nothing in this section shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of land use approvals other than on the need for school facilities, as defined in this section.

These provisions obviate the need for an EIR, and other CEQA documents, to contain a description and analysis of a development's impacts on school facilities and limit the ability of cities to impose mitigation measures other than requiring payment of the capped fee amounts. (*Chawanakee Unified School District v. County of Madera* (2011) 196 Cal.App.4<sup>th</sup> 1016, 1027.) However, a project's indirect impacts on parts of the physical environment that are not school facilities are not excused from being considered and mitigated. (*Id.* at p. 1028.) For example, a project's "... impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact 'on school facilities' for the purposes of Government Code section 65996, subdivision (a)," described above, and therefore, must be analyzed. (*Id.*) Similarly, impacts from construction of additional school facilities at an existing site (including dust and noise impacts) must be analyzed under CEQA. (*Id.* at p. 1029.)

#### **IV. SCHOOL FACILITIES AND THE CITY OF PLEASANTON GENERAL PLAN**

While state law encourages coordination between cities and school districts related to planning for school siting, long range master planning for school sites is ultimately the responsibility of school districts.

Under the state's Planning and Zoning Law, the City's Land Use Element of its General Plan must consider, among other things, the proposed general distribution and general location and extent of the uses of the land for education. (Gov. Code, § 65302; see General Plan, p. 2-24 [referencing the Land Use Map].) The Public Facilities and Community Programs Element of the City's General Plan also addresses schools and education. (See General Plan, p. 6-2 – 6-4 and 6-23 – 6-24.) Goal 4 of the Public Facilities and Community Programs Element provides as follows:

**Goal 4:** Promote lifelong learning.

**Policy 7:** Encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages.

**Program 7.1:** Work with the School District to locate school sites to preserve the quality of life of existing and new neighborhoods.

**Program 7.2:** Encourage school enrollment sizes that maintain neighborhood character, provide facilities for specialized programs, and promote more personalized education. The current target is 600 students per school, 1,000 students at each middle school, and 2,000 students at each comprehensive

high school, with a 10 percent contingency planned for each site, subject to board discretion and financial considerations.<sup>6</sup>

Program 7.3: Partner with organizations that provide educational opportunities for all ages and interests.

Policy 8: Coordinate with the School District to maintain elementary schools within student walking distance whenever feasible and allow other community-related activities within these facilities.

Program 8.1: Partner with the School District and community groups to use schools as neighborhood centers. These neighborhood centers should offer a wide range of services and programs.

The state's Planning and Zoning Law also establishes notification requirements and a meet and confer procedure for long-range planning documents. Before the City takes action to adopt or substantially amend its General Plan, it must refer the proposal to PUSD. (Gov. Code, § 65352.2(b).) Before PUSD completes a school facility needs analysis, a master plan, or other long-range plan, it must notify the City. (Gov. Code, § 65352.2(c).) After such notification, either the City or PUSD may request a meeting to discuss various issues such as "methods of coordinating planning, design, and construction of new school facilities and school sites in coordination with the existing or planned infrastructure, general plan, and zoning designations of the city." (Gov. Code, 65352.2(d).)

In addition to these formal notification and meet and confer provisions, in Pleasanton, there is close coordination between the City Manager's Office, the Community Development Department, and PUSD related to land use planning and residential development on a day-to-day basis. The Community Development Department regularly sends proposed General Plan amendments and other land use changes to PUSD for review and works with PUSD to make sure that it is aware of ongoing and future residential development projects. The City also encourages developers to work closely with PUSD. Finally, the City has a School District Liaison Committee that coordinates with PUSD regularly about development and other issues that may impact PUSD's future planning and decision making to ensure that it can respond and adjust to new information that may impact school siting and infrastructure.

## V. CONCLUSION

The state has preempted the field of school facility financing. Statutorily authorized fees are the exclusive method of considering and mitigating impacts on school facilities that occur or might occur as the result of the approval of any development project.

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<sup>6</sup> The second sentence of this Program was simply intended to be a statement of what the School District's enrollment size targets were at the time the General Plan was amended to include this Program, recognizing that they may change over time. This is clear from the language in the policy that the numbers reflected "the current target" and that they were "subject to board discretion and financial considerations." There is no requirement that the City amend its General Plan every time the School District receives new demographic data or amends its master plan. Additionally, as outlined above, the City may not rely on school enrollment size, or this Program, as a basis to deny a development project.

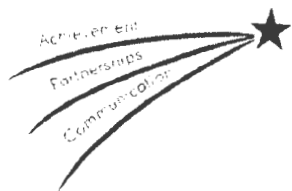
The City may not deny or refuse to approve a development project on the basis that school facilities are inadequate.

State law also makes clear that the City is not required to describe and analyze a development's impacts on school facilities and may not impose mitigation measures other than requiring payment of the capped fee amounts (except for mitigation measures for secondary effects, such as traffic).

Finally, while state law encourages coordination between cities and school districts related to planning for school siting, long range master planning for school sites is ultimately the responsibility of school districts.

cc: Rick Rubino, Superintendent  
Nelson Fialho, City Manager

Pleasanton Unified School District



January 12, 2017

Gerry Beaudin  
Director of Community Development  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566

Re: School Mitigation Agreement for Ponderosa Homes II, Inc.  
(Sycamore Project at Valley Trails Avenue)

Dear Gerry:

Ponderosa Homes II, Inc. has entered into a Mitigation Agreement with the Pleasanton Unified School District to mitigate the impact of the Sycamore Project at Valley Trails Avenue on the District.

Developer payments that have either been made, or will be made, to the District will address the Project's impact on the District.

Very truly yours,

A handwritten signature in blue ink that reads 'Micaela Ochoa'.

Micaela Ochoa  
Deputy Superintendent, Business Services

## **Arborist Report**

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### **The Village at Valley Trails Pleasanton CA**

*Prepared for:*  
**Ponderosa Homes Inc.  
6130 Stoneridge Mall Road, Suite 185  
Pleasanton CA 94588**

*Prepared by:*  
**HortScience, Inc.  
325 Ray Street  
Pleasanton, CA 94566**

**August 10, 2015  
Revised February 2017**

**RECEIVED**

**FEB 07 2017**

**CITY OF PLEASANTON  
PLANNING DIVISION**





**Arborist Report**  
The Village at Valley Trails  
Pleasanton CA

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**Attachments**

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***Tree Assessment Form***

***Tree Assessment Map***

### ***Introduction and Overview***

Ponderosa Homes is proposing to redevelop the Valley Trails Church site, located on Valley Trails Dr , in Pleasanton CA. Current site use consists of the church, a parking lot and landscaping in the southwest corner of the site and an open field on the remainder. Ponderosa Homes requested that HortScience, Inc prepare an **Arborist Report** for the site. This report provides the following information:

This report provides the following information:

1. An evaluation of the health and structural condition of the trees within the proposed project area based on a visual inspection from the ground.
2. An assessment of the development impacts to the trees based on the drawings provided by Ponderosa Homes.
3. Guidelines for tree preservation during the design, construction and maintenance phases of development.
4. A **Tree Assessment Form**, providing a description of each tree and a **Tree Assessment Map** showing the location of trees by tag number.

### ***Assessment Methods***

Trees #223 – 247 were assessed on February 13, 2015; trees #248 – 260 in February 2017. The assessment included all trees 6" and larger in diameter, within and adjacent to the proposed project. The assessment procedure consisted of the following steps:

1. Identifying the tree as to species,
2. Tagging each tree with a numerically coded metal tag 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 "high", "moderate" or "low". Suitability for preservation considers the invasiveness of the species, health, age and structural condition of the tree, and its potential to remain an asset to the site.

Eleven (11) trees were located off-site but portions of canopies extended into the development site. Trees #234 and 243 may be on the property line.

**Description of Trees**

Thirty-eight (38) trees were assessed, representing 8 species (Table 1). Species present were typical of those found in landscapes in the Pleasanton area. Trees were likely planted when the site was first developed. Coast live oak is native to the Pleasanton area and it is possible that tree #234 was indigenous to the site.

**Table 1. Species present and tree condition. The Village at Valley Trails. Pleasanton CA.**

Common Name	Scientific Name	Condition Rating			No. of trees
		Poor (1-2)	Fair (3)	Good (4-5)	
Silver maple	<i>Acer saccharinum</i>	-	1	-	1
Sweetgum	<i>Liquidambar styraciflua</i>	-	12	1	13
London plane	<i>Platanus x hispanica</i>	-	-	3	3
Callery pear	<i>Pyrus calleryana</i>	-	1	5	6
Coast live oak	<i>Quercus agrifolia</i>	-	-	1	1
Calif. pepper	<i>Schinus molle</i>	-	-	1	1
Coast redwood	<i>Sequoia sempervirens</i>	2	8	2	12
Chinese elm	<i>Ulmus parvifolia</i>	-	-	1	1
<b>Total</b>		<b>2</b>	<b>22</b>	<b>14</b>	<b>38</b>

Sweetgum was the most frequently occurring species with 13 trees. All were located in a 5' to 6' wide planting strip between Valley Trails Drive and the adjacent sidewalk (Photo 1). Trees were semi-mature in development with trunk diameters between 6" and 15".

**Photo 1.** Sweetgums #248, 249 and 250.



Tree condition was fair with the exception of sweetgum #252 which was good. Trees had 2 or more stems that arose low in the crown. Low stems and branches swept upright, often with narrow attachments. Tree vigor was poor throughout, likely due to a lack of summer irrigation. Even though the trees were only semi-mature in development, the sidewalk had been displaced in the area of trees #248 – 252 and replaced near trees #253 – 260.

Twelve (12) coast redwoods were assessed. Included in this group were 11 trees in the landscape areas west of the parking lot and surrounding the church building. Coast redwood #244 was just off-site to the east. Redwoods were semi-mature in form and development, with trunk diameters between 12" and 22". Nine (9) had diameters between 14 and 16". Trees had good form and structure, but health was variable. As a result, 8 trees were in fair condition, two were poor, and 2 were good. Most had twig dieback and thin canopies of foliage, indicative of drought stress. The one exception to this was coast redwood #228, which was benefiting from excess soil moisture associated with a nearby leaking pipe (Photo 2). Coast redwoods planted outside their native range can be expected to show drought-related stress, such as foliar dieback, unless regularly irrigated.



**Photo 2:** Looking south at coast redwoods #228 (left) and #229, 230, 231 (right). Note the difference canopy density. Tree #228 received additional water from nearby leaking pipe.

Five Callery pears (#235, 236, 237, 238, and 242 and London planes #239, 240, 241) were located off-site between the trail and the southern property boundary. These trees were all young, with diameters between 7" and 11". A sixth Callery pear #243 was located on the eastern property line and was semi-mature at 16". Seven trees were in good condition while Callery pear #242 was fair. Most of these trees had good, upright forms as a result of having been planted in close proximity to one another.

The remaining four species were represented by single individuals, including:

- Coast live oak #234 was located on the southern property line. It was mature, at 27" in diameter and was in good condition, with a full crown.
- Chinese elm #245 was located just off-site along the northern boundary. It was semi-mature, with two trunks estimated at 15" and 13" in diameter. It was in good condition and the southern stem extended approximately 25' over the fence and onto the development site.
- California pepper #246 was young, with multiple trunks measuring 4" to 7" in diameter. It was located adjacent to the fence on the northern boundary of the site. It had fair structure and was in good condition.
- Silver maple #247 was located just off-site along the northern boundary. It was mature and estimated at 20" in diameter. The tree had been topped at some point in the past and was in fair condition. Portions of its canopy extended approximately 25' over the fence and onto the development site.

The City of Pleasanton defines a *Heritage* trees as having a trunk diameter of 18" or greater or a height of 35' or more. For trees with more than one stem, trunk diameter is determined by adding together the 2 largest stems. Using these criteria, 5 trees assessed at the Valley Trails site qualified as *Heritage*, including #231, 234, 244, 245, and 247.

Descriptions of each tree are found in the *Tree Assessment Form* and locations are shown on the *Tree Assessment Map* (see attachments).

### ***Suitability for Preservation***

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. Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. 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, drought-stressed coast redwoods are more sensitive to construction impacts; while coast live oak 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.
- **Species invasiveness**  
Species which spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (<http://www.cal-ipc.org/ip/inventory/weedlist.php?#key>) lists species identified as having being invasive. Pleasanton is part of the Central West Floristic Province. None of the species assessed at the Valley Trails site are considered invasive.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment. Table 2, following page, provides a summary of suitability ratings. Suitability ratings for individual trees are provided in the *Tree Assessment Form* (see attachments).

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We consider trees with high suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends on the intensity of proposed site changes.

**Table 2. Tree suitability for preservation. The Village at Valley Trails, Pleasanton CA.**

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<b>High</b>	Trees with good health and structural stability that have the potential for longevity at the site. London planes #239, 240, 241; coast live oak #234 and Callery pear #238 were rated as having high suitability for preservation
<b>Moderate</b>	Trees in fair health and/or possessing 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 "high" category. Coast redwoods #223 – 228, 230, 231, 233, 244; Callery pears #235, 236, 237, 242, 243; Chinese elm #245; Calif. pepper #246; silver maple #247, and sweetgum #252 were rated as having moderate suitability for preservation.
<b>Low</b>	Trees in poor health or possessing 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. Twelve (12) sweetgums and coast redwoods #229 and 232 had low suitability for preservation.

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#### ***Evaluation of Impacts and Recommendations for Action***

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The tree assessment was the reference points for tree condition and quality. Impacts from the proposed project were assessed using the Preliminary Grading & Utility Plan prepared by RJA Associates (dated June 2016).

The plan included lot, road and entry layouts, set-back information and tree canopies. The plan proposes to construct 37 new residential units. The existing church building, parking lot and landscaping would be demolished. The existing entry location on Valley Trails Drive would be retained and connected to a new circular, interior road.

The most significant impacts to trees would be associated with 1) demolition of existing building and parking lot and 2) grading. Several redwoods were located within proposed lots 30 to 36. Other trees were located just off-site along the project periphery.

The project will demolish the existing curb and replace the sidewalk across the frontage. Sweetgums #248 – 260 are located between the curb and sidewalk. I recommend removing and replacing these trees for three reasons. First, tree suitability for preservation is generally low due to poor vigor and defects in tree structure. Second, trees will adversely impacted by demolition, grading and construction. Third, sweetgum is not good choice for the planting space. The species is well-known for producing large surface roots that displace nearby pavement. The sidewalk has already been replaced in a large section of the project. There is every reason to expect that displacement will continue to occur in the future.

Based on my evaluation of the plans, I recommend preservation of 12 trees (4 Heritage) and removal of 26 (1 Heritage) (Table 3). Trees #245 and 247 are off-site but portions of their canopies extend into the project site. Some pruning to reduce the overhanging canopy will be required and is expected to be within the tolerance of the trees. Any pruning of off-site trees should be performed with the property owner's permission.

Recommendations for tree preservation are predicated on adherence to the *Tree Preservation Guidelines* (following section).

#### ***Estimate of Value***

The City of Pleasanton requires that the value of trees on development sites be estimated. To establish the value of the surveyed trees, I employed the standard methods found in *Guide for Plant Appraisal*, 9th edition (published in 2000 by the International Society of Arboriculture, Savoy IL). In addition, I referred to *Species Classification and Group Assignment* (2004), a publication of the Western Chapter of the International Society of Arboriculture. These two documents outline the methods employed in tree appraisal.

The value of landscape trees is based upon four factors: size, species, condition and location. Size is measured as trunk diameter, normally 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the East Bay area. The *Species Classification and Group Assignment* lists recommended species ratings and evaluations. Condition reflects the health and structural integrity of the individual. The location factor considers the site, placement and contribution of the tree in its surrounding landscape. In this case, trees were located in a well maintained residential part of Pleasanton.

The estimated value of the 12 trees recommended for preservation was \$33,900; for 26 trees recommended for removal, \$33,400 (Table 3).

Table 3. Proposed action. The Village at Valley Trails. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Heritage Tree?	Condition 1=poor 5=excell.	Proposed Action	Estimate of Value
223	Coast redwood	16	No	3	Remove, within grading	\$1,550
224	Coast redwood	12	No	3	Remove, within grading	\$900
225	Coast redwood	14	No	3	Remove, within grading	\$1,200
226	Coast redwood	15	No	3	Remove, within grading	\$1,400
227	Coast redwood	16	No	3	Remove, within grading	\$1,550
228	Coast redwood	15	No	4	Remove, within grading	\$1,950
229	Coast redwood	14	No	2	Remove, within grading	\$750
230	Coast redwood	16	No	3	Remove, within grading	\$1,550
231	Coast redwood	22	Yes	3	Remove, within grading	\$2,950
232	Coast redwood	16	No	2	Remove, within grading	\$950
233	Coast redwood	16	No	3	Remove, within grading	\$1,550
234	Coast live oak	27	Yes	4	Preserve, 10' from grading	\$10,850
235	Callery pear	9	No	4	Preserve, 5' from grading	\$1,300
236	Callery pear	9	No	4	Preserve, 5' from grading	\$1,300
237	Callery pear	8	No	4	Preserve, 5' from grading	\$1,000
238	Callery pear	11	No	4	Preserve, 5' from grading	\$1,900
239	London plane	8	No	5	Preserve, 5' from grading	\$900
240	London plane	8	No	5	Preserve, 5' from grading	\$900
241	London plane	8	No	4	Preserve, 5' from grading	\$700
242	Callery pear	7	No	3	Preserve, 5' from grading	\$550
243	Callery pear	16	No	4	Remove, within grading	\$4,350
244	Coast redwood	18	Yes	4	Preserve, 10' from grading	\$3,050
245	Chinese elm	15,13	Yes	4	Preserve, 5' from grading	\$7,800
246	Calif. pepper	7,7,5,4	No	4	Remove, within grading	\$1,650
247	Silver maple	20	Yes	3	Preserve, 15' from grading	\$3,650
248	Sweetgum	15	No	3	Remove, within grading	\$2,050
249	Sweetgum	9	No	3	Remove, within grading	\$600
250	Sweetgum	10	No	3	Remove, within grading	\$750
251	Sweetgum	11	No	3	Remove, within grading	\$900
252	Sweetgum	12	No	4	Remove, within grading	\$1,600
253	Sweetgum	10	No	3	Remove, within grading	\$750
254	Sweetgum	7	No	3	Remove, within grading	\$350
255	Sweetgum	7	No	3	Remove, within grading	\$350
256	Sweetgum	10	No	3	Remove, within grading	\$750
257	Sweetgum	12	No	3	Remove, within grading	\$1,050
258	Sweetgum	6	No	3	Remove, within grading	\$300
259	Sweetgum	8	No	3	Remove, within grading	\$400
260	Sweetgum	13	No	3	Remove, within grading	\$1,250



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### **Tree Preservation Guidelines**

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Impacts can be minimized by coordinating any construction activities inside the **TREE PROTECTION ZONE**.

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. Any plan affecting trees should be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans and demolition plans.
3. A **TREE PROTECTION ZONE** must be established for trees to be preserved, in which no disturbance is permitted. **TREE PROTECTION ZONES** for trees identified for preservation are identified in the following table. No grading, excavation, construction or storage of materials shall occur within that zone.

**Specific Tree Protection Zones**

<b>Tree No.</b>	<b>TPZ</b>
#234	10' N. DL in all other directions
#235-242	5' N. DL in all other directions
#244	10' W., DL in all other directions
#245 and 247	PL S. and DL in all other directions.

4. **Tree Preservation Notes**, prepared by the Consulting Arborist, should be included on all plans.
5. Underground services including utilities, sub-drains, water or sewer shall be routed around the **TREE PROTECTION ZONE**. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.
6. Irrigation systems must be designed so that no trenching will occur within the **TREE PROTECTION ZONE**.
7. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.

#### **Pre-construction treatments and recommendations**

1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Cap and abandon all existing underground utilities within the **TREE PROTECTION ZONE** in place. Removal of utility boxes by hand is acceptable but no trenching should be performed within the **TREE PROTECTION ZONE** in an effort to remove utilities, irrigation lines, etc.

3. Fence trees to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing, or grading. Fences shall be 6 ft. chain link or equivalent as approved by the City of Pleasanton. Fences are to remain until all construction is completed.
4. Trees to be preserved may require pruning to provide construction clearance. Currently off-site trees #245 and 247 have been identified as requiring pruning. Pruning of off-site trees should be performed with the property owner's permission. All pruning shall be completed by a Certified Arborist or Tree Worker. Pruning shall adhere to the latest edition of the ANSI Z133 and A300 standards as well as the *Best Management Practices -- Tree Pruning* published by the International Society of Arboriculture.
5. Structures and underground features to be removed within the **TREE PROTECTION ZONE** shall use the smallest equipment, and operate from outside the **TREE PROTECTION ZONE**. The consultant shall be on-site during all operations within the **TREE PROTECTION ZONE** to monitor demolition activity.

**Recommendations for tree protection during construction**

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
2. Fences have been erected to protect trees to be preserved. Fences define a specific **TREE PROTECTION ZONE** for each tree or group of trees. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.
3. Any excavation within the dripline or other work that is expected to encounter tree roots should be approved and monitored by the Consulting Arborist. Roots shall be cut by manually digging a trench and cutting exposed roots with a sharp saw. The Consulting Arborist will identify where root pruning is required.
4. 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.
5. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the **TREE PROTECTION ZONE** by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a sharp saw or other approved root pruning equipment. The Consulting Arborist will identify where root pruning is required.
6. All underground utilities, drain lines or irrigation lines shall be routed outside the **TREE PROTECTION ZONE**. If lines must traverse through the protection area, they shall be tunneled or bored under the tree as directed by the Consulting Arborist.
7. No materials, equipment, spoil, waste or wash-out water may be deposited, stored, or parked within the **TREE PROTECTION ZONE** (fenced area).

8. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

**Maintenance of impacted trees**

Trees preserved at the Valley Trails site may experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of branches or entire trees failing will increase. Therefore, periodic inspection of trees for structural stability is recommended.

**HortScience, Inc.**



James R. Clark, Ph.D  
Certified Arborist WE-0846  
Registered Consulting Arborist #357

**ATTACHMENTS**

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***Tree Assessment Form***

***Tree Assessment Map***

# Tree Assessment

Valley Trails  
Pleasanton, California  
February 2015 & February 2017



TREE No.	SPECIES	TRUNK DIAMETER (in )	HERITAGE TREE?	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS
223	Coast redwood	16	No	3	Moderate	Good form and structure; drought stressed, browning needles in upper canopy
224	Coast redwood	12	No	3	Moderate	Good form and structure, drought stressed; thin canopy
225	Coast redwood	14	No	3	Moderate	Good form and structure, drought stressed; thin canopy
226	Coast redwood	15	No	3	Moderate	Good form and structure, drought stressed; browning needles throughout canopy.
227	Coast redwood	16	No	3	Moderate	Good form and structure, drought stressed: browning needles throughout canopy
228	Coast redwood	15	No	4	Moderate	Good form and structure; water leak W & best looking redwood on site.
229	Coast redwood	14	No	2	Low	Good form and structure; very thin canopy
230	Coast redwood	16	No	3	Moderate	Good form and structure; drought stressed, thin upper canopy.
231	Coast redwood	22	Yes	3	Moderate	Good form and structure; drought stressed, thin upper canopy.
232	Coast redwood	16	No	2	Low	Good form and structure; very thin canopy.
233	Coast redwood	16	No	3	Moderate	Good form and structure: drought stressed, thin upper canopy.
234	Coast live oak	27	Yes	4	High	On PL: codominant trunks at 6', good form and structure, pruning wound S.
235	Callery pear	9	No	4	Moderate	Off-site; multiple attachment at 6', upright form
236	Callery pear	9	No	4	Moderate	Off-site; multiple attachment at 6', slight lean N
237	Callery pear	8	No	4	Moderate	Off-site; multiple attachment at 6', slight lean E.
238	Callery pear	11	No	4	High	Off-site: codominant trunks at 8', good form
239	London plane	8	No	5	High	Off-site; nice, upright form, small girdling root
240	London plane	8	No	5	High	Off-site; nice, upright form
241	London plane	8	No	4	High	Off-site; good form; slight crook at 4'

# Tree Assessment

Valley Trails  
Pleasanton, California  
February 2015 & February 2017



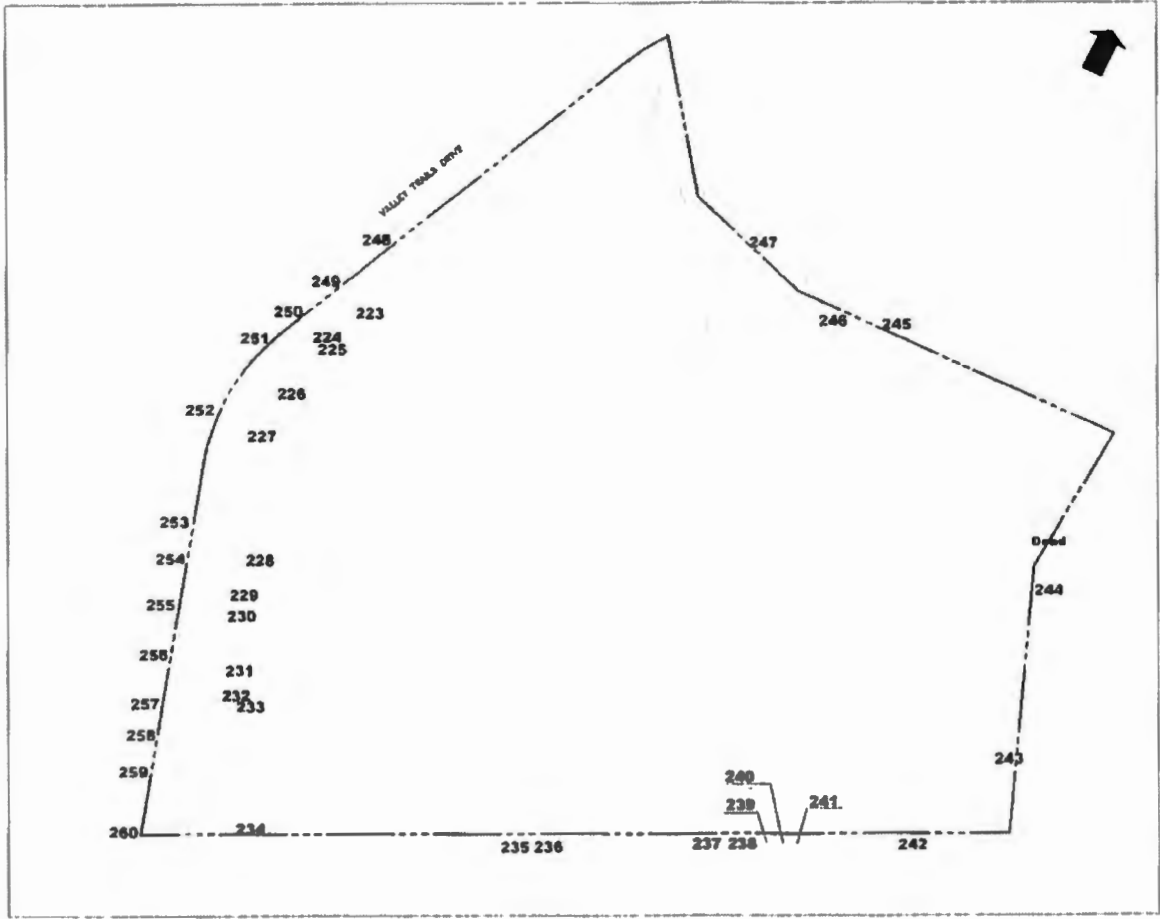
TREE No.	SPECIES	TRUNK DIAMETER (in )	HERITAGE TREE?	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS
242	Callery pear	7	No	3	Moderate	Off-site; slight lean S ; fair structure
243	Callery pear	16	No	4	Moderate	On PL; multiple attachment at 7', good form, fair structure.
244	Coast redwood	18	Yes	4	Moderate	Off-site; good form and structure, drought stressed, thin canopy.
245	Chinese elm	15,13	Yes	4	Moderate	Off-site, tag on fence, codominant trunks at 2', S stem extends 25' over fence
246	Calif. pepper	7,7,5,4	No	4	Moderate	Multiple attachment at 3', one sided S , fair structure
247	Silver maple	20	Yes	3	Moderate	Off-site, tag on fence; multiple attachments at 7', topped at 15'; extends 25' over fence
248	Sweetgum	15	No	3	Moderate	Multiple attachments @ 7', low lateral branches sweep upright, pavement displaced
249	Sweetgum	9	No	3	Low	Multiple attachments @ 7', low lateral branches sweep upright; pavement displaced, lacks vigor
250	Sweetgum	10	No	3	Low	Low lateral branches sweep upright lost central leader, lacks vigor.
251	Sweetgum	11	No	3	Low	Low lateral branches sweep upright, lost central leader, pavement displaced; lacks vigor
252	Sweetgum	12	No	4	Moderate	Typical form & structure; low lateral branches sweep upright, pavement displaced lacks vigor
253	Sweetgum	10	No	3	Moderate	Typical form & structure, lacks vigor
254	Sweetgum	7	No	3	Low	Multiple attachments @ 8'; low lateral branches sweep upright, lacks vigor.
255	Sweetgum	7	No	3	Low	Codominant trunks @ 6' with included bark; low lateral branches sweep upright; lacks vigor

# Tree Assessment

Valley Trails  
 Pleasanton, California  
 February 2015 & February 2017



TREE No.	SPECIES	TRUNK DIAMETER (in.)	HERITAGE TREE?	CONDITION 1=poor 5=excellent	SUITABILITY for PRESERVATION	COMMENTS
256	Sweetgum	10	No	3	Low	Multiple attachments @ 8'; low lateral branches sweep upright; lacks vigor.
257	Sweetgum	12	No	3	Moderate	Low lateral branches sweep upright; retains narrow form; lacks vigor.
258	Sweetgum	6	No	3	Low	Codominant trunks @ 6' & 8', sweep upright lacks vigor
259	Sweetgum	8	No	3	Low	Codominant trunks @ 4' & 7', sweep upright lacks vigor; retains narrow form
260	Sweetgum	13	No	3	Low	Multiple attachments @ 7', sweep upright lacks vigor.



**Tree Assessment Map**

**Valley Trails  
Pleasanton, CA**

Prepared for  
**Ponderosa Homes, Inc.**  
Pleasanton, CA

February 2015 (trees 223 - 247)  
February 2017 (trees 248 - 260)

No Scale

**Notes**

- Base map provided by Ruggen-Jensen-Azar & Associates Pleasanton, CA
- Labeled tree locations are approximate



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## Housing Commission Agenda Report

October 20, 2016

Item 06

**SUBJECT**      **Review and Recommendation for an Affordable Housing Agreement with Ponderosa II, Inc. for the Village at Valley Trails Development Located at 6900 Valley Trails Drive (PUD-113)**

### **RECOMMENDATION**

Review the Affordable Housing Agreement for the Village at Valley Trails and recommend approval by City Council as part of the PUD approval process.

### **ATTACHMENTS**

1. Draft Affordable Housing Agreement (AHA)
2. Inclusionary Zoning Ordinance (PMC Ch. 17.44)

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### **BACKGROUND**

Ponderosa Homes II, Inc. (the "Applicant") has submitted an application to develop 36 single-family homes on the approximately 9.0 acre site located approximately at 6900 Valley Trails Drive (PUD-113), referred to as "The Village at Valley Trails" (the "Development").

The applicant is proposing to subdivide and construct 36 residential lots which will range in size from 7,020 sf to 12,656 sf. Homes in the Development are proposed to include five plans ranging in size from 2,451 sf to 3,387 sf. A table indicating the unit sizes is included in the Affordable Housing Agreement.

This Development would require a General Plan Amendment to change the land use designation from Public and Institutional to Medium Density Residential. Rezoning the site to allow for medium density residential development would not contribute to meeting the City's current RHNA obligation, although units constructed in the development would count towards meeting housing unit production goals ("above moderate"). Amenities proposed for the Development include the installation of a new tot-lot, landscape improvements to provide water conservation measures in Valley Trails Park and the construction of a community clubhouse.

On August 31, the Planning Commission held a workshop to review, comment and provide direction on the application. The Applicant has made some adjustments as a result of that workshop and intends to present the project again to the Planning Commission for a recommendation to City Council on November 9. Concurrent with that process, the Housing Commission is tasked with providing a recommendation on the Affordable Housing Agreement prior to the Planning Commission meeting. Both recommendations will be forwarded for a final decision by the City Council.

**Location Map: The Village at Valley Trails (PUD-113)**



Because this property exceeds the fifteen (15) unit threshold, it is subject to the City's 20% affordability requirement for very low, low, and/or moderate income households (i.e., provide 7.2 affordably priced units in the development), or to satisfy the requirement through an alternative means. Alternatives described in the ordinance include options such as off-site development, land dedication and payment of the Lower Income Housing Fee. Historically, the City has taken a flexible approach to negotiating how residential projects may meet their affordable housing requirement. In addition to affordable units being provided on-site (such as in the higher density "Vines" and "Andares" developments), affordable housing fee payments and land dedication have also been accepted. A copy of the Inclusionary Zoning Ordinance is included for reference as Attachment 2.

## **DISCUSSION**

Most Below Market Rate (BMR) ownership homes have been duets, townhomes, multi-family or smaller, detached single-family units of approximately 1,200 sf. There are no larger single-family BMR homes in the City's inventory and staff and the City Council have traditionally not pursued that type due to the significant gap between the market sales price of the homes and sales prices which are affordable for low and moderate income households. For example, using the current median list price per square foot for homes in Pleasanton of \$478, a 2,500 sf single family home would be priced at approximately \$1.19 million. The mortgage that a low income household of four could afford (at 80% of Area Median Income) would be approximately \$270,000. The significant subsidy gap creates a "windfall" perception for individual homeowners, does not maximize affordable housing goals which may serve more residents through other housing development opportunities and programs, and is economically infeasible. Historically, developments with larger single family units such as Ruby Hill, and most recently Lund Ranch, have provided fee payments in lieu of providing units on site. These fee payments have been an important funding source for affordable housing goals at other sites, including Kottinger Gardens, and in funding programs which support the variety of Housing Element goals.

### Site Plan: The Village at Valley Trails PUD-113



Staff met with the Applicant and discussed various alternatives and outlined in the Inclusionary Zoning Ordinance (“IZO”) as a means of obtaining affordable units, focusing on offsite acquisition, however current rental market conditions and property values present significant barriers for market rate acquisition. In recognition of the significant need for resources to advance the City’s affordable housing goals in the future, the Applicant has proposed to pay the current Lower Income Housing Fee and to make an affordable housing contribution to the City that when combined with the LIHF would be equal to the maximum lower income housing fee, adjusted by unit size, which was recommended in the Economic and Planning Systems Nexus Based Affordable Housing Fee Analysis report prepared for the City in 2013. Precedent for this approach was established through the Lund Ranch Affordable Housing Agreement and staff recommends that this is a reasonable and justifiable approach in the interim while the City continues to evaluate the Lower Income Housing fee levels (as part of a broader development fee analysis). The 2013 report, which was discussed with the Commission, recommended that single-family homes pay fees on a sliding scale based on a home’s square footage. That fee scale is reflected in the Affordable Housing Agreement.

#### Staff Recommendation

Consistent with this previous approach, Staff is recommending the attached Affordable Housing Agreement that includes the following main provisions:

- The developer will pay, at the time of the issuance of building permit, a Lower Income Housing Fee of \$11,515 for each housing unit included in the project. (The \$11,515 is the City’s current, established LIHF for single family homes in excess of 1,200 sq. ft.).
- The developer will pay, at the time of the issuance of building permit, an affordable housing contribution for each housing unit included in the project which is variable based on the unit size for each plan type as follows. The total of amount payable per unit shall not exceed the totals stated in the Agreement.

**Table 1: Proposed Housing Fees**

Unit Plan Type	Plan Size (S.F.)	Proposed Number of Units	Current Affordable Housing Fee per Unit	<u>Affordable Housing Contribution per Unit based on design plan</u>	Total Amount Per Unit (Total of Affordable Housing Fee plus Affordable Housing Contribution)
Plan 1	2,451	7	\$11,515	<b>\$10,757</b>	\$22,272
Plan 2X	2,637	9	\$11,515	<b>\$11,907</b>	\$23,422
Plan 1X	3,000	5	\$11,515	<b>\$15,672</b>	\$27,187
Plan 2	3,122	6	\$11,515	<b>\$15,672</b>	\$27,187
Plan 3	3,387	9	\$11,515	<b>\$15,672</b>	\$27,187

- The payment of the LIHF and the affordable housing contribution will be in lieu of providing price restricted affordable housing on or off of the property or any other affordable housing program and would fully meet the developer’s affordable housing obligation for this project.

Assuming the developer obtains approval and moves forward with construction of the unit mix as proposed, the total LIHF paid would be \$414,540 and the affordable housing contribution would be \$495,902 for a total payment of \$910,442.

It is important to note that while the LIHF is required by City ordinance to be placed in the City’s Lower Income Housing Fund and used in accordance with the terms of that fund, this requirement is not applicable to the affordable housing contribution. City Council may appropriate these funds to a use that it deems best meets the City’s needs, however Staff will recommend that the City Council appropriate this affordable housing contribution to the Lower Income Housing Fund.

As stated earlier, staff is recommending the Housing Commission approve The Village at Valley Trails Affordable Housing Agreement. In accordance with the IZO, the Commission may accept, reject or modify the recommended agreement. Following the Commission’s action, staff will forward its recommendation to the City Council concurrent with and as part of its review of the proposed Planned Unit Development.

# Attachment 1

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566  
Attention: City Manager

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: \_\_\_\_\_

This document is exempt from recording fees pursuant to Government Code § 27383 and exempt from Documentary Transfer Tax pursuant to Revenue and Taxation Code §11922

## AFFORDABLE HOUSING AGREEMENT

This **AFFORDABLE HOUSING AGREEMENT** ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the **CITY OF PLEASANTON**, a Municipal Corporation ("City"), and **PONDEROSA HOMES II, INC.** a California corporation ("Developer").

### Recitals

- A. Developer currently owns a legal or equitable interest in land consisting of approximately nine (9) acres in Pleasanton, California, more particularly described in Attachment 1 attached hereto and incorporated herein by reference (the "Property").
- B. For the Property, Developer has obtained City approval (PUD-113) to develop a 36 unit single-family residential project (collectively the "Project").
- C. Execution of this Agreement memorializes the requirements of the City's Inclusionary Zoning Ordinance (Ordinance 1818) for the Project.

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

1. Developer shall pay the current Lower Income Housing Fee amount of Eleven Thousand Two Hundred and Twenty Eight Dollars (\$11,515.00) for each housing unit included in the Project (which would result in a total \$414,540.00 upon the issuance of the 36th building permit for the Project).
2. In addition to the payment of the Lower Income Housing Fee, Developer has offered and the City has agreed for the Developer to pay an affordable housing contribution of varying amounts ranging from Ten Thousand Seven Hundred and Fifty-Seven Dollars (\$10,757) to Fifteen Thousand Six Hundred and Seventy-Two Thousand Dollars (\$15,672) for each of the thirty-six (36) housing units in the Project, depending on the design plan (the "Affordable Housing Contribution") as described below:

Unit Plan Type	Plan Size (S.F.)	Proposed Number of Units	Current Affordable Housing Fee per Unit	Affordable Housing Contribution per Unit based on design plan	Total Amount Per Unit (Total of Affordable Housing Fee plus Affordable Housing Contribution)
Plan 1	2,451	7	\$11,515	\$10,757	\$22,272
Plan 2X	2,637	9	\$11,515	\$11,907	\$23,422
Plan 1X	3,000	5	\$11,515	\$15,672	\$27,187
Plan 2	3,122	6	\$11,515	\$15,672	\$27,187
Plan 3	3,387	9	\$11,515	\$15,672	\$27,187

3. In accordance with Pleasanton Municipal Code Section 17.40.100, Developer shall pay the Lower Income Housing Fee, and Developer has agreed to also pay the Affordable Housing Contribution, at the time of the issuance of a building permit for a residential unit in the Project.
4. The payment of the Lower Income Housing Fee shall be in lieu of providing price restricted affordable housing on or off of the Property or any other affordable housing programs or units as part of the Project and shall fully meet the requirements of the City's Inclusionary Zoning Ordinance (Ordinance 1818).
5. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, administrators and assigns. However, in no event shall this Agreement be binding or impose any obligations (including but not limited any indemnity or duty to defend obligations) on an owner of a single family home located on the Property.
6. Developer shall have the right to transfer and assign all of its rights, duties and obligations under this Agreement to any person or entity acquiring fee simple title to any portion of the Property. Developer shall be immediately released from its obligations under this Agreement upon such assignment so long as: (i) Developer was not in default of this Agreement at the time of conveyance, (ii) Developer provided to City prior written notice of such transfer, and (iii) the transferee executes and delivers to City a written assumption agreement in which: (1) the name and address of the transferee is set forth, and (2) the transferee expressly assumes the obligations of Developer under this Agreement. Failure to deliver a written assumption agreement hereunder shall not negate, modify or otherwise affect the liability of any transferee pursuant to the provisions of this Agreement. Nothing herein contained shall be deemed to grant to City discretion to approve or deny any such transfer.
7. The execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate either of the parties hereto to, any person or entity not a party to this Agreement.

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

**CITY:**

CITY OF PLEASANTON, a Municipal Corporation

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Daniel Sodergren, City Attorney

**DEVELOPER:**

PONDEROSA HOMES II, INC., a California Corporation

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

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

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

**Attachments:**

1. Legal Description

STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_)

On \_\_\_\_\_, 2016 before me \_\_\_\_\_,  
personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

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

STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_)

On \_\_\_\_\_, 2016 before me \_\_\_\_\_,  
personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

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



**ATTACHMENT 1**

**LEGAL DESCRIPTION**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:**

**FINAL**

APPROVED BY CITY COUNCIL  
OCTOBER 17, 2000

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PLEASANTON  
ADOPTING CHAPTER 17.44 OF THE PLEASANTON MUNICIPAL CODE  
TO INCORPORATE A NEW INCLUSIONARY ZONING ORDINANCE**

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN  
AS FOLLOWS:

**SECTION I.**

**A new Chapter 17.44 is hereby added as follows:**

"Chapter 17.44 Inclusionary Zoning

**ARTICLE I -- GENERAL PROVISIONS**

**Section 17.44.010. Title.**

This Chapter shall be called the "Inclusionary Zoning Ordinance of the City of Pleasanton."

**Section 17.44.020. Purpose.**

The purpose of this Chapter is to enhance the public welfare and assure that further housing development attains the City's affordable housing goals by increasing the production of residential units affordable to households of very low, low, and moderate income, and by providing funds for the development of very low, low, and moderate income ownership and/or rental housing. In order to assure that the limited remaining developable land is utilized in a manner consistent with the City's housing policies and needs, 15 percent of the total number of units of all new Multiple Family Residential Projects containing 15 or more units, constructed within the City as it now exists and as may be altered by annexation, shall be affordable to Very Low and Low Income households. For all new Single Family Residential Projects of 15 units or more, at least 20% of the project's dwelling units shall be affordable to Very Low, Low, and/or Moderate Income households. These requirements shall apply to both ownership and rental projects.

**Section 17.44.030. Definitions.**

For the purposes of this Chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

Affordable Housing Proposal: A proposal submitted by the Project Owner as part of the City development application (e.g., design review, Planned Unit Development, etc.) stating the method by which the requirements of this Chapter are proposed to be met.

Affordable Rent: A monthly rent (including utilities as determined by a schedule prepared by the City) which does not exceed one-twelfth (1/12) of thirty percent (30%) of the maximum annual income for a household of the applicable income level.

Affordable Sales Price: A sales price which results in a monthly mortgage payment (including principal and interest) which does not exceed one-twelfth (1/12) of thirty-five percent (35%) of the maximum annual income for a household of the applicable income level.

Amenities: Interior features which are not essential to the health and safety of the resident, but provide visual or aesthetic appeal, or are provided as conveniences rather than as necessities. Interior Amenities may include, but are not limited to, fireplaces, garbage disposals, dishwashers, cabinet and storage space and bathrooms in excess of one. Amenities shall in no way include items required by City building codes or other ordinances that are necessary to insure the safety of the building and its residents.

Applicant: Any person, firm, partnership, association joint venture, corporation, or any entity or combination of entities which seeks City permits and approvals for a project.

Commercial, Office, and Industrial Project: For the purposes of this Chapter, any new non-residential (commercial, office, or industrial) development or redevelopment greater than 10 gross acres or 250,000 square feet of gross building area, whichever is less.

City: The City of Pleasanton or its designee or any entity with which the City contracts to administer this chapter.

Dwelling Unit: A dwelling designed for occupancy by one household.

Household: One person living alone; or two or more persons sharing residency whose income is considered for housing payments.

Household, Low Income: A household whose annual income is more than 50% but does not exceed 80% of the annual median income for Alameda County, based upon the

annual income figures provided by the U.S. Department of Housing and Urban Development (HUD), as adjusted for household size.

Household, Moderate Income: A household whose annual income is more than 80% but does not exceed 120% of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

Household, Very Low Income: A household whose annual income does not exceed 50% of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

HUD: The United States Department of Housing and Urban Development or its successor.

Inclusionary Unit: A Dwelling Unit as required by this Chapter which is rented or sold at Affordable Rents and/or Affordable Sales Prices (as defined by this Chapter) to Very Low, Low, or Moderate Income Households.

Inclusionary Unit Credits: Credits approved by the City Council in the event a project exceeds the total number of Inclusionary Units required in this Chapter. Inclusionary Unit Credits may be used by the Project Owner to meet the affordable housing requirements of another project subject to approval by the City Council.

Income: The gross annual household income as defined by HUD.

Life of the Inclusionary Unit: The term during which the affordability provisions for Inclusionary Units shall remain applicable. The affordability provisions for inclusionary units shall apply in perpetuity from the date of occupancy, which shall be the date on which the City of Pleasanton performs final inspection for the building permit.

Lower Income Housing Fee: A fee paid to the City by an applicant for a project in the City, in lieu of providing the Inclusionary Units required by this Chapter.

Median Income for Alameda County: The median gross annual income in Alameda County as determined by HUD, adjusted for household size.

Off-Site Inclusionary Units: Inclusionary Units constructed within the City of Pleasanton on a site other than the site where the applicant intends to construct market rate units.

Ownership Units: Inclusionary Units developed as part of a residential development which the Applicant intends will be sold, or which are customarily offered for individual sale.

Project Owner: Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which holds fee title to the land on which the project is located.

Project: A residential housing development at one location or site including all dwelling units for which permits have been applied for or approved.

Property Owner: The owner of an Inclusionary Unit, excepting a "Project Owner".

Rental Units: Inclusionary Units which the Applicant intends will be rented or leased, or which are customarily offered for lease or rent.

Recapture Mechanisms: Legal programs and restrictions by which subsidies provided to Inclusionary Units will be controlled and repaid to the City and/or other entity upon resale, to insure the ongoing preservation of affordability of Inclusionary Units or to insure funds for Inclusionary Units remain within the City's affordable housing program.

Resale Restrictions: Legal restrictions which restrict the price of Inclusionary Units to insure that they remain affordable to Very Low, Low, and Moderate Income households on resale.

Residential Project, Multiple Family: A residential project consisting of condominiums, apartments, and similar dwellings attached in groups of four or more units per structure and including multiple units located on a single parcel of land under common ownership.

Residential Project, Single Family: A residential project consisting of detached and attached single family homes, including paired single family, duets, duplexes, townhomes, and similar unit types where each unit is located on a separate parcel of land.

Unit Type: Various dwelling units within a project which are distinguished by number of bedrooms and/or the type of construction (e.g., detached single family, duets, townhomes, condominiums).

## **ARTICLE II -- ZONING REQUIREMENTS**

### **Section 17.44.040. General Requirements/Applicability.**

#### **A. Residential Development**

For all new Multiple Family Residential Projects of 15 units or more, at least 15% of the project's dwelling units shall be affordable to Very Low, and/or Low Income households. For all new Single Family Residential Projects of 15 units or more, at least 20% of the

project's dwelling units shall be affordable to Very Low, Low , and/or Moderate Income households. These dwelling units shall be referred to as "Inclusionary Units". Special consideration will be given to projects in which a significant percentage of the Inclusionary Units are for Very Low and Low Income households. The specific mix of units within the three affordability categories shall be subject to approval by the City.

The Inclusionary Units shall be reserved for rent or purchase by eligible Very Low, Low, and Moderate Income Households, as applicable. Projects subject to these requirements include, but are not limited to, single-family detached dwellings, townhomes, apartments, condominiums, or cooperatives provided through new construction projects, and/or through conversion of rentals to ownership units.

The percentage of Inclusionary Units required for a particular project shall be determined only once on a given project, at the time of Tentative Map approval, or, for projects not processing a map, prior to issuance of building permit. If the subdivision design changes, which results in a change in the number of Unit Types required, the number of Inclusionary Units required shall be recalculated to coincide with the final approved project. In applying and calculating the fifteen (15) percent requirement, any decimal fraction less than or equal to 0.50 may be disregarded, and any decimal fraction greater than 0.50 shall be construed as one Unit.

#### **B. Commercial, Office, and Industrial (COI) Development**

In lieu of paying the Lower Income Fee as set forth in City Ordinance No. 1488, COI development may provide affordable housing consistent with this Ordinance. As a result, new COI developments are strongly encouraged to submit an Affordable Housing Proposal as set forth in Section 17.44.100 of this ordinance. Upon submittal of the Affordable Housing Proposal, City staff will meet with the developer to discuss the potential for providing incentives to encourage on-site construction of affordable housing units and alternatives to constructing affordable units as set forth in this ordinance. In the event a developer requests incentives or alternatives as a means of providing affordable housing in connection with a COI development, the Affordable Housing Proposal will be reviewed as set forth in Section 17.44.100 of this Ordinance. COI development not pursuing the inclusion of affordable housing shall be subject to the Lower Income Fees as set forth in City Ordinance No. 1488.

#### **Section 17.44.050. Inclusionary Unit Provisions and Specifications**

- A. Inclusionary Units shall be dispersed throughout the project unless otherwise approved by the City.
- B. Inclusionary Units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the market rate units in the project.

- C. Inclusionary Units may be of smaller size than the market units in the project. In addition, Inclusionary Units may have fewer interior amenities than the market rate units in the project. However, the City may require that the Inclusionary Units meet certain minimum standards. These standards shall be set forth in the Affordable Housing Agreement for the project.
- D. Inclusionary Units shall remain affordable in perpetuity through recordation of an Affordable Housing Agreement as described in Section 17.44.060 of this Chapter.
- E. All Inclusionary Units in a project shall be constructed concurrently within or prior to the construction of the project's market rate units.
- F. For purposes of calculating the Affordable Rent or Affordable Sales Price of an Inclusionary Unit, the following household size assumptions shall be used for each applicable dwelling Unit Type:

<u>Unit Size</u>	<u>HUD Income Category By Household Size</u>
Studio Unit	One Person
One Bedroom Unit	Two Persons
Two Bedroom Unit	Three Persons
Three Bedroom Unit	Four Persons
Four or more Bedroom Unit	Five or more Persons

- G. The City's adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units created through the Inclusionary Zoning Ordinance.

**Section 17.44.060. Affordable Housing Agreement**

An Affordable Housing Agreement shall be entered into by the City and the Project Owner. The Agreement shall record the method and terms by which a Project Owner shall comply with the requirements of this Chapter. The approval and/or recordation of this Agreement shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for such lots or units.

The Affordable Housing Agreement shall state the methodology for determining a unit's initial and ongoing rent or sales and resale price(s), any resale restrictions, occupancy requirements, eligibility requirements, City incentives including second mortgages, recapture mechanisms, the administrative process for monitoring unit management to assure ongoing affordability and other matters related to the development and retention of the inclusionary units.

In addition to the above, the Affordable Housing Agreement shall set forth any waiver of the Lower Income Housing Fee. For projects which meet the affordability threshold with Very Low and/or Low Income units, all units in the project shall be eligible for a waiver of the Lower Income Housing Fee. For Single Family Residential Projects which meet the affordability threshold with Moderate Income units, or Multiple Family Residential Projects which do not meet the affordability threshold, only the Inclusionary Units shall be eligible for a waiver of the Lower Income Housing Fee except as otherwise approved by the City Council.

To assure affordability over the life of the unit, the Affordable Housing Agreement shall be recorded with the property deed or other method approved by the City Attorney. In the event an Inclusionary unit is affordable by design the Affordable Housing Agreement shall stipulate the method for assuring that the units retain their affordability as the housing market changes.

The Director of Planning and Community Development may waive the requirement for an Affordable Housing Agreement for projects approved prior to the effective date of this ordinance and/or for projects that have their affordable housing requirements included in a development agreement or other City document.

#### **Section 17.44.070. Incentives to Encourage On-Site Construction of Inclusionary Units**

The City shall consider making available to the Applicant incentives to increase the feasibility of residential projects to provide Inclusionary Units. Incentives or financial assistance will be offered only to the extent resources for this purpose are available and approved for such use by the City Council or City Manager, as defined below, and to the extent that the Project, with the use of incentives or financial assistance, assists in achieving the City's housing goals. However, nothing in this chapter establishes, directly or through implication, a right of an Applicant to receive any assistance or incentive from the City.

Any incentives provided by the City shall be set out in the Affordable Housing Agreement pursuant to Section 17.44.060 of this Chapter. The granting of the additional incentives shall require demonstration of exceptional circumstances that necessitate assistance from the City, as well as documentation of how such incentives increase the feasibility of providing affordable housing.



The following incentives may be approved for Applicants who construct Inclusionary Units on-site:

#### **A. Fee Waiver or Deferral**

The City Council, by Resolution, may waive or defer payment of City development impact fees and/or building permit fees applicable to the Inclusionary Units or the project of which they are a part. Fee waivers shall meet the criteria included in the City's adopted policy for evaluating waivers of City fees for affordable housing projects. The Affordable Housing Agreement shall include the terms of the fee waiver.

#### **B. Design Modifications**

The granting of design modifications relative to the inclusionary requirement shall require the approval of the City Council and shall meet all applicable zoning requirements of the City of Pleasanton. Modifications to typical design standards may include the following:

- Reduced setbacks
- Reduction in infrastructure requirements
- Reduced open space requirements
- Reduced landscaping requirements
- Reduced interior or exterior amenities
- Reduction in parking requirements
- Height restriction waivers

#### **C. Second Mortgages**

The City may utilize available Lower Income Housing Funds for the purpose of providing second mortgages to prospective unit owners or to subsidize the cost of a unit to establish an Affordable Rent or an Affordable Sales Price. Terms of the second mortgage or subsidy shall be stated in the Affordable Housing Agreement. The utilization of these incentives shall not be the sole source of providing the Inclusionary Units and they are intended to augment the developer's proposal.

#### **D. Priority Processing**

After receiving its discretionary approvals, a Project that provides Inclusionary Units may be entitled to priority processing of building and engineering approvals subject to the approval of the City Manager. A Project eligible for priority processing shall be assigned to City engineering and/or building staff and processed in advance of all non-priority items.

## **Section 17.44.080. Alternatives to Constructing Inclusionary Units On-Site**

The primary emphasis of the Inclusionary Zoning Ordinance is to achieve the inclusion of affordable housing units to be constructed in conjunction with market rate units within the same project in all new residential projects. However, the City acknowledges that it may not always be practical to require that every project satisfy its affordable housing requirement through the construction of affordable units within the project itself. Therefore, the requirements of this Chapter may be satisfied by various methods other than the construction of Inclusionary Units on the project site. Some examples of alternate methods of compliance appear below. As housing market conditions change, the City may need to allow alternatives to provide options to Applicants to further the intent of providing affordable housing with new development projects.

### **A. Off-Site Projects**

Inclusionary Units required pursuant to this Chapter may be permitted to be constructed at a location within the City other than the project site. Any off-site Inclusionary Units must meet the following criteria:

1. The off-site Inclusionary Units must be determined to be consistent with the City's goal of creating, preserving, maintaining, and protecting housing for Very Low, Low, and Moderate Income Households.
2. The off-site Inclusionary Units must not result in a significant concentration of Inclusionary Units in any one particular neighborhood.
3. The off-site Inclusionary Units shall conform to the requirements of all applicable City Ordinances and the provisions of this Chapter.
4. The occupancy and rents of the off-site Inclusionary Units shall be governed by the terms of a deed restriction, and if applicable, a declaration of covenants, conditions and restrictions similar to that used for the on-site Inclusionary Units.

The Affordable Housing Agreement shall stipulate the terms of the off-site Inclusionary Units. If the construction does not take place at the same time as project development, the agreement shall require the Units to be produced within a specified time frame, but in no event longer than five (5) years. A cash deposit or bond may be required by the City, refundable upon construction, as assurance that the units will be built.

### **B. Land Dedication**

An Applicant may dedicate land to the City or a local non-profit housing developer in place of actual construction of Inclusionary Units upon approval of the City Council.

The intent of allowing a land dedication option is to provide the City or a local non-profit housing developer the land needed to make an Inclusionary Unit development feasible, thus furthering the intent of this Chapter.

The dedicated land must be appropriately zoned, buildable, free of toxic substances and contaminated soils, and large enough to accommodate the number of Inclusionary Units required for the project. The City's acceptance of land dedication shall require that the lots be fully improved, with infrastructure, adjacent utilities, grading, and fees paid.

### **C. Credit Transfers**

In the event a project exceeds the total number of Inclusionary Units required in this Chapter, the Project Owner may request Inclusionary Unit Credits which may be used to meet the affordable housing requirements of another project. Inclusionary Unit Credits are issued to and become the possession of the Project Owner and may not be transferred to another Project Owner without approval by the City Council. The number of Inclusionary Unit Credits awarded for any project is subject to approval by the City Council.

### **D. Alternate Methods of Compliance**

Applicants may propose creative concepts for meeting the requirements of this Chapter, in order to bring down the cost of providing Inclusionary Units, whether on or off site. The City Council may approve alternate methods of compliance with this Chapter if the Applicant demonstrates that such alternate method meets the purpose of this Chapter (as set forth in Section 17.44.020).

### **E. Lower Income Housing Fee Option**

In lieu of providing Inclusionary Units in a project, an applicant may pay the City's Lower Income Housing Fee as set forth in Chapter 17.40 of the Municipal Code.

## **ARTICLE III -- MISCELLANEOUS**

### **Section 17.44.090. Administration**

An applicant of a project subject to this Chapter shall submit an Affordable Housing Proposal stating the method by which it will meet the requirements of this Chapter. The Affordable Housing Proposal shall be submitted as part of the applicant's City development application (e.g., design review, Planned Unit Development, etc.) to the Planning Department in a form approved by the City Manager. The Director of Planning and Community Development may waive the requirement for submittal of an Affordable

Housing Proposal for projects approved prior to the effective date of this ordinance and/or for projects that have undergone considerable public review during which affordable housing issues were addressed.

The Affordable Housing Proposal shall be reviewed by the City's Housing Commission at a properly noticed meeting open to the public. The Housing Commission shall make recommendations to the City Council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives as outlined in this Chapter. The Housing Commission may also make recommendations to the Planning Commission regarding the project as necessary to assure conformance with this Chapter.

Acceptance of the applicant's Affordable Housing Proposal is subject to approval by the City Council, which may direct the City Manager to execute an Affordable Housing Agreement in a form approved by the City Attorney. The City Manager or his/her designee shall be responsible for monitoring the sale, occupancy and resale of Inclusionary Units.

#### **Section 17.44.100. Conflict of Interest.**

The following individuals are ineligible to purchase or rent an Inclusionary Unit: (a) City employees and officials (and their immediate family members) who have policy making authority or influence regarding City housing programs; (b) the Project Applicant and its officers and employees (and their immediate family members); and (c) the Project Owner and its officers and employees (and their immediate family members).

#### **Section 17.44.110. Enforcement.**

The City Manager is designated as the enforcing authority. The City Manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an Applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. In the event that it is determined that rents in excess of those allowed by operation of this Chapter have been charged to a tenant residing in an Inclusionary Unit, the City may take appropriate legal action to recover, and the Project Owner shall be obligated to pay to the tenant or to the City in the event the tenant cannot be located, any excess rents charged.

#### **Section 17.44.120. Appeals.**

Any person aggrieved by any action or determination of the City Manager under this ordinance, may appeal such action or determination to the City Council in the manner provided in Chapter 18.144 of the Pleasanton Municipal Code."

**SECTION 2. SEVERABILITY.**

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

**SECTION 3. EFFECTIVE DATE AND POSTING OF ORDINANCE.**

This ordinance shall take effect and be in force thirty (30) days from and after the date of its final adoption. The City Clerk of the City of Pleasanton shall cause this Ordinance to be posted in at least three (3) public places in the City of Pleasanton in accordance with Section 39633 of the Government Code of California.

I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON \_\_\_\_\_, 20\_\_\_, BY THE FOLLOWING VOTE:

AYES: Councilmembers -  
NOES:  
ABSENT:  
ABSTAIN:  
ATTEST:

\_\_\_\_\_  
Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael H. Roush, City Attorney



# Housing Commission Minutes

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*City Council Chamber  
200 Old Bernal Avenue, Pleasanton, CA*

**October 20, 2016  
7:00 p.m.**

## **CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Chairperson Welsh called the meeting to order at 7:00 p.m. on Thursday, October 20, 2016, in the City Council Chamber, 200 Old Bernal Avenue, Pleasanton, California.

The Pledge of Allegiance was recited, led by Chairperson Welsh.

Roll call:

Present: Commissioners Matthew Gaidos, Jay Galvin, Al Lombardo, Tony Soby, and Chairperson Ann Welsh. (Michelle Meyers at 7:09 p.m.)

Absent: None.

Staff: Frances Reisner, Housing Specialist; Natalie Amos, Associate Planner; and Edith Caponigro, Recording Secretary

## **AGENDA AMENDMENTS**

Commissioners agreed to add an October 20, 2016 memo from Housing Manager, Fran Reisner to the Commission to the Communications section of the agenda.

## **MINUTES**

### **1. Approve Regular Meeting Minutes of August 18, 2016.**

Correction: page 3 first line - ...funds and whether ~~it would be whether~~ they would be...

A motion was made by Commissioner Lombardo, seconded by Commissioner Soby, to approve the August 18, 2016 meeting minutes as corrected. **The motion was approved with Commissioner Galvin abstaining.**

## **CONSENT CALENDAR**

### **2. Approval of the July and August 2016 Financial Reports for Ridge View Commons**

### **3. Management Updates for Ridge View Commons**

Commissioner Soby asked that item 2 of the Consent Calendar be pulled for discussion. He had questions regarding the \$83,169.74 figure shown under Operating Expenses of the Variance Report and requested specific number be included in the next report. Sean Barcelon indicated he would review these items and add corrections to the next report.

Commissioner Soby also had questions regarding the Opening and Available Cash amounts noted on page two of the Variance Report of item 2 on the Consent Calendar. Mr. Barcelon with discuss this with Eden Housing and forward requested information to Ms. Reisner. Commissioner Soby commented on concerns he had with the rent collection figure of \$101,008 and the Cost Report.

Typos on pages 28 and 29 of the reports were also pointed out by members of the Commission.

Ms. Reisner indicated that she would forward corrected information for the report to Commissioners when received from Mr. Barcelon.

A motion was made by Commissioner Soby, seconded by Mr. Galvin to approve the Consent Calendar with the understanding that requested corrections will be made and forwarded to Commissioners.

#### **ROLL CALL VOTE:**

AYES: Commissioners Galvin, Lombardo, Meyers, Soby, and Chairperson Welsh.

NOES: None

ABSENT: None

ABSTAIN: None

### **MEETING OPEN TO THE PUBLIC**

#### **4. Introductions / Awards / Recognitions**

a) Recognition of Al Lombardo for his service on the Housing Commission

Staff and Commissioners thanked Commissioner Lombardo for his service on the Commission. Commissioner Lombardo stated he had enjoyed serving on the Commission, but his family was now relocating. He thanked Mr. Barcelon for stepping up and listening to and making changes and recommendations from the Commission.

#### **5. Public Comment from the audience regarding items not listed on the agenda**

There were none.

### **PUBLIC HEARINGS AND OTHER MATTERS**

#### **6. Recommendation for an Affordable Housing Agreement with Ponderosa Homes II, Inc. for the Village at Valley Trails Development located at 6900 Valley Trails Drive (PUD-113).**

Ms. Reisner provided information regarding the application submitted by Ponderosa Home II, Inc. to develop 36 single-family homes on an approximately 9.0-acre site at 6900 Valley Trails Drive and referred to as "The Village at Valley Trails".

Commissioners were advised that the development would require a General Plan Amendment to change the land use designation from Public and Institutional to Medium Density Residential. Rezoning the site to allow for medium density residential development would not contribute to meeting the City's current RHNA obligation, although units constructed in the development would count towards meeting housing unit productions goals. Amenities proposed for the Development include the installation of a new tot-lot, landscape improvements to provide water conservation measures in Valley Trails Park, and the construction of a community clubhouse.

Ms. Reisner informed Commissioners that on August 31, 2016 the Planning Commission held a workshop to review, comment and provide direction on the application, a result of which the Applicant has made some adjustments and intends to present the project again to the Planning Commission for a recommendation to be made to City Council.

A PowerPoint presentation was provided by Ms. Reisner that provided details about the project location, description, elevation of homes, the Inclusionary Housing Ordinance, Affordable Housing Discussion/Analysis, AHA General Terms including Low Income Housing Fee and Proposed Fee Table.

**Chairperson Welsh opened the meeting for comment from Ponderosa.**

Pam Hardy, Ponderosa Homes Representative – provided information meetings Ponderosa has had with neighbors and about the involvement of the neighbors with the design of this project. She discussed the density of the project and the amenities and upgrades that Ponderosa will make to the public park. She advised that upgrades will include a club house, tot lot, restroom facilities and the compatibility efforts being taken by Ponderosa to meet the desires of the neighborhood.

Commissioner Lombardo discussed the lot sizes of current homes in Valley Trails and questioned whether lot sizes of this project were comparable.

Commissioner Meyers asked about the available credits from the Ponderosa project on Rose Avenue. Ms. Hardy provided information about the use of the credit allowances.

Commissioner Galvin commented on duet homes being built into the Ironwood project and other projects and questioned why this could not be considered for this project. He also commented on the fact that homes in this project will be larger than other homes in the neighborhood and does not include any affordable housing. Ms. Amos advised that the neighborhood did not want high density housing built on the site. Commissioner Galvin discussed a request of the City to provide more homes, such as duets.

Ms. Hardy commented on duets being sold at market rate. She advised that workshop meetings with neighbors had been conducted by Ponderosa and not the City of Pleasanton and the type of homes and level of density for this project came about from the involvement of the neighbors.

Commissioner Galvin indicated that he would have liked to see a project that was something less than large homes, which he feels is the responsibility of this Commission. Ms. Hardy noted that as a builder, Ponderosa is responding to the market. Commissioner Galvin felt it would be nice to see some homes that were in the mid-price range and offering some diversity in size.

Ms. Reisner noted that many factors come into play when staff considers projects and with this



one it was felt capturing affordability through the fee made sense. She noted that the Lower Income Housing Fund (LIHF) is low at the current time so it is important to collect fees from projects.

Commissioner Meyers felt an analysis of things would have been good so the Commission could compare, because staff clearly had a thought on where funds collected would go. She felt this project would stand out in the Valley Trails neighborhood and was concerned about accepting funds and not being able to offer lower cost housing for teachers, police officers, etc. Staff and Commissioners discussed the need to provide smaller homes in the mix of larger homes and the need to offer homes that people can afford.

Ms. Hardy commented on putting smaller homes on lots and people not being able to afford to maintain the properties. Commissioner Meyers discussed the issue of lower income housing and the City of Pleasanton being able to provide affordable housing.

Commissioner Soby felt the issues being discussed were those of many projects coming before this Commission that have funds going into the LIHF and believes this is becoming a serious issue. He would like to see projects brought to this Commission before they get to the stage of the current projects being considered by this Commission.

Commissioner Meyers discussed the proposed pricing of the homes in this Ponderosa project. She commented on the sales price of the homes and the credits to the City not being a good perspective. Ms. Reisner suggested this was something the Commission should discuss when evaluating fees and could be discussed mid-2017.

Commissioner Galvin felt the purpose of this Commission was to discuss feasibility and affordability. Ms. Reisner discussed the relevancy of all comments from the Commission and noted they will be included in staffs report to City Council. She noted that funds from this project would be leveraged to help funding for another project.

Commissioner Lombardo asked about the 20% rule.

Ms. Amos noted that information from the Ponderosa meetings with neighbors, the Planning Commission's workshop meeting, and comments and recommendations from this Commission will all be taken into consideration.

Commissioner Meyers asked about the availability of reports from the meetings Ponderosa had with the neighbors. Ms. Amos advised that information was available in copies of city minutes.

Commissioner Galvin stated that he would still like to see something that would allow for lower cost housing that teachers, members of the police, firemen, etc. could afford.

Ms. Hardy noted that neighborhood issues have been addressed by Ponderosa by providing a lesser number of homes.

Commissioner Lombardo indicated that he understood the concerns of the Valley Trails neighbors. He asked about the availability of the park and club house to others living in the neighborhood. Ms. Amos advised that park improvements are part of the Parks and Recreation Master Plan requirements and the City's requirements.

Commissioner Lombardo asked about the In-Lieu fees and where the City proposes to put lower income housing. Ms. Amos advised that housing will be in the locations already zoned by the

City and not all in the Hacienda area. She noted that the City is always trying to integrate such housing within the city.

Commissioner Gaidos felt that trying to change things for this project was futile, but having such projects brought to this Commission sooner made sense. He said he understands the issues raised by Commissioners, but thinks it is too late to do something at this time.

Commissioner Welsh discussed with Ms. Amos and Ms. Reisner the next steps for this project. Ms. Reisner advised that the Planning Commission will need to advise City Council on the affordable housing portion of the project, but all comments from this Commission will also go forth to City Council.

Chairperson Welsh discussed fees and the 2013 Nexus study and believes they are lower than they should be. She referenced Appendix D in the report. Chairperson Welsh expressed her concerns that fees are being collected are not being put into the LIHF, but are going into the General Fund. Ms. Reisner stated that the Commission could recommend fees go into the LIHF.

Chairperson Welsh suggested that 2016 valuations be used when making fee calculations with all fees going into the LIHF and that this recommendation be forwarded to City Council.

Commissioner Soby noted that this Commission has always recommended that fee go into the LIHF, but has never been made aware of what City Council is actually recommending, and would like to be made aware of this.

Chairperson Welsh wondered how fees could be called "Affordable Housing Fees" if they were not going into the LIHF. She felt it was wrong to request such fees from a developer and then not put the fees into the LIHF and instead allow them to be used for other purposes. Commissioner Lombardo agreed and Commissioner Meyers thought In-Lieu fees could not go into the General Fund.

Chairperson Meyers discussed the differences between a fee and an Affordable Housing Contribution. Ms. Reisner advised that staff would present the Commission's comments and recommendations to City Council and asked the Commission what methodology they would like to use for 2016.

Chairperson Welsh felt it should be based on what was used in 2013 but upgraded to 2016 housing costs. She discussed valuations being when building permits are pulled.

**Chairperson Welsh closed the meeting for comment from Ponderosa at 8:30 p.m.**

Commissioner Meyers stated that she did not feel comfortable voting on this item at this time and would prefer to wait until the Commission has had an opportunity to refer any additional information that may be made available. Ms. Reisner asked what additional information Commissioner Meyers would like to be made available. Ms. Amos noted that staff also still needed to work on some things.

Commissioner Galvin agreed with Commissioner Meyers and felt that the Commission did not have all of the information they needed in order to make an appropriate decision.

Ms. Reisner felt the Commission could make recommendations and Ponderosa would move forward and City Council would make the final recommendations.

Commissioner Meyers indicated that she wanted to make a recommendation after she has received all of the facts and at this time she has too many questions. Chairperson Welsh felt if a motion was made at this time it needed to state Commissioner Meyers comments.

Commissioner Gaidos agreed that it should at least contain:

- The concern raised regarding criteria for 2016
- Upgrading Nexus information to include 2016 housing valuation costs
- Request In-lieu fees go directly into the LIHF and information regarding how often these fees have gone into the General Fund.
- Increase Impact fees
- Suggest fees be calculated at the time an applicant applies for a building permit
- Receive information regarding input from the Valley Trails neighborhood on this project
- Include affordable, now low-cost, housing in projects

Ms. Amos added the Commissions concerns re the addition of smaller homes to the project.

Commissioner Meyers commented on concerns with all Valley Trails homeowners wanting larger home being built in their neighborhood. Ms. Hardy provided details about the plotting of the homes based on the information that Ponderosa had received from the neighbors.

Ms. Reisner commented on Planning Commission and City Council recommendations and inclusion of smaller houses at reasonable rates.

A motion was made by Commissioner Meyers, seconded by Commissioner Soby, to postpone taking action on this item until the November 2016 meeting and requesting the Commission be provided additional information from the Planning Commission workshop meeting and Ponderosa meetings held with Valley Trails neighbors.

**ROLL CALL VOTE:**

AYES: Commissioners Galvin, Lombardo, Meyers, Soby, and Chairperson Welsh.

NOES: None

ABSENT: None

ABSTAIN: None

**COMMUNICATIONS**

Ms. Reisner reviewed with Commissioners her memo of October 20, 2016 regarding the progress on the selection of a Housing Rehabilitation Program Administrator. She noted that based on a recommendation made by the Housing Commission and Staff, City Council approved funding through the HHS Grant Program allocation process for the Housing Rehabilitation Program and authorized the City to engage in a joint Request for Proposals (RFP) process with the City of Livermore to select a new program administration.

The cities received two proposals by the July 15, 2016 deadline from Habitat for Humanity East Bay/Silicon Valley, Inc. and Hello Housing. Staff from both cities analyzed the proposals and based on staff's evaluation process, Habitat for Humanity East Bay/Silicon Valley, Inc. was selected to be the new administrator for the Housing Rehabilitation Program. Habitat's strengths include:

- Overall cost effectiveness and potential additional cost efficiencies from their status as a General Contractor.

- Access to a \$1,000,000 State CalHome Grant that would be available to leverage City funds for rehabilitation loans and grants, and
- The addition of a senior outreach specialist who would be specifically trained to address the needs of seniors and coordinate with senior organizations.

Ms. Reisner advised that staff will request Habitat provide a progress report to the Housing Commission during the semi-annual Grant review in February 2017.

#### **MATTERS INITIATED BY MEMBERS OF THE COMMISSION**

Commissioners Galvin and Soby discussed their attendance at a recent Ridge View Commons event and the fact that the Wheels bus service now longer goes near this senior facility. Ms. Reisner indicated she had heard of this and would try to obtain additional for the Commission.

#### **COMMITTEE REPORTS**

None.

#### **DISCUSSION OF FUTURE MEETING AGENDAS**

None.

#### **ADJOURNMENT**

The meeting was adjourned at 9:13 p.m. by unanimous consent.

DATED: November 17, 2016

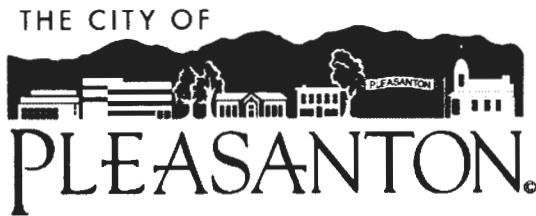
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Ann Welsh, Chairperson

ATTEST:

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Fran Reisner, Housing Manager



## Housing Commission Agenda Report

November 17, 2016

Item 05

**SUBJECT** Recommendation for an Affordable Housing Agreement with Ponderosa II, Inc. for the Village at Valley Trails Development Located at 6900 Valley Trails Drive (PUD-113)

### RECOMMENDATION

Review Staff's recommendation for the Village at Valley Trails Affordable Housing Agreement, review the additional information requested at the October 20, 2016 Housing Commission meeting and make a recommendation to City Council for consideration as part of the development's PUD approval process.

### ATTACHMENTS

1. October 20 HC Staff Report Item #06 and Draft Affordable Housing Agreement (AHA)
2. Planning Commission Workshop Minutes dated August 31, 2016

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### BACKGROUND

Ponderosa Homes II, Inc. (the "Applicant") has submitted an application to develop 36 single-family homes on the approximately 9.0 acre site located at 6900 Valley Trails Drive (PUD-113), referred to as "The Village at Valley Trails" (the "Development"). Because this property exceeds the fifteen (15) unit threshold, it is subject to the City's 20% affordability requirement for very low, low, and/or moderate income households (i.e., provide 7.2 affordably priced units in the development), or to satisfy the requirement through an alternative means.

The Applicant has proposed an alternative to on-site units and to satisfy the affordable housing requirement through payment of the affordable housing fee. The Applicant has proposed to pay the current Lower Income Housing Fee and to make an affordable housing contribution to the City that when combined with the LIHF would be equal to the maximum lower income housing fees, adjusted by unit size, which were identified in the Economic and Planning Systems Nexus Based Affordable Housing Fee Analysis report prepared for the City in 2013. That fee scale is reflected in the Affordable Housing Agreement (Attachment 1).

The Housing Commission (HC) reviewed this item on October 20 and continued this item for further consideration with the request to receive additional information on the Valley Trails neighborhood's response to the development and other considerations. A summary of the concerns raised by the Commission regarding the proposed AHA included the following:

- The 2013 Nexus study fees do not reflect current 2016 housing market conditions.
- The housing impact fee for the project should reflect updated market conditions and fees should be established at the time of building permit application.

- The affordable housing contribution should be deposited into the Lower Income Housing Fund and used for purposes in accordance with that fund.
  - The Commission further requested information on the appropriation status of other “Affordable Housing Contributions” received through the Vintage and Lund Ranch Affordable Housing Agreements, and none of those funds have been appropriated for projects as of the date of this report.
- The project should consider options to include affordable units in the development to address the City’s ownership housing goals for groups such as teachers, first responder, etc.

Planning Commission will review the PUD on December 14 and, prior to that process, the Housing Commission is tasked with reviewing the additional information provided and forwarding a recommendation on the Affordable Housing Agreement to the City Council. The Minutes from the HC’s discussion will be forwarded to Planning Commission for their information.

## **DISCUSSION**

In response to the HC’s concerns and to assist with consideration of this item, Staff has summarized some options. The HC is tasked with developing a recommendation to City Council which may be different from Staff’s recommendation and the other options analyzed below.

**Option 1:** Approve the Affordable Housing Agreement proposed by the Developer and recommended by Staff.

This agreement, as described would assess a per unit fee amount which was included in the 2013 Nexus Based Affordable Housing Fee Analysis and which was based on a schedule (Table 1) which was used as the reference in the previous Affordable Housing Agreement negotiated for the Lund Ranch development. The 2013 Nexus study report was reviewed during a joint workshop with the Housing Commission and City Council on October 22, 2013. The study recommended maximum housing fee levels based on unit size which were then subject to a feasibility analysis. The Council opted not to increase fees at that time.

As previously discussed with the Commission, Staff has been working with EPS to update market data through a 2016 study to comprehensively assess how conditions have changed and which has not been finalized at this time, therefore the 2013 is the most current available data which has been the basis for alternative fee discussions with developers.

The current proposed Housing Fee structure would secure additional affordable housing fee resources beyond the current adopted fee amount of \$11,515 per unit while taking a conservative approach that is based on the previous reviewed study that has been analyzed for feasibility. This approach is more than double the establish fee for each unit in the development and has prior precedent in the impact fee negotiations for Lund Ranch.

As described in the previous report, staff supports the development fee recommendation because it will leverage other funding which could be used to support projects that can address

other affordable housing goals and programs in the community. The Lower Income Housing Fund is an important resource for the City to enable affordable housing projects such as Kottinger Gardens and support the inclusion of affordable family housing units in developments such as Anton Hacienda. The City uses its affordable housing funds to leverage other limited federal, state and local sources to help close the development funding gap for affordable housing projects.

**Option 2:** Recommend an alternative fee proposal for the project which reflects a fee amount other than staff's recommendation.

Two alternatives were discussed at the October meeting in reference to the fee recommendation proposed by staff. First, an alternative fee schedule included in the 2013 Nexus Study (Appendix D) which identified maximum fee levels in 1,000 s.f. increments was proposed. A financial comparison of the two schedules is shown in the table below.

Financial Comparison of Fee Schedules

Staff Recommended Fee Option 1 TL (Table 1)	\$910,442
Alternate Fee Option 2 TL (Appendix D)	\$948,013
Difference	\$37,571

The second alternative was to increase the in-lieu fee by a factor which reflects current 2016 housing market conditions. As discussed previously, Staff recommends that this consideration be applied in a consistent manner with the previous studies as part of the updated 2016 Nexus Study process. Revisions to the maximum affordable housing fee levels use a formula that relies on multiple pro forma models for different housing development types with current land costs, predevelopment and construction cost, financing cost and other City and agency fee variables.

Furthermore, while housing cost increases since 2013 have increased the affordability gap for lower income households (which in turn would contribute to an increase in the maximum fee), EPS has not undertaken the feasibility analysis as the second step towards a fee scale recommendation. The future feasibility study will take into account other City fees which are being concurrently evaluated for adjustment to fully determine the comprehensive fee load on development. Therefore, updating any one or two factors within the 2013 methodology outside of the Nexus study process would not accurately reflect a consistent method which is the purpose of conducting a Nexus Study and feasibility analysis.

If the HC wishes to recommend that costs be updated to reflect any fee increases at the time of building permit then Staff recommends the HC direct staff to set a minimum fee amount for the agreement with the ability to pay the fee in place if it is higher at the time of building permit application. Alternatively, the HC may recommend that the fee is adjusted by some other factor that the Housing Commission would advise.

**Option 3:** Recommend a revision of the plans and inclusion of affordable units in the project.

The Commission discussed interest in recommending that some amount of affordable housing be provided on the site through other alternatives, such as duet style units, which have been provided in developments such as Walnut Hills (Bernal development). The City has received feedback from the neighborhood through the Housing Element community workshops to consider density options for the site which indicate that the community would not be supportive of higher density units on site. Staff has attached the Minutes from the Planning Commission Workshop held on August 31 to reflect additional input from the neighborhood on this project.

In consideration that this option has not been reviewed by the community and based on previous informal feedback received from the community regarding concerns over unit density, the Applicant has stated that they will not revise their plans to consider on-site unit options prior to submittal to Planning Commission or Council. However, Housing Commission may provide this recommendation to City Council and it would be at Council's discretion to delay the project approval for consideration of the affordable unit option.

Regarding future project review, Housing and Planning Division staff are coordinating to include the Housing Commission's review of affordable housing proposals earlier into the newly adopted Planning Workshop process to allow for the Commission to have an earlier opportunity to hear and discuss on-site housing options. This would provide the affordable housing options to be reviewed along with the project development discussion. Staff is working with Planning on developing that process. However, staff will also be discussing this idea with City Council to determine to what extent they wish to reverse recent practice of accepting in-lieu fees to fulfil affordable housing obligations within single-family detached developments.

**Option 4:** Recommend that the proposed Affordable Housing Agreement be rejected.

The Pleasanton Municipal Code (Chapter 17.44.090) states that: "The Housing Commission shall make recommendations to the City Council either accepting, rejecting, or modifying the developer's proposal..." If none of the previous options are acceptable to the Housing Commission, staff suggests that the Commission simply vote to reject the proposed affordable housing proposal.

## **CONCLUSION**

The HC is tasked to make a recommendation to City Council at this time. The Commission may opt to approve staff's recommendation, reject the recommendation, and to submit an alternate recommendation which may include the options described or others that the Commission may develop during this deliberation process. If the Commission makes an alternate recommendation than Staff's, then both recommendations will be included in the Planning Commission's agenda review package for their consideration of the PUD on December 14. The recommendation and all Minutes documenting the HC's consideration of this item will be forwarded to City Council for review and approval/adoption of a recommendation or other comment.





**Housing Commission  
Agenda Report**

October 20, 2016

Item 06

**SUBJECT**      **Review and Recommendation for an Affordable Housing Agreement with Ponderosa II, Inc. for the Village at Valley Trails Development Located at 6900 Valley Trails Drive (PUD-113)**

**RECOMMENDATION**

Review the Affordable Housing Agreement for the Village at Valley Trails and recommend approval by City Council as part of the PUD approval process.

**ATTACHMENTS**

1. Draft Affordable Housing Agreement (AHA)
2. Inclusionary Zoning Ordinance (PMC Ch. 17.44)

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**BACKGROUND**

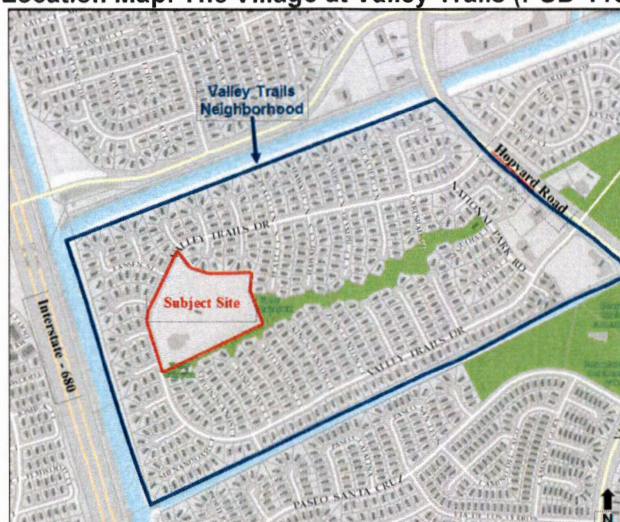
Ponderosa Homes II, Inc. (the "Applicant") has submitted an application to develop 36 single-family homes on the approximately 9.0 acre site located approximately at 6900 Valley Trails Drive (PUD-113), referred to as "The Village at Valley Trails" (the "Development").

The applicant is proposing to subdivide and construct 36 residential lots which will range in size from 7,020 sf to 12,656 sf. Homes in the Development are proposed to include five plans ranging in size from 2,451 sf to 3,387 sf. A table indicating the unit sizes is included in the Affordable Housing Agreement.

This Development would require a General Plan Amendment to change the land use designation from Public and Institutional to Medium Density Residential. Rezoning the site to allow for medium density residential development would not contribute to meeting the City's current RHNA obligation, although units constructed in the development would count towards meeting housing unit production goals ("above moderate"). Amenities proposed for the Development include the installation of a new tot-lot, landscape improvements to provide water conservation measures in Valley Trails Park and the construction of a community clubhouse.

On August 31, the Planning Commission held a workshop to review, comment and provide direction on the application. The Applicant has made some adjustments as a result of that workshop and intends to present the project again to the Planning Commission for a recommendation to City Council on November 9. Concurrent with that process, the Housing Commission is tasked with providing a recommendation on the Affordable Housing Agreement prior to the Planning Commission meeting. Both recommendations will be forwarded for a final decision by the City Council.

**Location Map: The Village at Valley Trails (PUD-113)**



Because this property exceeds the fifteen (15) unit threshold, it is subject to the City's 20% affordability requirement for very low, low, and/or moderate income households (i.e., provide 7.2 affordably priced units in the development), or to satisfy the requirement through an alternative means. Alternatives described in the ordinance include options such as off-site development, land dedication and payment of the Lower Income Housing Fee. Historically, the City has taken a flexible approach to negotiating how residential projects may meet their affordable housing requirement. In addition to affordable units being provided on-site (such as in the higher density "Vines" and "Andares" developments), affordable housing fee payments and land dedication have also been accepted. A copy of the Inclusionary Zoning Ordinance is included for reference as Attachment 2.

## **DISCUSSION**

Most Below Market Rate (BMR) ownership homes have been duets, townhomes, multi-family or smaller, detached single-family units of approximately 1,200 sf. There are no larger single-family BMR homes in the City's inventory and staff and the City Council have traditionally not pursued that type due to the significant gap between the market sales price of the homes and sales prices which are affordable for low and moderate income households. For example, using the current median list price per square foot for homes in Pleasanton of \$478, a 2,500 sf single family home would be priced at approximately \$1.19 million. The mortgage that a low income household of four could afford (at 80% of Area Median Income) would be approximately \$270,000. The significant subsidy gap creates a "windfall" perception for individual homeowners, does not maximize affordable housing goals which may serve more residents through other housing development opportunities and programs, and is economically infeasible. Historically, developments with larger single family units such as Ruby Hill, and most recently Lund Ranch, have provided fee payments in lieu of providing units on site. These fee payments have been an important funding source for affordable housing goals at other sites, including Kottinger Gardens, and in funding programs which support the variety of Housing Element goals.

**Site Plan: The Village at Valley Trails PUD-113**



Staff met with the Applicant and discussed various alternatives and outlined in the Inclusionary Zoning Ordinance (“IZO”) as a means of obtaining affordable units, focusing on offsite acquisition, however current rental market conditions and property values present significant barriers for market rate acquisition. In recognition of the significant need for resources to advance the City’s affordable housing goals in the future, the Applicant has proposed to pay the current Lower Income Housing Fee and to make an affordable housing contribution to the City that when combined with the LIHF would be equal to the maximum lower income housing fee, adjusted by unit size, which was recommended in the Economic and Planning Systems Nexus Based Affordable Housing Fee Analysis report prepared for the City in 2013. Precedent for this approach was established through the Lund Ranch Affordable Housing Agreement and staff recommends that this is a reasonable and justifiable approach in the interim while the City continues to evaluate the Lower Income Housing fee levels (as part of a broader development fee analysis). The 2013 report, which was discussed with the Commission, recommended that single-family homes pay fees on a sliding scale based on a home’s square footage. That fee scale is reflected in the Affordable Housing Agreement.

Staff Recommendation

Consistent with this previous approach, Staff is recommending the attached Affordable Housing Agreement that includes the following main provisions:

- The developer will pay, at the time of the issuance of building permit, a Lower Income Housing Fee of \$11,515 for each housing unit included in the project. (The \$11,515 is the City’s current, established LIHF for single family homes in excess of 1,200 sq. ft.).
- The developer will pay, at the time of the issuance of building permit, an affordable housing contribution for each housing unit included in the project which is variable based on the unit size for each plan type as follows. The total of amount payable per unit shall not exceed the totals stated in the Agreement.

**Table 1: Proposed Housing Fees**

Unit Plan Type	Plan Size (S.F.)	Proposed Number of Units	Current Affordable Housing Fee per Unit	Affordable Housing Contribution per Unit based on design plan	Total Amount Per Unit (Total of Affordable Housing Fee plus Affordable Housing Contribution)
Plan 1	2,451	7	\$11,515	<b>\$10,757</b>	\$22,272
Plan 2X	2,637	9	\$11,515	<b>\$11,907</b>	\$23,422
Plan 1X	3,000	5	\$11,515	<b>\$15,672</b>	\$27,187
Plan 2	3,122	6	\$11,515	<b>\$15,672</b>	\$27,187
Plan 3	3,387	9	\$11,515	<b>\$15,672</b>	\$27,187

- The payment of the LIHF and the affordable housing contribution will be in lieu of providing price restricted affordable housing on or off of the property or any other affordable housing program and would fully meet the developer’s affordable housing obligation for this project.

Assuming the developer obtains approval and moves forward with construction of the unit mix as proposed, the total LIHF paid would be \$414,540 and the affordable housing contribution would be \$495,902 for a total payment of \$910,442.

It is important to note that while the LIHF is required by City ordinance to be placed in the City’s Lower Income Housing Fund and used in accordance with the terms of that fund, this requirement is not applicable to the affordable housing contribution. City Council may appropriate these funds to a use that it deems best meets the City’s needs, however Staff will recommend that the City Council appropriate this affordable housing contribution to the Lower Income Housing Fund.

As stated earlier, staff is recommending the Housing Commission approve The Village at Valley Trails Affordable Housing Agreement. In accordance with the IZO, the Commission may accept, reject or modify the recommended agreement. Following the Commission’s action, staff will forward its recommendation to the City Council concurrent with and as part of its review of the proposed Planned Unit Development.

# Attachment 1

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566  
Attention: City Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: \_\_\_\_\_

This document is exempt from recording fees pursuant to Government Code § 27383 and exempt from Documentary Transfer Tax pursuant to Revenue and Taxation Code §11922

## AFFORDABLE HOUSING AGREEMENT

This **AFFORDABLE HOUSING AGREEMENT** ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the **CITY OF PLEASANTON**, a Municipal Corporation ("City"), and **PONDEROSA HOMES II, INC.** a California corporation ("Developer").

### Recitals

- A. Developer currently owns a legal or equitable interest in land consisting of approximately nine (9) acres in Pleasanton, California, more particularly described in Attachment 1 attached hereto and incorporated herein by reference (the "Property").
- B. For the Property, Developer has obtained City approval (PUD-113) to develop a 36 unit single-family residential project (collectively the "Project").
- C. Execution of this Agreement memorializes the requirements of the City's Inclusionary Zoning Ordinance (Ordinance 1818) for the Project.

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

1. Developer shall pay the current Lower Income Housing Fee amount of Eleven Thousand Two Hundred and Twenty Eight Dollars (\$11,515.00) for each housing unit included in the Project (which would result in a total \$414,540.00 upon the issuance of the 36th building permit for the Project).
2. In addition to the payment of the Lower Income Housing Fee, Developer has offered and the City has agreed for the Developer to pay an affordable housing contribution of varying amounts ranging from Ten Thousand Seven Hundred and Fifty-Seven Dollars (\$10,757) to Fifteen Thousand Six Hundred and Seventy-Two Thousand Dollars (\$15,672) for each of the thirty-six (36) housing units in the Project, depending on the design plan (the "Affordable Housing Contribution") as described below:

Unit Plan Type	Plan Size (S.F.)	Proposed Number of Units	Current Affordable Housing Fee per Unit	Affordable Housing Contribution per Unit based on design plan	Total Amount Per Unit (Total of Affordable Housing Fee plus Affordable Housing Contribution)
Plan 1	2,451	7	\$11,515	\$10,757	\$22,272
Plan 2X	2,637	9	\$11,515	\$11,907	\$23,422
Plan 1X	3,000	5	\$11,515	\$15,672	\$27,187
Plan 2	3,122	6	\$11,515	\$15,672	\$27,187
Plan 3	3,387	9	\$11,515	\$15,672	\$27,187

3. In accordance with Pleasanton Municipal Code Section 17.40.100, Developer shall pay the Lower Income Housing Fee, and Developer has agreed to also pay the Affordable Housing Contribution, at the time of the issuance of a building permit for a residential unit in the Project.
4. The payment of the Lower Income Housing Fee shall be in lieu of providing price restricted affordable housing on or off of the Property or any other affordable housing programs or units as part of the Project and shall fully meet the requirements of the City's Inclusionary Zoning Ordinance (Ordinance 1818).
5. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, administrators and assigns. However, in no event shall this Agreement be binding or impose any obligations (including but not limited any indemnity or duty to defend obligations) on an owner of a single family home located on the Property.
6. Developer shall have the right to transfer and assign all of its rights, duties and obligations under this Agreement to any person or entity acquiring fee simple title to any portion of the Property. Developer shall be immediately released from its obligations under this Agreement upon such assignment so long as: (i) Developer was not in default of this Agreement at the time of conveyance, (ii) Developer provided to City prior written notice of such transfer, and (iii) the transferee executes and delivers to City a written assumption agreement in which: (1) the name and address of the transferee is set forth, and (2) the transferee expressly assumes the obligations of Developer under this Agreement. Failure to deliver a written assumption agreement hereunder shall not negate, modify or otherwise affect the liability of any transferee pursuant to the provisions of this Agreement. Nothing herein contained shall be deemed to grant to City discretion to approve or deny any such transfer.
7. The execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate either of the parties hereto to, any person or entity not a party to this Agreement.

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

**CITY:**

CITY OF PLEASANTON, a Municipal Corporation

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Daniel Sodergren, City Attorney

**DEVELOPER:**

PONDEROSA HOMES II, INC., a California Corporation

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

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

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

**Attachments:**

1. Legal Description

STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_)

On \_\_\_\_\_, 2016 before me \_\_\_\_\_,  
personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

(Seal)

STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_)

On \_\_\_\_\_, 2016 before me \_\_\_\_\_,  
personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

(Seal)



**ATTACHMENT 1**

**LEGAL DESCRIPTION**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:**

**FINAL**

APPROVED BY CITY COUNCIL  
OCTOBER 17, 2000

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PLEASANTON  
ADOPTING CHAPTER 17.44 OF THE PLEASANTON MUNICIPAL CODE  
TO INCORPORATE A NEW INCLUSIONARY ZONING ORDINANCE**

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN  
AS FOLLOWS:

**SECTION I.**

**A new Chapter 17.44 is hereby added as follows:**

"Chapter 17.44 Inclusionary Zoning

**ARTICLE I -- GENERAL PROVISIONS**

**Section 17.44.010. Title.**

This Chapter shall be called the "Inclusionary Zoning Ordinance of the City of Pleasanton."

**Section 17.44.020. Purpose.**

The purpose of this Chapter is to enhance the public welfare and assure that further housing development attains the City's affordable housing goals by increasing the production of residential units affordable to households of very low, low, and moderate income, and by providing funds for the development of very low, low, and moderate income ownership and/or rental housing. In order to assure that the limited remaining developable land is utilized in a manner consistent with the City's housing policies and needs, 15 percent of the total number of units of all new Multiple Family Residential Projects containing 15 or more units, constructed within the City as it now exists and as may be altered by annexation, shall be affordable to Very Low and Low Income households. For all new Single Family Residential Projects of 15 units or more, at least 20% of the project's dwelling units shall be affordable to Very Low, Low, and/or Moderate Income households. These requirements shall apply to both ownership and rental projects.

**Section 17.44.030. Definitions.**

For the purposes of this Chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

Affordable Housing Proposal: A proposal submitted by the Project Owner as part of the City development application (e.g., design review, Planned Unit Development, etc.) stating the method by which the requirements of this Chapter are proposed to be met.

Affordable Rent: A monthly rent (including utilities as determined by a schedule prepared by the City) which does not exceed one-twelfth (1/12) of thirty percent (30%) of the maximum annual income for a household of the applicable income level.

Affordable Sales Price: A sales price which results in a monthly mortgage payment (including principal and interest) which does not exceed one-twelfth (1/12) of thirty-five percent (35%) of the maximum annual income for a household of the applicable income level.

Amenities: Interior features which are not essential to the health and safety of the resident, but provide visual or aesthetic appeal, or are provided as conveniences rather than as necessities. Interior Amenities may include, but are not limited to, fireplaces, garbage disposals, dishwashers, cabinet and storage space and bathrooms in excess of one. Amenities shall in no way include items required by City building codes or other ordinances that are necessary to insure the safety of the building and its residents.

Applicant: Any person, firm, partnership, association joint venture, corporation, or any entity or combination of entities which seeks City permits and approvals for a project.

Commercial, Office, and Industrial Project: For the purposes of this Chapter, any new non-residential (commercial, office, or industrial) development or redevelopment greater than 10 gross acres or 250,000 square feet of gross building area, whichever is less.

City: The City of Pleasanton or its designee or any entity with which the City contracts to administer this chapter.

Dwelling Unit: A dwelling designed for occupancy by one household.

Household: One person living alone; or two or more persons sharing residency whose income is considered for housing payments.

Household, Low Income: A household whose annual income is more than 50% but does not exceed 80% of the annual median income for Alameda County, based upon the

annual income figures provided by the U.S. Department of Housing and Urban Development (HUD), as adjusted for household size.

Household, Moderate Income: A household whose annual income is more than 80% but does not exceed 120% of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

Household, Very Low Income: A household whose annual income does not exceed 50% of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

HUD: The United States Department of Housing and Urban Development or its successor.

Inclusionary Unit: A Dwelling Unit as required by this Chapter which is rented or sold at Affordable Rents and/or Affordable Sales Prices (as defined by this Chapter) to Very Low, Low, or Moderate Income Households.

Inclusionary Unit Credits: Credits approved by the City Council in the event a project exceeds the total number of Inclusionary Units required in this Chapter. Inclusionary Unit Credits may be used by the Project Owner to meet the affordable housing requirements of another project subject to approval by the City Council.

Income: The gross annual household income as defined by HUD.

Life of the Inclusionary Unit: The term during which the affordability provisions for Inclusionary Units shall remain applicable. The affordability provisions for inclusionary units shall apply in perpetuity from the date of occupancy, which shall be the date on which the City of Pleasanton performs final inspection for the building permit.

Lower Income Housing Fee: A fee paid to the City by an applicant for a project in the City, in lieu of providing the Inclusionary Units required by this Chapter.

Median Income for Alameda County: The median gross annual income in Alameda County as determined by HUD, adjusted for household size.

Off-Site Inclusionary Units: Inclusionary Units constructed within the City of Pleasanton on a site other than the site where the applicant intends to construct market rate units.

Ownership Units: Inclusionary Units developed as part of a residential development which the Applicant intends will be sold, or which are customarily offered for individual sale.

Project Owner: Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which holds fee title to the land on which the project is located.

Project: A residential housing development at one location or site including all dwelling units for which permits have been applied for or approved.

Property Owner: The owner of an Inclusionary Unit, excepting a "Project Owner".

Rental Units: Inclusionary Units which the Applicant intends will be rented or leased, or which are customarily offered for lease or rent.

Recapture Mechanisms: Legal programs and restrictions by which subsidies provided to Inclusionary Units will be controlled and repaid to the City and/or other entity upon resale, to insure the ongoing preservation of affordability of Inclusionary Units or to insure funds for Inclusionary Units remain within the City's affordable housing program.

Resale Restrictions: Legal restrictions which restrict the price of Inclusionary Units to insure that they remain affordable to Very Low, Low, and Moderate Income households on resale.

Residential Project, Multiple Family: A residential project consisting of condominiums, apartments, and similar dwellings attached in groups of four or more units per structure and including multiple units located on a single parcel of land under common ownership.

Residential Project, Single Family: A residential project consisting of detached and attached single family homes, including paired single family, duets, duplexes, townhomes, and similar unit types where each unit is located on a separate parcel of land.

Unit Type: Various dwelling units within a project which are distinguished by number of bedrooms and/or the type of construction (e.g., detached single family, duets, townhomes, condominiums).

## **ARTICLE II -- ZONING REQUIREMENTS**

### **Section 17.44.040. General Requirements/Applicability.**

#### **A. Residential Development**

For all new Multiple Family Residential Projects of 15 units or more, at least 15% of the project's dwelling units shall be affordable to Very Low, and/or Low Income households. For all new Single Family Residential Projects of 15 units or more, at least 20% of the

project's dwelling units shall be affordable to Very Low, Low, and/or Moderate Income households. These dwelling units shall be referred to as "Inclusionary Units". Special consideration will be given to projects in which a significant percentage of the Inclusionary Units are for Very Low and Low Income households. The specific mix of units within the three affordability categories shall be subject to approval by the City.

The Inclusionary Units shall be reserved for rent or purchase by eligible Very Low, Low, and Moderate Income Households, as applicable. Projects subject to these requirements include, but are not limited to, single-family detached dwellings, townhomes, apartments, condominiums, or cooperatives provided through new construction projects, and/or through conversion of rentals to ownership units.

The percentage of Inclusionary Units required for a particular project shall be determined only once on a given project, at the time of Tentative Map approval, or, for projects not processing a map, prior to issuance of building permit. If the subdivision design changes, which results in a change in the number of Unit Types required, the number of Inclusionary Units required shall be recalculated to coincide with the final approved project. In applying and calculating the fifteen (15) percent requirement, any decimal fraction less than or equal to 0.50 may be disregarded, and any decimal fraction greater than 0.50 shall be construed as one Unit.

## **B. Commercial, Office, and Industrial (COI) Development**

In lieu of paying the Lower Income Fee as set forth in City Ordinance No. 1488, COI development may provide affordable housing consistent with this Ordinance. As a result, new COI developments are strongly encouraged to submit an Affordable Housing Proposal as set forth in Section 17.44.100 of this ordinance. Upon submittal of the Affordable Housing Proposal, City staff will meet with the developer to discuss the potential for providing incentives to encourage on-site construction of affordable housing units and alternatives to constructing affordable units as set forth in this ordinance. In the event a developer requests incentives or alternatives as a means of providing affordable housing in connection with a COI development, the Affordable Housing Proposal will be reviewed as set forth in Section 17.44.100 of this Ordinance. COI development not pursuing the inclusion of affordable housing shall be subject to the Lower Income Fees as set forth in City Ordinance No. 1488.

### **Section 17.44.050. Inclusionary Unit Provisions and Specifications**

- A. Inclusionary Units shall be dispersed throughout the project unless otherwise approved by the City.
- B. Inclusionary Units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the market rate units in the project.

- C. Inclusionary Units may be of smaller size than the market units in the project. In addition, Inclusionary Units may have fewer interior amenities than the market rate units in the project. However, the City may require that the Inclusionary Units meet certain minimum standards. These standards shall be set forth in the Affordable Housing Agreement for the project.
- D. Inclusionary Units shall remain affordable in perpetuity through recordation of an Affordable Housing Agreement as described in Section 17.44.060 of this Chapter.
- E. All Inclusionary Units in a project shall be constructed concurrently within or prior to the construction of the project's market rate units.
- F. For purposes of calculating the Affordable Rent or Affordable Sales Price of an Inclusionary Unit, the following household size assumptions shall be used for each applicable dwelling Unit Type:

<u>Unit Size</u>	<u>HUD Income Category By Household Size</u>
Studio Unit	One Person
One Bedroom Unit	Two Persons
Two Bedroom Unit	Three Persons
Three Bedroom Unit	Four Persons
Four or more Bedroom Unit	Five or more Persons

- G. The City's adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units created through the Inclusionary Zoning Ordinance.

**Section 17.44.060. Affordable Housing Agreement**

An Affordable Housing Agreement shall be entered into by the City and the Project Owner. The Agreement shall record the method and terms by which a Project Owner shall comply with the requirements of this Chapter. The approval and/or recordation of this Agreement shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for such lots or units.

The Affordable Housing Agreement shall state the methodology for determining a unit's initial and ongoing rent or sales and resale price(s), any resale restrictions, occupancy requirements, eligibility requirements, City incentives including second mortgages, recapture mechanisms, the administrative process for monitoring unit management to assure ongoing affordability and other matters related to the development and retention of the inclusionary units.

In addition to the above, the Affordable Housing Agreement shall set forth any waiver of the Lower Income Housing Fee. For projects which meet the affordability threshold with Very Low and/or Low Income units, all units in the project shall be eligible for a waiver of the Lower Income Housing Fee. For Single Family Residential Projects which meet the affordability threshold with Moderate Income units, or Multiple Family Residential Projects which do not meet the affordability threshold, only the Inclusionary Units shall be eligible for a waiver of the Lower Income Housing Fee except as otherwise approved by the City Council.

To assure affordability over the life of the unit, the Affordable Housing Agreement shall be recorded with the property deed or other method approved by the City Attorney. In the event an Inclusionary unit is affordable by design the Affordable Housing Agreement shall stipulate the method for assuring that the units retain their affordability as the housing market changes.

The Director of Planning and Community Development may waive the requirement for an Affordable Housing Agreement for projects approved prior to the effective date of this ordinance and/or for projects that have their affordable housing requirements included in a development agreement or other City document.

#### **Section 17.44.070. Incentives to Encourage On-Site Construction of Inclusionary Units**

The City shall consider making available to the Applicant incentives to increase the feasibility of residential projects to provide Inclusionary Units. Incentives or financial assistance will be offered only to the extent resources for this purpose are available and approved for such use by the City Council or City Manager, as defined below, and to the extent that the Project, with the use of incentives or financial assistance, assists in achieving the City's housing goals. However, nothing in this chapter establishes, directly or through implication, a right of an Applicant to receive any assistance or incentive from the City.

Any incentives provided by the City shall be set out in the Affordable Housing Agreement pursuant to Section 17.44.060 of this Chapter. The granting of the additional incentives shall require demonstration of exceptional circumstances that necessitate assistance from the City, as well as documentation of how such incentives increase the feasibility of providing affordable housing.



The following incentives may be approved for Applicants who construct Inclusionary Units on-site:

#### **A. Fee Waiver or Deferral**

The City Council, by Resolution, may waive or defer payment of City development impact fees and/or building permit fees applicable to the Inclusionary Units or the project of which they are a part. Fee waivers shall meet the criteria included in the City's adopted policy for evaluating waivers of City fees for affordable housing projects. The Affordable Housing Agreement shall include the terms of the fee waiver.

#### **B. Design Modifications**

The granting of design modifications relative to the inclusionary requirement shall require the approval of the City Council and shall meet all applicable zoning requirements of the City of Pleasanton. Modifications to typical design standards may include the following:

- Reduced setbacks
- Reduction in infrastructure requirements
- Reduced open space requirements
- Reduced landscaping requirements
- Reduced interior or exterior amenities
- Reduction in parking requirements
- Height restriction waivers

#### **C. Second Mortgages**

The City may utilize available Lower Income Housing Funds for the purpose of providing second mortgages to prospective unit owners or to subsidize the cost of a unit to establish an Affordable Rent or an Affordable Sales Price. Terms of the second mortgage or subsidy shall be stated in the Affordable Housing Agreement. The utilization of these incentives shall not be the sole source of providing the Inclusionary Units and they are intended to augment the developer's proposal.

#### **D. Priority Processing**

After receiving its discretionary approvals, a Project that provides Inclusionary Units may be entitled to priority processing of building and engineering approvals subject to the approval of the City Manager. A Project eligible for priority processing shall be assigned to City engineering and/or building staff and processed in advance of all non-priority items.

## **Section 17.44.080. Alternatives to Constructing Inclusionary Units On-Site**

The primary emphasis of the Inclusionary Zoning Ordinance is to achieve the inclusion of affordable housing units to be constructed in conjunction with market rate units within the same project in all new residential projects. However, the City acknowledges that it may not always be practical to require that every project satisfy its affordable housing requirement through the construction of affordable units within the project itself. Therefore, the requirements of this Chapter may be satisfied by various methods other than the construction of Inclusionary Units on the project site. Some examples of alternate methods of compliance appear below. As housing market conditions change, the City may need to allow alternatives to provide options to Applicants to further the intent of providing affordable housing with new development projects.

### **A. Off-Site Projects**

Inclusionary Units required pursuant to this Chapter may be permitted to be constructed at a location within the City other than the project site. Any off-site Inclusionary Units must meet the following criteria:

1. The off-site Inclusionary Units must be determined to be consistent with the City's goal of creating, preserving, maintaining, and protecting housing for Very Low, Low, and Moderate Income Households.
2. The off-site Inclusionary Units must not result in a significant concentration of Inclusionary Units in any one particular neighborhood.
3. The off-site Inclusionary Units shall conform to the requirements of all applicable City Ordinances and the provisions of this Chapter.
4. The occupancy and rents of the off-site Inclusionary Units shall be governed by the terms of a deed restriction, and if applicable, a declaration of covenants, conditions and restrictions similar to that used for the on-site Inclusionary Units.

The Affordable Housing Agreement shall stipulate the terms of the off-site Inclusionary Units. If the construction does not take place at the same time as project development, the agreement shall require the Units to be produced within a specified time frame, but in no event longer than five (5) years. A cash deposit or bond may be required by the City, refundable upon construction, as assurance that the units will be built.

### **B. Land Dedication**

An Applicant may dedicate land to the City or a local non-profit housing developer in place of actual construction of Inclusionary Units upon approval of the City Council.

The intent of allowing a land dedication option is to provide the City or a local non-profit housing developer the land needed to make an Inclusionary Unit development feasible, thus furthering the intent of this Chapter.

The dedicated land must be appropriately zoned, buildable, free of toxic substances and contaminated soils, and large enough to accommodate the number of Inclusionary Units required for the project. The City's acceptance of land dedication shall require that the lots be fully improved, with infrastructure, adjacent utilities, grading, and fees paid.

### **C. Credit Transfers**

In the event a project exceeds the total number of Inclusionary Units required in this Chapter, the Project Owner may request Inclusionary Unit Credits which may be used to meet the affordable housing requirements of another project. Inclusionary Unit Credits are issued to and become the possession of the Project Owner and may not be transferred to another Project Owner without approval by the City Council. The number of Inclusionary Unit Credits awarded for any project is subject to approval by the City Council.

### **D. Alternate Methods of Compliance**

Applicants may propose creative concepts for meeting the requirements of this Chapter, in order to bring down the cost of providing Inclusionary Units, whether on or off site. The City Council may approve alternate methods of compliance with this Chapter if the Applicant demonstrates that such alternate method meets the purpose of this Chapter (as set forth in Section 17.44.020).

### **E. Lower Income Housing Fee Option**

In lieu of providing Inclusionary Units in a project, an applicant may pay the City's Lower Income Housing Fee as set forth in Chapter 17.40 of the Municipal Code.

## **ARTICLE III -- MISCELLANEOUS**

### **Section 17.44.090. Administration**

An applicant of a project subject to this Chapter shall submit an Affordable Housing Proposal stating the method by which it will meet the requirements of this Chapter. The Affordable Housing Proposal shall be submitted as part of the applicant's City development application (e.g., design review, Planned Unit Development, etc.) to the Planning Department in a form approved by the City Manager. The Director of Planning and Community Development may waive the requirement for submittal of an Affordable

Housing Proposal for projects approved prior to the effective date of this ordinance and/or for projects that have undergone considerable public review during which affordable housing issues were addressed.

The Affordable Housing Proposal shall be reviewed by the City's Housing Commission at a properly noticed meeting open to the public. The Housing Commission shall make recommendations to the City Council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives as outlined in this Chapter. The Housing Commission may also make recommendations to the Planning Commission regarding the project as necessary to assure conformance with this Chapter.

Acceptance of the applicant's Affordable Housing Proposal is subject to approval by the City Council, which may direct the City Manager to execute an Affordable Housing Agreement in a form approved by the City Attorney. The City Manager or his/her designee shall be responsible for monitoring the sale, occupancy and resale of Inclusionary Units.

**Section 17.44.100. Conflict of Interest.**

The following individuals are ineligible to purchase or rent an Inclusionary Unit: (a) City employees and officials (and their immediate family members) who have policy making authority or influence regarding City housing programs; (b) the Project Applicant and its officers and employees (and their immediate family members); and (c) the Project Owner and its officers and employees (and their immediate family members).

**Section 17.44.110. Enforcement.**

The City Manager is designated as the enforcing authority. The City Manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an Applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. In the event that it is determined that rents in excess of those allowed by operation of this Chapter have been charged to a tenant residing in an Inclusionary Unit, the City may take appropriate legal action to recover, and the Project Owner shall be obligated to pay to the tenant or to the City in the event the tenant cannot be located, any excess rents charged.

**Section 17.44.120. Appeals.**

Any person aggrieved by any action or determination of the City Manager under this ordinance, may appeal such action or determination to the City Council in the manner provided in Chapter 18.144 of the Pleasanton Municipal Code."

**SECTION 2. SEVERABILITY.**

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

**SECTION 3. EFFECTIVE DATE AND POSTING OF ORDINANCE.**

This ordinance shall take effect and be in force thirty (30) days from and after the date of its final adoption. The City Clerk of the City of Pleasanton shall cause this Ordinance to be posted in at least three (3) public places in the City of Pleasanton in accordance with Section 39633 of the Government Code of California.

I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON \_\_\_\_\_, 20\_\_, BY THE FOLLOWING VOTE:

- AYES: Councilmembers -
- NOES:
- ABSENT:
- ABSTAIN:
- ATTEST:

\_\_\_\_\_  
Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael H. Roush, City Attorney

**Housing Commission  
Minutes**  
[SUBJECT TO APPROVAL]

---

**City Council Chamber  
200 Old Bernal Avenue, Pleasanton, CA**

**November 17, 2016  
7:00 p.m.**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Chairperson Welsh called the meeting to order at 7:00 p.m. on Thursday, November 17, 2016, in the City Council Chamber, 200 Old Bernal Avenue, Pleasanton, California.

The Pledge of Allegiance was recited, led by Chairperson Welsh.

Roll call:

Present: Commissioners Matthew Gaidos, Jay Galvin, Tony Soby, and Chairperson Ann Welsh. (Michelle Meyers at 7:30 p.m.)

Absent: None.

Staff: Brian Dolan, Assistant City Manager; Frances Reisner, Housing Manager; and Edith Caponigro, Recording Secretary

**AGENDA AMENDMENTS**

None.

**MINUTES**

**1. Approve Regular Meeting Minutes of October 20, 2016.**

Corrections:

Page 1, Call to Order - .....on October 20, 2016 in...

Page 3, para.4 - ...provided information *re* meetings Ponderosa...

Page 3, para.7 - ... Commissioner Galvin discussed a *request response* of the City...

Page 5, para.8 – Chairperson *Welsh Meyers* discussed...

Page 7, Matters Initiated - ...Wheels bus service *no new* longer... and ...would try to obtain additional *information* for the Commission.

A motion was made by Commissioner Gaidos, seconded by Commissioner Galvin, to approve the October 20, 2016 meeting minutes as corrected. **The motion was approved unanimously.**

## **CONSENT CALENDAR**

- 2. Approval of the September and October 2016 Financial Reports for Ridge View Commons**
- 3. October Management Updates for Ridge View Commons (informational)**

Commissioner Soby noted that changes requested at the last meeting have been received by Commissioners and were very helpful/

A motion was made by Commissioner Galvin, seconded by Commissioner Gaidos to approve the Consent Calendar.

### **ROLL CALL VOTE:**

AYES: Commissioners Gaidos, Galvin, Soby, and Chairperson Welsh.  
NOES: None  
ABSENT: Commissioner Meyers  
ABSTAIN: None

## **MEETING OPEN TO THE PUBLIC**

- 4. Public Comment from the audience regarding items not listed on the agenda**

There were none.

## **PUBLIC HEARINGS AND OTHER MATTERS**

- 5. Recommendation for an Affordable Housing Agreement with Ponderosa Homes II, Inc. for the Village at Valley Trails Development located at 6900 Valley Trails Drive (PUD-113).**

Mr. Dolan and Ms. Reisner reviewed with the Commission information regarding the application submitted by Ponderosa Home II, Inc. to develop 36 single-family homes on an approximately 9.0-acre site at 6900 Valley Trails Drive and referred to as "The Village at Valley Trails", and the additional information requested by the Commission at the October 20, 2016 meeting.

Commissioners again reviewed the four (4) options for this project:

- Option 1 - Approve the Affordable Housing Agreement proposed by the Developer and recommended by Staff.
- Option 2 - Recommend an alternative fee proposal for the project which reflects a fee amount other than staff's recommendation.
- Option 3 - Recommend a revision of the plans and inclusion of affordable units in the project.
- Option 4 - Recommend that the proposed Affordable Housing Agreement be rejected.

Commissioner Gaidos discussed with Mr. Dolan new fee levels that would be made available by staff. Mr. Dolan indicated that these would not be made available any sooner than the first quarter of 2017.

Commissioner Soby asked Mr. Dolan about the methodology used for Nexus fees and how this

compares to RHNA number. Mr. Dolan advised that there was no relationship between the two and Commissioner Soby felt that there should be some relationship. Mr. Dolan discussed the disconnect between requirements and RHNA numbers and them not coming close to what is required by the State.

Commissioner Soby indicated he would prefer using the Nexus State requirements. He discussed the number of affordable requirements in this project and wondered if methodology would change for the next report. Mr. Dolan felt that measuring would be short of RHNA requirements and discussed calculation methods and City Council's task to determine what can be changed.

Commissioner Soby noted that the Commission was not singling out this specific project, but feels projects are being brought to them too late for them to recommend modifications and approve. He would like to have the Commission's concerns addressed when moving forward.

Mr. Dolan indicated that he understood the concerns raised by the Commission at the October meeting and will bring forward those concerns to City Council. He noted that Council has been consistent in allowing single family ownership projects to pay a fee.

Commissioner Gaidos asked about changing of in-lieu fees for future projects. Mr. Dolan noted that this is an option presented to City Council for them to consider.

Chairperson Welsh commented on projects with over-garage units being counted towards RHNA numbers and the frustration of this Commission re the possibility of projects that have "flex" units. Mr. Dolan suggested if the Commission has an interest in such, they should bring forward the recommendation to City Council. He noted that at a future meeting an item will be on a meeting agenda for the Commission to make recommendations to City Council and something could be included for exploring other options. Mr. Dolan also discussed how these units are used, which is not always as affordable units.

**Chairperson Welsh opened the meeting for public comment at 7:30 p.m.**

Ann Hardy, Ponderosa Homes – urged the Commission to support the staff recommendation. She commented on above garage units needing larger lot sizes.

Chairperson Welsh questioned Ms. Hardy on whether garage units had been discussed with neighbors of the project.

Commissioner Gaidos asked about other future Ponderosa projects in the City of Pleasanton. Ms. Hardy advised there were no immediate plans, but that doesn't mean they are not looking for possible projects.

Ed Broome, Neighborhood Representative – advised that he was representing the Valley Trails neighborhood. He provided some history regarding the meetings Ponderosa held with Valley Trails neighbors. He encouraged the Commission to approve Option 1. Mr. Broome advised that rezoning was considered in the past for RHNA but did not meet criteria.

Commissioner Meyers questioned whether Option 3 had been presented to the Valley Trails neighborhood.

**Chairperson Welsh closed the meeting for comment at 7:37 p.m.**



Commissioner Soby commented on the Task Force meetings and representation of Valley Trails members at the meetings. Mr. Dolan advised that a strong representation of neighbors had attended the meetings and had asked specifically that no "high density" project be considered.

Commissioner Gaidos noted that at the last meeting the Commission had discussed not making all projects high density and the thrust of the Commission was that they would like to be involved in earlier discussions for projects.

Commissioner Meyers discussed the purview of the Housing Commission, the recommendations they can make to the Planning Commission and City Council, and that they are being involved in projects too late to make recommendations. She felt the Housing Commission was looking to insure that they were included to make the right kind of recommendations and would like in the future, that projects be brought to the Commission at an earlier stage.

Mr. Dolan advised that staff will definitely raise the issue and bring it forward to City Council. Commissioner Meyers questioned whether any recommendations have been brought forward to City Council since 2013.

Commissioner Galvin discussed with Mr. Dolan fees going into the City budget and the Lower Income Housing Fund. Mr. Dolan provided information as stated in the Ordinance, about additional funds collected, and options that City Council can make.

Commissioner Meyers questioned how fees are paid and Ms. Reisner advised they would be paid at the permit application time.

Commissioners Soby and Gaidos indicated they could support Option 1 with the caveats expressing the Commissions concerns.

Chairperson Welsh stated she would prefer Option 2 and using the 2013 Nexus Study, but would like to see the fee increased. Commissioner Soby indicated he had thought about this but had concerns regarding the \$11,000 fee and contribution. Mr. Dolan discussed the study summary detail and the reason for asking for the extra fee.

A motion was made by Commissioner Soby, seconded by Commissioner Meyers, recommending City Council approve Option 2 – An Alternative Fee Proposal for the Affordable Housing Agreement with Ponderosa II, Inc. for the Village at Valley Trails Development located at 6900 Valley Trails Drive (PUD-113) with the Appendix D Schedule from the 2013 Nexus Study.

**ROLL CALL VOTE:**

AYES: Commissioners Gaidos, Galvin, Meyers, Soby, and Chairperson Welsh.  
NOES: None  
ABSENT: None  
ABSTAIN: None

**6. Approval of the Annual Operating Budget for Ridge View Commons for 2017**

Ms. Reisner and Sean Barcelon reviewed with Commissioners the proposed Annual Operating Budget for Ridge View Commons for 2017. It was noted that the primary source of income is from tenant rents and a 1% rental increase is being proposed to all tenant rents. The budget

reflects a slight increase in operating expenses of approximately .40% as compared to 2016's Year End expenses.

Commissioner Galvin discussed the relationship of Ridge View Commons with Open Heart Kitchen (OHK). Ms. Reisner advised that OHK is looking to expand their services at Ridge View Commons.

A motion was made by Commissioner Galvin, seconded by Commissioner Gaidos, to approve the 2017 Annual Operating Budget for Ridge View Commons as presented.

**ROLL CALL VOTE:**

AYES: Commissioners Gaidos, Galvin, Meyers, Soby, and Chairperson Welsh.  
NOES: None  
ABSENT: None  
ABSTAIN: None

**7. Elect a new Vice Chair**

Commissioners agreed to defer this item to the January 2017 meeting.

**COMMUNICATIONS**

None.

**MATTERS INITIATED BY MEMBERS OF THE COMMISSION**

Commissioner Meyers discussed with Ms. Reisner the possibility of the Commission holding a Work Shop event in 2017. Ms. Reisner agreed this would be an opportunity for the Commission to discuss issues and forward to City Council. She suggested possible Work Shop dates be discussed at the February 2017 meeting at which time the Commission could also review the Priority Setting process.

**COMMITTEE REPORTS**

None.

**DISCUSSION OF FUTURE MEETING AGENDAS**

None.

**ADJOURNMENT**

The meeting was adjourned at 8:15 p.m. by unanimous consent.

DATED:

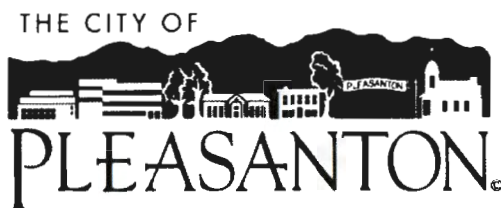
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Ann Welsh, Chairperson

ATTEST:

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Brian Dolan, Assistant City Manager



**Parks and Recreation Commission  
Agenda Report**

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September 8, 2016

Item 4

**SUBJECT: REVIEW OF THE VALLEY TRAILS PARK IMPROVEMENTS  
PROPOSED BY PONDEROSA HOMES, INC.**

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**SUMMARY**

As part of a proposed development project to construct 37 homes on an approximately 9-acre site to the west of Valley Trails Park, Ponderosa Homes, Inc. is proposing the following improvements to Valley Trails Park:

1. Install a new tot lot; and
2. Implement landscape improvements (i.e., turf removal and replacement with groundcover at specified locations).

The location of the proposed improvements is shown on the attached conceptual improvement plan (Attachment 1).

**RECOMMENDATION**

That the Parks and Recreation Commission review and provide recommendations regarding Ponderosa's proposed improvements to Valley Trails Park.

**FINANCIAL STATEMENT**

The proposed improvements to Valley Trails Park would not have an immediate financial impact on the City because Ponderosa has agreed to install these improvements. The maintenance cost of the park should not significantly increase as a result of these improvements. The groundcover to replace the existing turf will comprise of low water usage plants, possibly reducing City expenditures related to watering public parks. The tot lot will require minimal maintenance and associated expenditures.

## **BACKGROUND**

In 2015, Ponderosa submitted an application to develop single-family homes on a 9-acre site located within Valley Trails neighborhood at 6900 Valley Trails Drive. The Planning Division provided comments regarding the proposal and encouraged Ponderosa to meet with the residents of the Valley Trails neighborhood. Since receiving the Planning Division's comments, Ponderosa has sought input from staff and the Valley Trails neighborhood residents. In June of this year, Ponderosa submitted a revised development application, which includes proposed improvements to Valley Trails Park. Ponderosa is proposing to install a new tot lot and perform landscape improvements to implement water conservation measures (i.e., turf removal and replacement with groundcover at specified locations) in Valley Trails Park as part of the proposed development project. Small patches of existing turf would be removed and replaced with low water usage plants at various locations throughout the park and the tot lot would be located within the eastern half of the park between the cul-de-sac ends of Carlsbad Court and Harpers Ferry Court (please see Attachment 1 for more details). At the time of writing this report, staff has not received any information regarding the details of the proposed tot lot (size, equipment, etc.).

## **DISCUSSION**

Staff supports Ponderosa's proposed improvements to Valley Trails Park. The proposed landscape replacement is consistent with the Parks and Recreation Master Plan recommendations for the park (Attachment 2), would reduce water consumption, and would be an improvement of the existing turf. The proposed tot lot would provide an amenity to the community within the eastern half of the park, which is a suitable location because there is already a playground and basketball court on the western end of the park. The Parks and Recreation Commission's recommendation will be forwarded to the City Council for final action.

## **ALTERNATIVE ACTION**

Any other action as determined by the Parks and Recreation Commission.

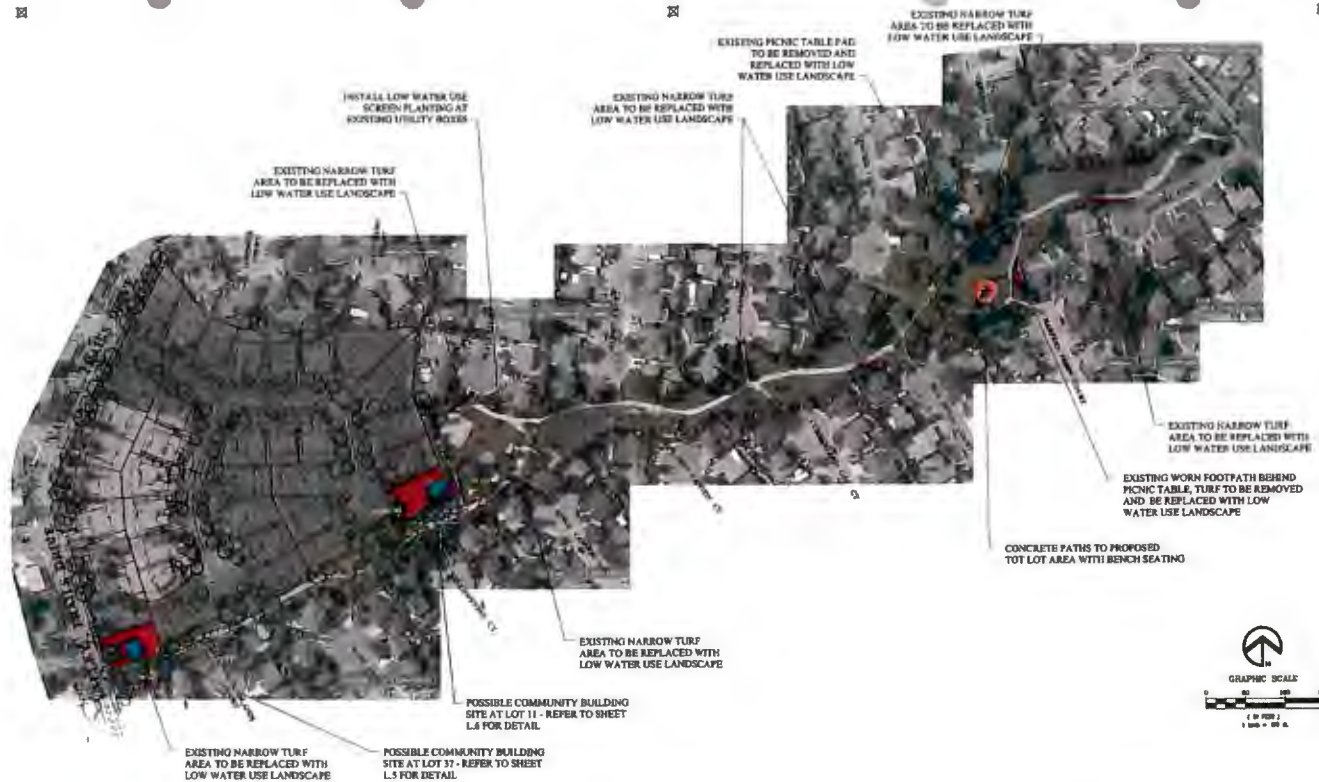
Submitted by,



Jay Lee  
Associate Planner

### **Attachments:**

1. Conceptual Improvement Plan for Valley Trails Park
2. Parks and Recreation Master Plan Recommendations for Valley Trails Park



LANDSCAPE ARCHITECTURE  
 LAND PLANNING  
 1515 BURNING TREE  
 SUITE 204  
 WILSON CREEK, CA 94594  
 TEL: 925.938.7277  
 FAX: 925.938.7424

PONDEROSA HOMES

# Valley Trails Linear Park

Pleasanton, California

## Conceptual Improvement Plan

JULY 26, 2014

L7

**Valley Trails Park  
3400 National Park Road**

**Park Type: Neighborhood Park  
Acreage: 6.1 Acres**

**Passive Recreation Elements**

- (1) Tot Play Area
- (5) Picnic Tables

**Active Recreation Elements**

- (1) Full Outdoor Basketball Court

**Other/Support Elements**

- None

**Overall Park Condition**

- Good

**Pedestrian and Vehicular Circulation**

- Limited parking is available on neighborhood streets
- Pedestrian access limited to street ends and walkways between houses

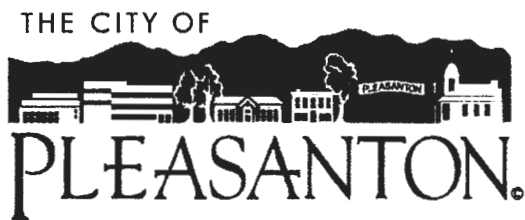
**2012 Observations**

- Long linear park with walking path running the entire length
- Significant areas of turf with limited opportunity for use
- Benches throughout park along walkway

**Recommendations**

- Outdoor basketball court needs to be resurfaced
- Eliminate significant portions of high maintenance turf and replace with native planting





## Parks and Recreation Commission Minutes

City Council Chamber – 200 Old Bernal Avenue, Pleasanton, CA  
September 8, 2016 – 7:00 p.m.

### CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chairperson Wahl called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the flag was recited.

#### **Roll Call**

Commissioners Present: Arman Abrishamchian, Bryan Bowers, Joanie Fields, Brad Hottle, David Lambert, Joe Streng, and Chairperson Deborah Wahl.

Commissioners Absent: None.

Staff Present: Brian Dolan, Assistant City Manager; Susan Andrade-Wax, Director of Community Services; Steve Kirkpatrick, Director of Engineering; Jay Lee, Associate Planner; Stan Gibson, Parks Maintenance Superintendent; Terry Snyder, Office Manager; and Edith Caponigro, Recording Secretary.

### AGENDA AMENDMENTS

A motion was made by Chairperson Wahl, seconded by Commissioner Fields, to move and review Item 5 on the agenda, before item 4. **The motion was approved unanimously.**

### MINUTES

#### **1. Approve regular meeting minutes of August 11, 2016**

Correction to Roll Call: minutes should show that Commissioner Bowers was in attendance.

A motion was made by Commissioner Lambert, seconded by Commissioner Fields, to approve the August 11, 2016 meeting minutes as corrected. **The motion was approved unanimously.**



## **MEETING OPEN TO THE PUBLIC**

### **2. Introductions/Awards/Recognitions/Presentations**

There were none.

### **3. Public comment from the Audience regarding items not listed on the agenda**

There were none.

## **MATTERS BEFORE THE COMMISSION**

### **5. Review Options for the Location of Two (2) New Tennis Courts at the Tennis and Community Park located at 5801 Valley Avenue**

Mr. Dolan provided background details regarding the need for additional tennis courts being identified in the 2014 Parks and Recreation Master Plan Update, and the recommendation that two long-planned lighted courts at the Pleasanton Tennis and Community Park be constructed. He noted that on June 21, 2016, City Council awarded a construction contract to Goodland Construction and on July 21, 2016, temporary construction fences were installed around the work area. After construction of the fences, a number of residents contacted the City upset that a large grass area in the park would be lost to construction of the courts. A special meeting was held by City Council on August 9, 2016, the result of which that City Council canceled construction of the tennis courts and directed staff to work with the Parks and Recreation Commission to determine an appropriate location within the Tennis and Community Park to construct the two additional courts.

Mr. Dolan advised there are many alternative locations to construct the courts within the park, all of which will require further study to determine tree removal, earth grading, storm drainage, irrigation, lighting, etc. Because analyzing each possible location would be lengthy and costly, staff is asking that the Commission review the eight (8) alternative proposals and direct staff as to which alternatives should be further studied to determine impacts and costs. Mr. Dolan requested the Commission to try to limit their alternative choices to three.

Commissioners were informed that residents within 1,000 feet of the Tennis and Community Park had been notified of this meeting and the alternative plans being presented. Commissioner reviewed with staff members the eight alternative proposals presented, discussing the pros and cons of each.

Commissioner Streng asked about the cost variance for providing a single court versus providing two courts and was advised that the costs differences were not significant when grading and other things were being considered.

Commissioner Bowers questioned whether the Tennis Court operators had an opinion on any of the alternatives. He also discussed the berm area near Court 10. Ms. Andrade-Wax advised that the operators have no concerns about relocation of the tennis courts.

**Chairperson Wahl opened the meeting for public comment at 7:35 p.m.**

John DeFreitas – commented on the park being named the Tennis and Community Park which indicates uses for more than just tennis. He felt that adding two additional tennis courts should not take away from other uses. Mr. DeFrietas asked that Alternative Plan 1, 3, 4, 5 and 8 not be considered and thought Alternatives 2 and 7 were the best options. He discussed negative aspects of a number of Alternatives and thought Alternative 2 would allow for maintaining the flat grassy area.

Gordon Stewart – felt that Alternatives 4, 5 and 8 should be taken out of consideration because of the impacts they would have on other activities in the park. He discussed noise issues and the need to retain open space.

Elyse Maltz – indicated she walks in this park daily and felt that Alternative 7 was the clearest option. She commented that nobody every sits on bleachers and this option would require the least amount of grading. Ms. Maltz noted that Court 10 is a designated ball area; however, the ball machine could be moved.

Huiling Song – liked Alternative 7 because it offers minimum change to the current setup of the park and would have the least amount of conflict. She was not in favor of using the area between the volley ball courts. Ms. Song felt considering Alternative 7, and perhaps Alternatives 2 and 3, would make everyone happy.

Daisy Ng – asked the Commission not to consider Alternatives 1 and 4, and that 5 and 8 were too close to homes in Valley Trails. She stated that staff had received emails from Valley Trails homeowners and that several homeowners had attended the City Council meeting. Ms. Ng felt Alternative 2 was okay but could impact the park, and 3 and 6 were acceptable, but Alternative 7 would be the best. She commented on the horseshoe area being a wasted area and asked the Commission to consider Alternatives 3, 6 and 7 as the best Alternatives.

Frank Kusnierz – felt the grassy area in the park should be preserved as much as possible and agreed that Alternatives 3, 6 and 7 were the best options, but felt Alternative 7 would keep for maintaining a nice looking park.

Arthur Tang - indicated he was not happy about having two additional tennis courts in this park taking away play area. He talked about tree removal and how plants help provide oxygen. He suggested the additional tennis courts be put in the Bernal Park.

Marilyn Ludt – stated her top three choices would be Alternatives 7, 8 and 3. She commented on the unused concrete area near court 10 and whether this could be used for an additional tennis court. Alternative 7 would be the best option and would mean the removal of a lower number of trees.

Catherine Li – preferred Alternatives 3, 6 and 7, with 7 being her first choice. She commented on construction fences being a real hazard for children who play in the park and thought Alternative 7 would look best visually and require removing less trees.

Leonard Cooper – liked Alternative 7 and thought moving court 10 would leave a footprint for an area to move the ball machine.

Mike Pirozzoli – did not like Alternatives 1 and 2, but thought Alternatives 5 and 8 would put courts near other courts and thought those Alternatives should be considered.

Dan Rosler – felt Alternatives 3, 6 and 7 would cause less impact to the nearby community. He thanked staff for providing a good recap from the City Council meeting and Council Member Brown's comment of not wanting to see open space used as the staging area, but proposed using the parking area.

Tom Murphy – indicated that he supports tennis, but was against Alternative 2 because of the number of trees that would need to be removed. He favored Alternative 1 because it would be less costly and would not affect use of the volleyball courts and thought Alternatives 6 and 7 would be more costly.

Kimber McCarn – did not like Alternatives that would bring tennis courts close to her home or the Arroyo. She discussed Council Members comments regarding Alternative 3 not being considered. And thought Councilmember Pentin had asked about the need for additional tennis courts.

**Chairperson Wahl closed the meeting for public comment at 8:07 p.m.**

Commissioner Streng discussed with Mr. Dolan the comment regarding the need for these additional tennis courts. Mr. Dolan advised that it was Councilmember Olson who had expressed concern, but it was not a part of the motion made by City Council.

Commissioner Streng provided information about the research that had been obtain when the Parks and Recreation Master Plan had been updated regarding the need for many more tennis courts.

Commissioner Hottle thanked members of the public for their comments and expressed his concerns about Alternatives 1, 2, 4, 5, 6 and 8. He felt Alternative 7 would be the best option and with fewer concerns.

Commissioner Lambert indicated his three choices would be Alternatives 3, 7 and 6. He liked 6 because of proximity to the horseshoe area and with less impact to the community.

Commissioner Fields stated that she would be interested in hearing what the managers of the Tennis Park thoughts were on the proposed Alternatives. Ms. Andrade-Wax advised they had indicated that options close to Court 10 would be ideal because supervision would be easier. They had concerns with the horseshoe area that could relate to issues with the parking area and that the parking area near Hopyard Avenue seldom gets used. Also, they would not like to have tennis courts near the basketball court.

Commissioner Fields had questions regarding court 10 and if a half court being used for the ball machine could be a viable option. Ms. Andrade-Wax discussed this as an option and noted that the court could not be used for tournaments. Mr. Dolan noted that City Council had asked that Alternatives for two full courts be considered. Commissioner Fields stated that based on this information she felt Alternatives 3 and 7 would be her recommendations.

Commissioner Streng appreciated the public input received and stated his first choice would be Alternative 7 with 6 and 3 being his other choices.

Commissioner Amrishamchian stated that Alternatives 3 and 7 would be his choices. He also commented on having staging areas in public spaces and asked if there could be a problem with stray tennis balls if option 7 was chosen. Ms. Andrade-Wax provided details about stray tennis balls and this being a non-issue,

Commissioners Bowers agreed with most comments regarding Alternatives 1, 4, 5 and 8 and felt Alternative 7 would be the best choice. He had concerns with Court 10 being used for spectators and asked about moving the staging area to be more in-line with other courts.

Mr. Dolan provided information about the proximity to Valley Trails and Mr. Kirkpatrick commented on removal of a concrete path to slide courts slightly in a different direction.

Commissioner Streng indicated he would like for the construction staging area to be kept away from park open space and Mr. Dolan noted that all construction requires a staging area but all comments from the Commission and public have been noted.

Commissioner Hottle questioned the possibility of putting tennis courts in the under-used parking area, and asked if information about this possibility and future parking needs for the area could be provided. Mr. Dolan advised that staff would look into this as a possibility and provide information.

Chairperson Wahl agreed that Alternative 7 seemed to be the most viable option and questioned whether the Commission was interested in having staff explore options 3 and 6. Commissioner Streng asked if staff would then only explore that option, or if they would explore other things as well. Mr. Dolan advised that staff could provide information on different variations for the option.

Chairperson Wahl discussed with staff the amount of work and costs that would be involved if consideration was given to utilizing the parking area for tennis courts. Commissioner Hottle indicated he would still be interested in having staff explore variations and provide the Commission with information relating to cost, etc.

Chairperson Wahl confirmed that the Commission would like staff to explore Alternatives 7, 3 and 6 and also the possibility of using some or all of the parking area and horseshoe area for courts.

A motion was made by Commissioner Streng, seconded by Commissioner Hottle, directing staff to determine impacts and cost for Alternative 7 with consideration also being given to various options discussed by the Commission.

**ROLL CALL VOTE:**

AYES: Commissioners Fields, Hottle, Lambert, Streng, and Chairperson Wahl.  
NOES: None  
ABSENT: None  
ABSTAIN: None

Mr. Dolan noted that City Council has expressly indicated that they would like to keep as close to the original construction schedule as is possible.

Emails regarding the above matter were also received from Kaarin Graham, Daoming Cheng, Matthew Gruber, Catherine Li, Marilyn Ludt, Brady Skinner, Huiling Song, Cindy Wan, Holly Chen and Sandra Jones

**4. Review of the Valley Trails Park Improvements Proposed by Ponderosa Homes, Inc.**

Mr. Lee advised that as part of a proposed development project to construct 37 homes on an approximately 9-acre site west of Valley Trails Park, Ponderosa Homes, Inc. is planning improvements to Valley Trails Park that will include installation of a new tot lot, and landscape improvements. He reviewed a Conceptual Improvement Plan with Commissioners, pointing out the improvement areas and advised that staff supports this request and was seeking the Commission's recommendations to be forwarded to City Council seeking their acceptance.

Commissioner Lambert questioned whether resurfacing of the basketball courts would be included. Ms. Andrade-Wax provided details from the Parks and Recreation Master Plan regarding this and Mr. Lee noted that Ponderosa would not be required to provide amenities.

Chairperson Wahl asked about plumbing this park for recycled water and Mr. Gibson noted that there were no immediate plans for this to be done.

Ms. Andrade-Wax provided Commissioner Fields information on who was responsible for providing recycling water and irrigation costs. She noted that improvements would be made by Ponderosa and the City of Pleasanton would be responsible for maintenance.

Commissioner Lambert discussed current use of the site with Mr. Lee and Commissioner Fields questioned whether buildings on the site would be made available to the public.

**Chairperson Wahl opened the meeting for public comment at 8:50 p.m.**

Pamela Hardy, Ponderosa Representative - noted that as part of the proposed development Ponderosa Homes has been working with a neighborhood group and is donating \$300,000 for installation of a tot lot and replacement of landscaping.

Commissioner Fields questioned whether the plan will include the removal of one of five picnic tables currently in the park. Mr. Lee and Ms. Hardy confirmed that the table had been removed some time ago because of its proximity to homes.

Ed Broome – indicated homeowners are excited at getting new amenities to the park because of the parks current deterioration and lack of maintenance. He noted the picnic table in question had been removed because of past issues and the remaining four tables are used frequently. He is happy that Ponderosa is paying for the construction of the tot lot and replacement of landscaping. Mr. Broome commented on the purple recycling pipes and is eager for them to be connected.

David Pastor – commented on the current poor condition of the park and would like to have Ponderosa be allowed to make the improvements, but is concerned about the parks maintenance. He stated the park needs to be fixed and is happy to be getting a new tot lot and landscaping provided by Ponderosa.

Phil Sayre – noted that the 9 acres has been a dirt lot for a long time and is impressed with what Ponderosa is proposing and thinks that they have been listening to the neighborhood. He commented on this being a linear park that is used a lot by local children. Mr. Sayre stated that the City of Pleasanton has invested on having new homes in Valley Trails and the improvements to the park will make for a nice addition to Pleasanton.

**Chairperson Wahl closed the meeting for public comment at 9:05 p.m.**

Commissioners Ambrisamchian, Bowers, Hottle, Lambert, and Streng all indicated that they liked the project; Commissioner Fields felt the improvements would enhance the park, and Chairperson Wahl agreed.

A motion was made by Chairperson Wahl, seconded by Commissioner Streng, approving Ponderosa Homes, Inc.'s proposed improvements to Valley Trails Park.

**ROLL CALL VOTE:**

AYES: Commissioners Fields, Hottle, Lambert, Streng, and Chairperson Wahl.  
NOES: None  
ABSENT: None  
ABSTAIN: None

**6. Discussion of Proposed Permanent Name for the Off-Leash Dog Park (T) located on the Bernal Property**

Ms. Andrade-Wax provided information about the Off-Leash Dog Park (T) located on the Bernal Property and that a permanent name for the park had not yet been addressed. She provided details about the park naming process and the City Manager's request that a "Dog Park Naming Contest" be held. A contest kick-off was held the night of the annual downtown

"Pooch Parade". Followed by advertising on the City's and Ptownlife websites, and in local newspapers.

Over 300 entries were received by the City, all of which were forwarded to a Screening Committee of four (4) that comprised of members from the Parks and Recreation Commission, Valley Humane Society, and the Police Department's Animal Services program. The names that received the most votes from the Screening Committee were provided for the Commission to review and consider as follows:

Among the Screening Committee's top favorites were:

- Amador-Bernal Dog Park
- Arroyo Dog Park
- Bark Park
- Bernal Acres Dog Park
- Bernal Avenue Dog Park
- Bernal Bark Park
- Bernal Bridge Dog Park
- Bernal Dog Park
- Creekside Dog Park
- Cubby/Cubby's Dog Park (in honor of the first K-9 officer)
- Happy Tails Dog Park
- Marilyn Murphy Canine Park
- Paws to Play Dog Park
- Pleasanton Bark Park
- Pooch Paradise
- P-town Bark Park
- P-town Pooch Park
- Pup-Town Life Dog Park

Commissioners reviewed the list of names provided and indicated the following:

- Bernal Dog Park was preferred by Commissioner Hottle
- Bernal Bark Park was preferred by Commissioner Lambert
- Cubby's Dog Park and Bernal Bark Park were preferred by Commissioner Streng
- Cubby's Dog Park was preferred by Commissioner Fields
- Bernal Acres Dog Park was preferred by Commissioner Bowers
- Bernal Acres Dog Park and Cubby's Dog Park were preferred by Commissioner Ambrishamchian
- Bernal Bark Park was preferred by Chairperson Wahl's

After reviewing the Screening Committee's recommendations and the Naming Criteria, the Commission discussed several different names for the off-leash dog park which included Bernal Dog Park, Bernal Bark Park and Cubby/Cubby's Dog Park.

Commissioner Streng provided information regarding the name “Cubby” and the association with the police K-9 unit. He also indicated that he would like for consideration to be given for the placement of an art piece at this park that would recognize the police canine unit.

A motion was made by Commissioner Streng, seconded by Commissioner Hottle, recommending “Bernal Bark Park” be selected as the name for the new dog park on the Bernal Property, with “Bernal Dog Park” as the alternative name, and that the City Council consider dedicating the park in honor of Cubby and other City K-9 officers with either a plaque or public art piece.

**ROLL CALL VOTE:**

AYES: Commissioners Fields, Hottle, Lambert, Streng, and Chairperson Wahl.

NOES: None

ABSENT: None

ABSTAIN: None

**COMMISSION REPORTS**

**7. Committee Meetings**

Bicycle, Pedestrian and Trails Committee – Commissioner Streng noted that the cycling community has been in full-force attending recent meetings of this Committee and the August meeting had needed to end before hearing all comments because they had passed the Senior Center closing time. Discussion items at the meeting included a Review of the Draft Downtown Parking Strategy and Implementation Plan, a Review of Bicycle and Pedestrian Collision Data, and a Summary from Fehr & Peers on Workshop #2 for the Bicycle Pedestrian Master Plan Update.

Community of Character – Commissioner Lambert noted that the Committee had discussed: 1) the scholarship process and looking at social media background of applicants before making selections, 2) items distributed at the First Wednesday events, and 3) voted to donate funds towards the St. Raymond’s Thanksgiving Dinner event.

Commissioner Fields noted that the Committee also voted to send a letter to people seeking positions in upcoming elections asking them to remember the attributes of the Community of Character.

City/East Bay Regional Park District Liaison Committee – No report.

Heritage Tree Review Board – No report.

Public Art Selection Sub-Committee – No report.

Sports Council – No report.



Civic Center/Library Master Plan Task Force – Commissioner Fields advised that final materials have been received and the next step will be to put in place a Task Force to consider development aspects.

Community Farm Master Plan Steering Committee – No report.

**8. Other brief reports on any meetings, conferences, and/or seminars attended by the Commission Members**

Commissioner Streng noted that the City Council will be having a workshop to review the Bicycle and Pedestrian Master Plan update on Tuesday, September 13, 2016.

**COMMISSION COMMENTS**

Commissioner Streng thanked Mr. Gibson for emailing Commissioners the information and report on pesticides and asked that this be an item on a future agenda so the Commission can discuss. He indicated that he would like to understand more about the amount and dilution of the pesticide, the spraying schedule in parks, and possible pesticide free parks.

Chairperson Wahl also discussed spraying of pesticides in parks, doggy bags for trails, and the lack of a bike rack at the City Hall location.

Commissioner Fields had compliments regarding Val Vista Park and its veggie garden. She also noted that the bathroom hand dryer is not working at this park.

Commissioner Bowers had questions regarding the contents in the Master Plan for the Tennis Park and what steps could be taken to avoid similar problems in the future. Chairperson Wahl noted that this park had been built in stages and new people to the neighborhood not being correctly informed of planning.

Commissioner Streng commented on the issues and stated that he hoped no further problems would occur when construction fences go up.

Commissioner Lambert discussed Skateboard Park problems with Ms. Andrade-Wax.

Ms. Andrade-Wax stated that over the next few months, all of the City's commissions and committees will be working on prioritizing various projects and initiatives.

Commissioner Hottle asked if this would be a good time to reaffirm his request for a Casting Pond.

Chairperson Wahl asked about washing of trash cans. Mr. Gibson advised that this was not something done.

## **STAFF COMMENTS**

### **9. Schedule of Upcoming Meetings and Events of Interest**

Ms. Andrade-Wax advised that:

- The Mayor's Award Celebration was scheduled for September 23, 2016.
- A Grand Opening of the Bernal Community Park, Phase II is planned for 9:00 a.m.-1:00 p.m. on Saturday, October 29, 2016.
- The Dedication of the Veteran's Memorial will be held on Saturday, November 12, 2016 at 10:30 a.m. at the Pleasanton Pioneer Cemetery.
- The new Off-Leash Dog Park on the Bernal Property will be dedicated sometime either in late October or early November,

Chairperson Wahl discussed with Ms. Andrade-Wax the possibility of a dinner with Commissioners from other local cities. Ms. Andrade-Wax indicated she would reach out to the other cities and report back to the Commission.

## **ADJOURNMENT**

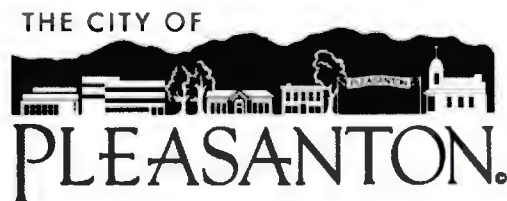
There being no further business, the meeting was adjourned at 9:43 p.m.

**INITIAL STUDY AND NEGATIVE DECLARATION FOR  
P16-1386, PUD-113, & VESTING TENTATIVE SUBDIVISION  
MAP 8259, PONDEROSA HOMES AT  
6900 VALLEY TRAILS DRIVE**

**GENERAL PLAN AMENDMENT; REZONING; AND PLANNED  
UNIT DEVELOPMENT PLAN TO DEMOLISH THE EXISTING  
RELIGIOUS BUILDING AND RELATED IMPROVEMENTS, AND  
CONSTRUCT 36 SINGLE-FAMILY HOMES, A PRIVATE  
CLUBHOUSE WITH A PARKING LOT, AND RELATED SITE  
IMPROVEMENTS; AND VESTING TENTATIVE SUBDIVISION  
MAP TO SUBDIVIDE THE 9-ACRE PARCEL INTO 36  
RESIDENTIAL PARCELS AND FOUR COMMON AREA  
PARCELS.**

**MARCH 8, 2017**

**PREPARED BY:**  
City of Pleasanton  
Planning Division  
200 Old Bernal Avenue  
P.O. Box 520  
Pleasanton, California 94566-0802



An Initial Study has been prepared by the City of Pleasanton Planning Division evaluating the potential environmental effects of the following applications submitted by Ponderosa Homes for an approximately 9-acre site located at 6900 Valley Trails Drive: 1) an amendment to the General Plan Land Use designation from Public and Institutional to Medium Density Residential; 2) rezoning from R-1-6,500 (One-Family Residential) to PUD-MDR (Planned Unit Development – Medium Density Residential) District; 3) PUD development plan approval to demolish the existing religious building and related improvements and construct 36 single-family homes, a private clubhouse with a parking lot, and related site improvements; and 4) Vesting Tentative Subdivision Map approval to subdivide the 9-acre parcel into 36 residential parcels and four common area parcels.

Based upon the following Initial Study that evaluates the environmental effects of the proposed project, the City of Pleasanton has found that the proposed project would not have a significant effect on the environment. The City of Pleasanton has concluded, therefore, that it is not necessary to prepare an Environmental Impact Report (EIR) for this project.

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## **1. BACKGROUND**

- 1. Project Title:** Ponderosa Homes at 6900 Valley Trails Dr.
  
- 2. Lead Agency:** City of Pleasanton  
Community Development Department  
Planning Division  
200 Old Bernal Avenue  
Pleasanton, California 94566
  
- 3. Contact Person:** Natalie Amos  
Phone: (925) 931-5613  
Fax: (925) 931-5483  
Email: [namos@cityofpleasantonca.gov](mailto:namos@cityofpleasantonca.gov)
  
- 4. Project Location:** 6900 Valley Trails Drive  
Pleasanton, California 94588
  
- 5. Project Sponsor Name and Address:** Ponderosa Homes II, Inc.  
6130 Stoneridge Mall Road, Suite 185  
Pleasanton, California 94588
  
- 6. General Plan Designation :** Public and Institutional
  
- 7. Zoning:** R-1-6,500 (One-Family Residential)
  
- 8. Description of Project:** See "Project Description" section
  
- 9. Surrounding Land Uses and Settings:** See "Project Description" section
  
- 10. Other public agencies whose approval is required:** No approvals are needed from other public agencies

## **2. PROJECT DESCRIPTION**

### **2.1 INTRODUCTION**

An Initial Study has been prepared by the City of Pleasanton Planning Division evaluating the potential environmental effects of the following applications submitted by Ponderosa Homes for an approximately 9-acre site located at 6900 Valley Trails Drive: 1) an amendment to the General Plan Land Use designation from Public and Institutional to Medium Density Residential; 2) rezoning from R-1-6,500 (One-Family Residential) to PUD-MDR (Planned Unit Development – Medium Density Residential) District; 3) PUD development plan approval to demolish the existing religious building and related improvements and construct 36 single-family homes, a private clubhouse with a parking lot, and related site improvements; and 4) Vesting Tentative Subdivision Map approval to subdivide the 9-acre parcel into 36 residential parcels and four common area parcels.

### **2.2 ENVIRONMENTAL ANALYSIS**

This Initial Study/Negative Declaration (IS/ND) consists of an environmental checklist and an explanation of topics addressed in the checklist for the proposed development.

In accordance with CEQA Guidelines Section 15070, this initial study may identify potentially significant effects, but: 1) revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and 2) there is no substantial evidence, in light of the whole record before the agency that the project as revised may have a significant effect on the environment.

### **2.3 PROJECT LOCATION**

Valley Trails Neighborhood, where the subject site is located, is bordered by Arroyo Mocho and West Las Positas Boulevard on the north, Hopyard Road on the east, the Pleasanton Canal on the south, and Alamo Canal and Interstate 680 (I-680) on the west. The approximately 9-acre project site is located on Valley Trails Drive, on the west side of the neighborhood and generally west of Valley Trails Park. Figures 1 and 2 within this document show the project location.

#### **2.3.1 Project Site**

A portion of the project site is currently developed with an approximately 11,067-square-foot religious building and a 108-stall paved parking lot. The majority of the lot is undeveloped (see Figure 1) and the site is relatively flat, gradually sloping

downward from high points in the southern portion of the site toward the street/trails along the perimeter. There are 14 mature trees on-site along the perimeter, one of which, a 22-inch-diameter Coast Redwood, is considered a heritage tree. Additionally, mature landscaping (i.e., shrubs/bushes) runs the length (north to south) of the western property line, east of Valley Trails Drive. The existing religious building on the site is accessed from a single driveway, west of the site, on Valley Trails Drive.

**Figure 1: Project Location**



### 2.3.2 Setting and Surrounding Land Uses and Area

The surrounding Valley Trails Neighborhood contains 498 detached single-family homes. Valley Trails Park (approximately 6.1 acres in size), a City neighborhood park, bisects the neighborhood roughly east-west, providing trails, a tot lot, and linear open space. Other uses include community facilities, such as churches and a preschool. The properties abutting the subject site include 1- and 2-story single-family homes to the north, west, and further south, and the Park to the east and immediately to the south. Canals run along the neighborhood boundaries to the south, west, and north.



Figure 2: Project Site in the Context of Valley Trails Neighborhood



## 2.4 PLEASANTON GENERAL PLAN

The project site has a General Plan Land Use designation of "Public and Institutional" which generally allows public and quasi-public community facilities. Residential land uses are not allowed under this designation. Therefore, an amendment to the 2005-2025 General Plan Land Use designation would need to be processed to change the land use designation of the project site from "Public and Institutional" to "Medium Density Residential." This General Plan amendment is part of the project described below.

## **2.5 ZONING**

The project site is zoned R-1-6,500 (One-Family Residential) District, which allows single-family dwellings with a minimum lot size of 6,500 square feet. The applicant is proposing to rezone the site to PUD-MDR (Planned Unit Development – Medium Density Residential), to allow for flexibility in the development standards.

## **2.6 PROJECT DESCRIPTION**

The applicant, Ponderosa Homes, is proposing to subdivide the approximately 9-acre site to construct 36 single-family residential lots, a private clubhouse with parking lot, and related infrastructure and site improvements. The existing church and site improvements, including the surface parking lot and driveway, would be demolished and removed.

The project includes:

- 36 single-family homes
- A 945-square foot private clubhouse/meeting room facility, with a 10-space parking lot
- New public streets, sidewalks, landscape strips and 125 new street trees, and 30 on-street parking spaces;
- Removal of 27 trees (14 on-site and 13 existing street trees), including 1 heritage tree;
- New private open space and stormwater treatment areas (Parcels A and B) adjacent to the cul-de-sacs; and
- Pedestrian/bicycle connections to the existing Valley Trails Park pathway from the cul-de-sacs;

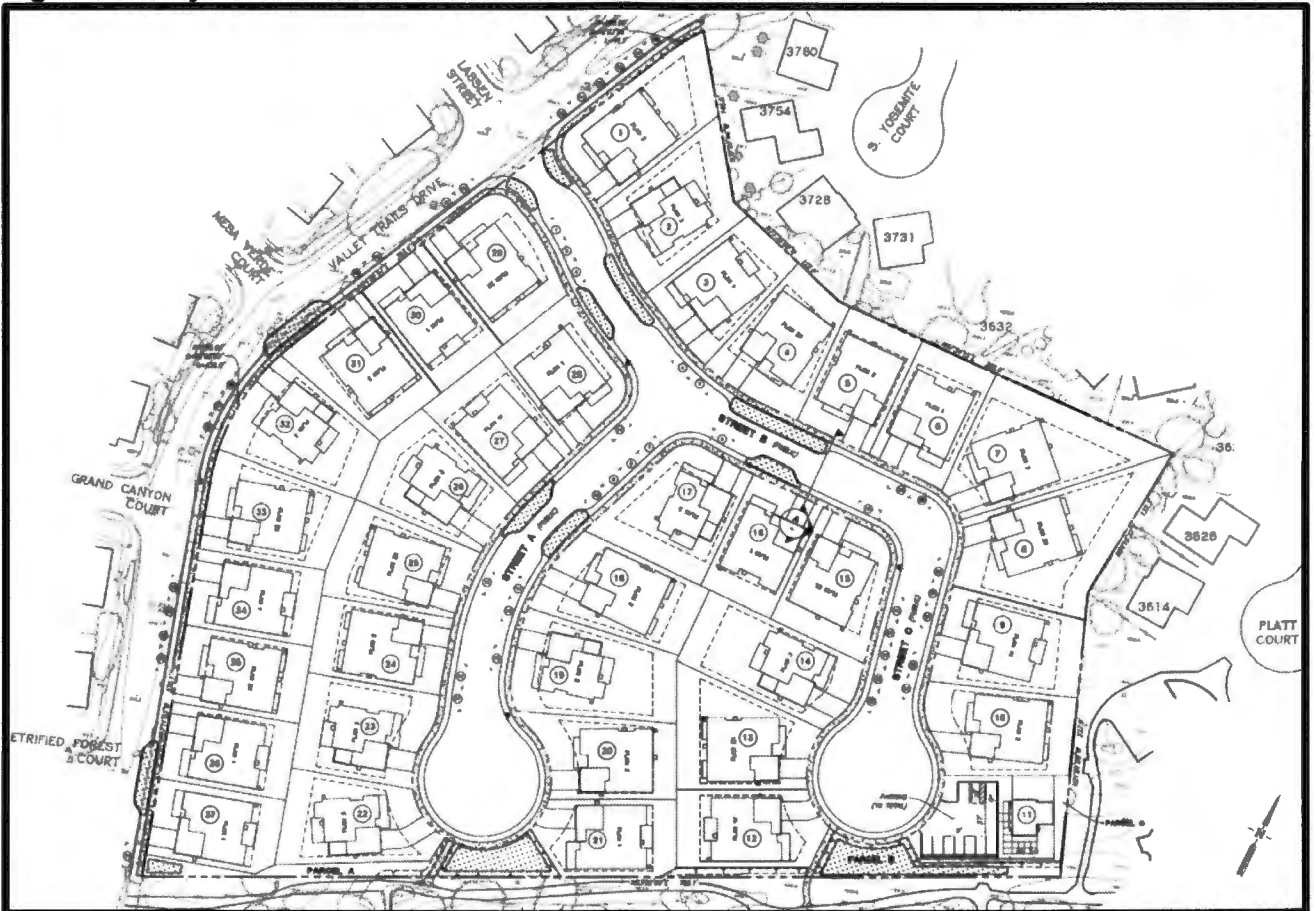
Off-site improvements include:

- Sidewalk improvements along the existing Valley Trails Drive, to fill in a gap of missing sidewalk between the church parking lot and the existing residences to the north (between Lots 29 through 37) and the addition of landscaping, curb extensions, and street trees;
- A tot lot, dedication of land (Parcel C) to the City, and landscaping and irrigation improvements to Valley Trails Park.

Access to the homes would primarily be provided through a new entry street from Valley Trails Drive, opposite Lassen Street, as shown in the site plan (Figure 3). This new entry street forks into two streets that would terminate in cul-de-sacs. However, homes fronting Valley Trails Drive would be accessed directly from Valley Trails Drive. Pedestrian access to the existing neighborhood park and walking paths to the Valley Trails Park would be provided at the end of each cul-de-sac.

Home sizes would range from 2,451 to 3,385 square feet on 6,760 to 12,656-square foot lots. Project residences comprise of five models, each 1- or 2-stories and ranging in height from 16'-1" to 24'-1". Each model would have three architectural styles—Bungalow, Cottage, and Ranch—with each style utilizing a combination of wood siding and/or stucco in earth tones. Each home would include an attached two-car garage.

**Figure 3: Project Site Plan**



The project would include demolition of the existing religious building and surface parking lot on the site. Construction debris, such as old foundations, pavement, and structures, would be collected and hauled off site for disposal. Activities would include clearing, grading, excavation, utility trenching, foundations, vertical construction, and installation of pavement and landscaping. New structures would require shallow footings and mat foundations or cast-in-place drilled piers. Construction would likely take place over a two year period.

### 3. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality
<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation / Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

#### 4. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

---

Natalie Amos

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Date

## 5. ENVIRONMENTAL CHECKLIST

The following section contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist.

For this project, the following designations are used:

- **Potentially Significant Impact:** An impact that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.
- **Less Than Significant With Mitigation Incorporated:** An impact for which mitigation has been identified to reduce the impact to a less-than-significant level.
- **Less Than Significant:** Any impact that would not be considered significant under CEQA relative to existing standards.
- **No Impact:** Any impact that does not apply to the project.

### 5.1. AESTHETICS

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## ENVIRONMENTAL SETTING

The project site is occupied by a church, parking lot, and undeveloped land.

## DISCUSSION

- a)-b) The proposed project is not located in a hillside or ridgeline area and is not designated as a scenic resource, scenic vista, or state scenic highway. Therefore, the project would result in **no impact**.
- c) The proposed homes would be 2,451 to 3,385 square feet 1- to 2-story homes, approximately 16 to 24 feet in height. The size, massing, and heights of the proposed homes would be similar to those of the existing residences within the greater Valley Trails Neighborhood. The earth colors, wood siding and stucco, and traditional architectural designs are consistent with the existing visual character of the neighborhood. New sidewalks, landscaping, streets, and street trees, would continue the pattern of development, circulation, and landscaping found in the neighborhood. Therefore, the existing visual character and quality of the site and its surroundings would not be substantially degraded and the resulting impact would be **less than significant**.
- d) The project would include standard down lighting for exterior building lighting, roadways, and parking lot lights. All exterior lighting would be directed downward and designed or shielded so as to not shine onto neighboring properties, as per standard conditions of approval. To verify this, the project sponsor is required to submit a final lighting plan and include drawings and/or manufacturer's specification sheets showing the size and types of the light fixtures for the exterior of the buildings, according to standard conditions. Lights in off-street parking areas would also be required to be shielded to prevent light spillover, as required by Pleasanton Municipal Code (PMC) Section 18.88.040.J. Therefore, this potential impact would be a **less than significant**.

## 5.2. AGRICULTURAL AND FORESTRY RESOURCES

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### ENVIRONMENTAL SETTING

The project site is located in an urbanized area. The site is currently occupied by a church, related site improvements and undeveloped area, and is not currently being used for farmland, agricultural production, or forestry. The California State Department of Conservation designates the subject property as "Urban and Built-Up Land."<sup>1</sup>

### DISCUSSION

a)-e) No agricultural or forestry land is located on the site. The project would not result in the conversion of any farmland and the subject property is not zoned for agricultural use and does not have a Williamson contract in place. No loss

<sup>1</sup> California Department of Conservation, "Alameda County Important Farmland 2014." Map published December 2016.



or conversion of forest land will occur as a result of the project. Therefore, the project would result in **no impact** with respect to agricultural resources.

### 5.3. AIR QUALITY

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ENVIRONMENTAL SETTING

The Bay Area has remained one of the least-polluted of the five major urban California air basins in recent years; however, there are still several days annually when air pollution exceeds the federal and state air quality standards. These standards, set at different concentrations for each of the major air pollutants, have been developed to protect public health.

The Bay Area Air Quality Management District (BAAQMD) regulates air quality in the Bay Area Region through its permit authority over most stationary emission sources and through its planning and review activities. The BAAQMD is the permitting agency for air pollutant sources. In May 2011, the updated BAAQMD CEQA Air Quality Guidelines were amended to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts. These standards are the subject of ongoing litigation as of the preparation

of this Initial Study. In view of the court's order, and subsequent decisions, the BAAQMD is no longer recommending that the thresholds of significance from the 2011 CEQA Air Quality Guidelines be used as a generally applicable measure of a project's significant air quality impacts.

Although reliance on the 2011 thresholds is no longer required, local agencies still have a duty to evaluate impacts related to air quality and greenhouse gas emissions. In addition, CEQA grants local agencies broad discretion to develop their own thresholds of significance, or to rely on thresholds previously adopted or recommended by other public agencies or experts so long as they are supported by substantial evidence. Accordingly, the City of Pleasanton has been using the BAAQMD's 2011 Draft CEQA Guidelines for thresholds and other guidance to evaluate project impacts in order to protectively evaluate the potential effects of the project on air quality.<sup>2</sup>

## DISCUSSION

a-c) The proposed project is expected to generate short-term impacts related to construction activities (e.g., demolition, clearing/grubbing, site grading). Construction activity on the site is required to implement dust control measures (e.g., periodic watering of the site, covering of all trucks hauling soil, sand, and other loose material) to control airborne particulate matter, as standard conditions of approval. Construction equipment is required to meet all current exhaust standards for emissions. These requirements will be conditions of project approval and would reduce construction period emissions to a less-than-significant level.

Long-term operational emissions would be generated by both stationary and mobile sources as a result of normal day-to-day activities on the site during operation of the project. Stationary area source emissions would be generated by space (HVAC) and water heating devices and operation of landscape maintenance equipment. Mobile source emissions would be generated by motor vehicles traveling to and from the project site.

Based on the 9th Generation of the Institute of Transportation Engineers Trip Generation Handbook, the proposed 36 single-family lot development would generate up to 343 daily trips. These new trips would not exceed the BAAQMD significance standards for mobile source emissions. Therefore, the potential impact would be **less than significant**.

---

<sup>2</sup> Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, May 2011. Updated May 2012.

- d) Land uses such as residences, particularly when occupied by children or older adults, are considered to be sensitive receptors to poor air quality.

The California Supreme Court has held that CEQA generally does not require analysis or mitigation of the impact of existing environmental conditions on a project, including a project's future users or residents. However, as with other laws and regulations enforced by other agencies that protect public health and safety, the City as the lead agency has authority other than CEQA to require measures to protect public health and safety. Therefore, this document includes for informational purposes an evaluation of the environment's impacts on the project. The evaluation includes an assessment of the project's potential to expose future sensitive receptors that would be located on the project site to sources of toxic air contaminants in the project vicinity. This analysis of the impacts of the environment on the project is provided for informational purposes only.

There are no known stationary source emissions within the vicinity of the project site. However, the project site is located within 1,000 feet of I-680 and West Las Positas Boulevard, each of which has average daily trips in excess of 10,000—the BAAQMD's threshold for analysis. According to traffic counts undertaken by the City in 2013, W. Las Positas Boulevard, east of Payne Road, reported 11,200 average daily trips.<sup>3</sup> The project site is located a minimum of 600 feet south of W. Las Positas Boulevard and a minimum of 700 feet east of I-680.

Based on the BAAQMD health risk guidance, this section explores exposure of project residents to toxic air contaminants (TAC) from major roadways. Quantitative health-based thresholds identified in the 2011 BAAQMD Guidelines are identified in Table 1 below.

The California Office of Environmental Health Assessment suggests an adjustment of cancer risk to reflect the fact that people are not home at all times. It estimates that people from the third trimester to age two or younger spend 85% of the time at home; ages two through 16 spend 72% of the time at home; and ages 16 years and older spend 73% of time at home.<sup>4</sup> Using this value to calculate the estimated cancer risk, Table 2 below shows the adjusted cancer risk of the proposed development, taking into account the project's proximity to Valley Avenue.

---

<sup>3</sup> City of Pleasanton. Traffic Engineering: Traffic Count Maps. <<http://www.cityofpleasantonca.gov/gov/depts/cd/traffic/information/counts.asp>>. Accessed February 26, 2017

<sup>4</sup> California Environmental Protection Agency. *Air Toxics Hot Spot Program Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments*, February 2015: 8-5.

**Table 1**  
**Bay Area Air Quality Management District Air Quality Significance**  
**Thresholds**  
**Risk and Hazards**

Additional BAAQMD Requirements	
Pollutant	Operational-Related
Risk and Hazards for new sources and receptors (Individual Project)	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of > 10.0 in 1 million* Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute)* Ambient PM <sub>2.5</sub> increase: > 0.3 µg/m <sup>3</sup> annual average* Zone of Influence: 1,000-foot radius from property line of source or receptor
Risk and Hazards for new sources and receptors (Cumulative Threshold)	Compliance with Qualified Community Risk Reduction Plan OR Cancer: > 100 in 1 million (from all local sources)* Non-cancer: > 10.0 Hazard Index (from all local sources) (Chronic)* PM <sub>2.5</sub> : > 0.8 µg/m <sup>3</sup> annual average (from all local sources)* Zone of Influence: 1,000-foot radius from property line of source or receptor

Source: BAAQMD 2011.  
\* Emphasis added.

Based on BAAQMD's Highway Screening Analysis Tool<sup>5</sup> and Roadway Screening Analysis Calculator,<sup>6</sup> residents of the project site could be exposed to suspended particulate matter (PM<sub>2.5</sub>) and cancer risks as reported in Table 2. The project would not expose residents to PM<sub>2.5</sub> levels exceeding the 0.3 µg/m<sup>3</sup> threshold suggested by BAAQMD, but would exceed the 10 per million increased cancer risk.

<sup>5</sup> Bay Area Air Quality Management District, Highway Screening Analysis Tool, Alameda County 6ft elevation, posted April 28, 2011.

<sup>6</sup> Bay Area Air Quality Management District, Roadway Screening Analysis Calculator, posted September 30, 2015. <[http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/screeningcalculator\\_4\\_16\\_15.xlsx?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/screeningcalculator_4_16_15.xlsx?la=en)> Accessed February 26, 2017.

**Table 2: Screening Data for Highways and Major Roadways within 1,000 Feet**

Risk Characteristic (units)	600 feet South of W. Las Positas Blvd.		750 feet East of I-680	
	Base	Fraction of Time at Home (73%)	Base	Fraction of Time at Home (73%)
PM2.5 annual average (µg/m3)	0.014	0.010	0.105	0.077
Cancer Risk (per million)	0.81	0.59	18.236	13.312

Source: BAAQMD, City of Pleasanton.

Although the project would not generate significant air quality impacts, its location adjacent to the roadway could expose sensitive receptors to potential pollutant concentrations. The project would be conditioned such that the applicant would be required to perform a site-specific health risk assessment/air quality analysis focusing on pollution from I-680, with any recommendations from the report to reduce health risks incorporated into the building plans for the project. As a result, the potential impact would be **less than significant**.

- c) The project is not anticipated to create objectionable odors affecting a substantial number of people. Therefore, this impact would be a **less than significant**.

#### 5.4. BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## ENVIRONMENTAL SETTING

A large portion of the project site, approximately 7.4 out of 9 acres, is undeveloped and covered in non-native grasses and other non-native and ruderal ground cover. There are 14 mature trees on site, one of which is considered heritage-sized. Mature landscaping (shrubs and bushes) runs the length (north to south) of the western property line, east of Valley Trails Drive. The undeveloped portion of the site is mowed or disked on a regular basis for weed abatement. Plant species found in this area are those typically found in developed parts of Pleasanton. No special status species have been observed in or near this site.

## DISCUSSION

a-d) There are no rare, endangered, or threatened species of flora or fauna known to inhabit the property site. In addition, there is no existing stream, river, lake, drainage channel, or other water body/course on the subject property, though arroyos run further west and north of the site. The project site is immediately surrounded by residential uses to the north, west and east; and by parkland to

the south and southeast. Therefore, the potential impact would be **less than significant**.

- e) The project would remove 27 trees, including one heritage tree (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference). The project applicant would plant 125 replacement street trees. As required by conditions of approval, should the value of the trees being planted be less than the total value of the trees removed, the applicant would be required to pay the difference in value towards the Urban Forestry Fund, based on the size of the replacement tree. Additionally, conditions of approval require physical protections and cash bonds for existing trees intended for preservation during construction, consistent with the City's Tree Preservation Ordinance. Therefore, the project would be substantially consistent with local policies or ordinances related to biological resources and this potential impact would be **less than significant**.
- f) No Habitat Conservation Plan, Natural Community Conservation Plan, or other conservation plans apply to the project site. Therefore, there would be **no impact**.

## 5.5. CULTURAL RESOURCES

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

**ENVIRONMENTAL SETTING**

The project site is not located in an area identified as having site-specific archeological, paleontological, or geologic features or resources. It is possible (although unlikely) that archaeological resources could be identified on the site during ground disturbance activities.

**DISCUSSION**

- a) The site is not listed by the California Office of Historic Preservation as a Historical Resource.<sup>7</sup> Therefore, there would be **no impact**.
  
- b-d) There are no known archaeological or paleontological sites identified on the subject site. However, there could be previously undiscovered subsurface resources present. Should potential subsurface resources or human remains be found upon excavation, all work would be required to be halted and the City immediately notified. Necessary measures, such as consulting with an archaeologist, would take place prior to construction resuming. These measures are required by State law and detailed as standard conditions of approval applied to the project. As a result, the potential impact would be a **less than significant**.

**5.6. GEOLOGY AND SOILS**

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<sup>7</sup> Office of Historic Preservation. California Historical Resources <<http://ohp.parks.ca.gov/ListedResources/>> Accessed February 26, 2017.



- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| ii) Strong seismic ground shaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## ENVIRONMENTAL SETTING

The site is relatively flat, with limited grading required to excavate for utilities and construct the drainage, landscaping, and homes on the site.

## DISCUSSION

- a) The project site is located outside of the Alquist-Priolo Earthquake Fault Zone and outside of liquefaction and landslide zones, as identified by the California Geological Survey and reported in the Pleasanton General Plan.<sup>8</sup> However, as is the case for most of California, people and property in Pleasanton are subject to risks from seismic activity. The active faults near the project site include the Calaveras, and Hayward fault lines.

Based on an existing regulatory framework that addresses earthquake safety issues and adherence to the requirements of the California Building Code, seismically-induced ground shaking would not be a substantial hazard on this

<sup>8</sup> City of Pleasanton. Pleasanton General Plan 2005-2025, Public Safety Element. Adopted July 21, 2009, Amended January 6, 2015.

site. Potentially unstable soils discovered during excavation are required by provisions of the California Building Code to be removed and replaced, or otherwise treated to provide appropriate foundation support. Weak soils would be re-engineered specifically for stability prior to construction. As a condition of approval, the project is required to comply with the recommendations of the project's geotechnical consultant, including designing foundation and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the project. Therefore, the potential impact would be **less than significant**.

- b) Natural erosion is frequently accelerated by human activities such as site preparation for construction and alteration of topographic features. Grading, vegetation removal, as well as excavation and trenching for utility lines, will disturb soils, which could increase the rate of erosion if controls or best management practices are not in place. As a standard condition of approval, the project is required to meet the requirements for stormwater erosion control measures during design, construction and implementation phases of the project. Additionally, the geotechnical analysis, prepared by Cornerstone Earth Group, recommends that the project sponsor maintain specific temporary slopes, where temporary shoring is required during site preparations, to prevent erosion.<sup>9</sup> Compliance with these recommendations are required as conditions of approval. Therefore, potential impacts would be **less than significant**.
- c) There are no known geologic hazards on the site and limited risk of landslide, lateral spreading, subsidence, liquefaction or collapse. The State of California provides minimum standards for building design through the California Building Code, including specific seismic safety requirements. State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. As a condition of approval, the project would be required to comply with the applicable codes and standards to provide earthquake resistant design to meet or exceed current seismic requirements and mitigate any specific soil condition concerns. Therefore, the potential impact would be categorized as **less than significant**.
- d) Site explorations by Cornerstone Earth Group to prepare the geotechnical analysis generally encountered native alluvial soils to a depth of approximately 45 feet (the maximum depth explored).<sup>10</sup> Soils consisted of stiff

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<sup>9</sup> Cornerstone Earth Group. Geotechnical Investigation, The Village at Valley Trails Residential Development. December 19, 2014.

<sup>10</sup> Cornerstone Earth Group, 2014.

to hard fat clay to a depth of approximately 20 to 23 feet, underlain by very stiff to hard lean clay with varying percentages of sand. Plasticity Index tests indicated that there is extremely high plasticity and expansion potential to wetting and drying cycles.

Expansive soils can undergo significant volume changes in moisture content. They shrink and harden when dried, and expand and soften when wetted. To mitigate these potential impacts to acceptable levels and ensure that foundation systems are capable of tolerating or resisted potential damaging soil movements, the geotechnical report recommends several measures to be implemented into the design of foundations, irrigation and site drainage, and surface improvements; and during site preparations, including over-excavation of soils. These measures are required to be implemented, to the satisfaction of the City Engineer, as conditions of project approval. Therefore, the potential impact would be categorized as **less than significant**.

- e) No septic systems or alternative wastewater disposal systems are proposed as part of the project; therefore, it would have **no impact**.

## 5.7. GREENHOUSE GAS EMISSIONS

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

### ENVIRONMENTAL SETTING

Assembly Bill (AB) 32 mandates that local governments adopt strategies to reduce greenhouse gas (GHG) emissions. Consistent with the objectives of AB 32, the City has adopted a Climate Action Plan (CAP) to outline strategies to reduce GHG emissions to 1990 levels by the year 2020. The CAP has been reviewed by the Bay Area Quality Management District and deemed a "Qualified Greenhouse Gas Reduction Strategy" in accordance with the District's CEQA guidelines.

**DISCUSSION**

a-b) The project is designed to meet the City's CAP. Specifically, the project would incorporate a landscape plan that meets the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics requirements for water-saving and drought-resistant planting. It also meets green building and energy efficiency measures consistent with the City's Green Building Ordinance and the State's Green Building Standards Code (CALGreen). The applicant has submitted a Green Building checklist that incorporates several green building measures into each new home, including optional electric vehicle charging and energy efficiency more than 25% above Title 24 requirements. Additionally, the project would be constructed to allow for future installation of photovoltaic-system and solar-water-heating systems. The PMC requires a minimum of 50 total green building points and the applicant is proposing at least 75 points. These project features would be expected to reduce GHG emissions and assist the City in meeting the goals of AB 32.

The project would incrementally increase GHG emissions as a result of vehicle trips by the residents of the 36 dwellings, but not to a level that would generate significant effects. The infill development includes modest-sizes homes and lots, within an existing neighborhood that is proximate to goods and services along Hopyard Road; bus transit along Hopyard Road and Valley Trails Drive (for students); and Downtown Pleasanton and the Dublin/Pleasanton BART station, each of which are located roughly 3 miles from the project site. The proposed development is generally consistent with Land Use Goal 1 of the CAP, to reduce vehicle miles traveled through infill development. The project would be located in close proximity to existing pedestrian facilities, and would expand access to bike and pedestrian facilities (including new sidewalks on Valley Trails Drive and new trail connections in Valley Trails Park) that would facilitate reduced reliance on motor vehicles. Therefore, this potential impact would be *less than significant*.

**5.8. HAZARDS AND HAZARDOUS MATERIALS**

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) For a project within the vicinity of a private airstrip would the project result in a safety hazard for people residing or working in the project area?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### ENVIRONMENTAL SETTING

Large quantities of hazardous materials are not currently used on or in the vicinity of the project site and none are proposed as part of the project, beyond those associated with construction and residential activities.

### DISCUSSION

- a,b) During construction, potentially hazardous liquid materials such as oil, diesel fuel, gasoline, and hydraulic fluid may be used at the site. If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the Livermore-Pleasanton Fire Department is responsible for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are regulated by both the Federal

Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). The City has in place an Emergency Response Plan should a spill or a hazardous event take place. Therefore, this impact would be **less than significant**.

- c) Residential uses proposed for the site are not associated with substantial use, storage, or transportation of hazardous substances. Therefore, the proposed project would not pose a hazardous emission risk to Foothill High School, located ¼-mile from the project site. As a result, this would be categorized as **no impact**.
- d) The site is not included on the list of hazardous materials sites compiled pursuant to Government Code 65962.5 (Cortese List).<sup>11</sup> Therefore, this would be categorized as **no impact**.
- e) The project site is located approximately 5 miles from the closest runway at the Livermore Municipal Airport. A Livermore Municipal Airport Protection Area Boundary has been established around the airport and residential development is prohibited in this area. The subject site is not located within this boundary. Therefore, the project is not likely to result in a safety hazard for future residents and the resulting impact would be **less than significant**.
- f) The project site is not within the vicinity of a private airstrip. Therefore, this would be categorized as **no impact**.
- g) The proposed project would not interfere with an emergency plan or evacuation plan. Therefore, this would be categorized as **no impact**.
- h) Wildlands do not exist within or adjacent to the subject site. Therefore, this would be categorized as **no impact**.

## 5.9. HYDROLOGY AND WATER QUALITY

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact

### Hydrology and Water Quality

*Would the project:*

<sup>11</sup> State Water Resources Control Board. <<http://geotracker.waterboards.ca.gov/>>. Accessed February 24, 2017.

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### ENVIRONMENTAL SETTING

The project site does not contain creeks, wetlands, or other water bodies. The project site is located in Zone X, outside the 100-year flood zone. The project, including structures, roads, sidewalks, and driveways would result in 203,964 square feet of additional impervious area compared with existing conditions.

## DISCUSSION

a.e.f) Compliance with the Alameda Countywide Clean Water Program (ACCWP) National Pollutant Discharge Elimination System (NPDES) Permit, including C.3 provisions and implementation of a Construction Stormwater Prevention Pollution Plan, would regulate discharges to the municipal stormwater system and reduce potential water quality impacts. The project would be required to incorporate best management practices (BMPs) for discharges resulting from the project through the building permit and construction process. As a standard condition of approval, the project would prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) during construction. These measures would include but not be limited to: erosion controls to prevent soil, dirt, and debris from entering the storm drain system and canals; grading controls (e.g., timing, hydroseeding); traffic controls to prevent erosion from construction equipment; filters (e.g., waddles) on inlets; covered storage areas; and measures to control pollutants at wash out areas. These and similar measures in the SWPPP would filter contaminants from the stormwater before entering local arroyos and, ultimately, San Francisco Bay.

During operation of the project, the project is required, by standard conditions, to collect and convey all stormwater entering and/or originating from the development to an adequate downstream drainage facility. The geotechnical report also recommends that surface runoff should be designed to drain away from building foundations and flatwork, speed up infiltration, and reduce the potential for expansive soils; these measures are required as conditions of project approval.<sup>12</sup>

The project proposes bioretention areas in curb bump-outs along the street edge and open space areas at the end of each cul-de-sac to manage runoff from the site. The project sponsor is required to enter into a recorded Stormwater Operation and Maintenance (O&M) Agreement for treating stormwater runoff from the site in perpetuity. This agreement calls for maintaining landscaping with minimal pesticide and fertilizer use; preventing disposal of vehicle fluids and hazardous materials from cleaning tools and equipment; cleaning out on-site storm drains twice per year; and maintaining vegetative swales on a regular basis. Therefore, these potential impacts would be **less than significant**.

b) The project would not use groundwater to provide water for this project. The bioretention and other landscaped portions of the project site (i.e., private yards) would allow for the groundwater aquifer to be recharged after

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<sup>12</sup> Cornerstone Earth Group, 2014.



implementation of the project. Therefore, this would be categorized as a **less-than-significant impact**.

- c) There is no existing stream, river, lake, drainage channel, or other water body/course on the subject property. Site development would alter the existing drainage pattern compared with existing conditions, given the increase in impervious surface area, but would not result in substantial erosion or siltation. Therefore, this would be categorized as **less than significant**.
- d) Although the project would not substantially alter an existing drainage pattern, it would increase the amount of impervious area. This reduction would be mitigated through the required implementation of stormwater retention areas that would manage, slow down, and treat runoff before it enters the storm drain system. As a condition of project approval, the bioretention areas would need to be designed to allow infiltration without compromising impacts on flatwork and pavement due to potential expansive soils, settlement, and/or lateral movement.<sup>13</sup> As a result, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Therefore, the potential impact would be **less than significant**.
- g,h) Housing will not be placed within a 100-year flood hazard area. The development will not expose people or structures to a significant risk of loss, injury or death involving flooding. Therefore, this would be categorized as **no impact**.
- i) As with most of Pleasanton, the project site is located within the dam failure inundation hazard area for Lake Del Valle Dam. This 235-foot dam impounds a reservoir with a total capacity of 77,100 acre-feet. To provide a flood protection reserve, the dam normally stores from 25,000 to 40,000 acre-feet of water. In 2002, the City adopted an evacuation plan as an addendum to its Comprehensive Emergency Management Plan, to mitigate potential impacts if a dam failure were to occur. Catastrophic dam failure is considered highly unlikely, as the dam is regularly maintained and inspected. Flood retention facilities, including levees, throughout the City are undergoing updates under the Stream Management Master Plan.<sup>14</sup> Therefore, this impact would be categorized as **less than significant**.
- j) The City of Pleasanton is not at risk from seiche, tsunami, or mudflow. Therefore, this would be categorized as **no impact**.

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<sup>13</sup> Cornerstone Earth Group, 2014.

<sup>14</sup> City of Pleasanton. Pleasanton General Plan 2005-2025, Public Safety Element. Adopted July 21, 2009, Amended January 6, 2015: 5-19.

## 5.10. LAND USE PLANNING

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

### ENVIRONMENTAL SETTING

The project site is largely undeveloped and does not contain accessible routes (pedestrian or vehicular) through the site under existing conditions.

### DISCUSSION

- a) The project would add two streets, ending in cul-de-sacs, as well as pedestrian and bicycle connections between the existing trails in Valley Trails Park and the end of each cul-de-sac. This would provide access for residents of the proposed development to their homes and the park, but would also improve public access connections to the City park for pedestrians and bicyclists. No existing streets or trails surrounding the site would be obstructed as a result of the project. Therefore the project would not physically divide an established community and the impact would be **less than significant**.
- b) The project site has a General Plan land use designation of "Public and Institutional," which does not allow residential uses, and is zoned R-1-6,500, which is primarily a residential district. The General Plan would override the underlying zoning District if the two land use designations are inconsistent. Therefore, a General Plan amendment is proposed as part of the project to change the existing land use designation to "Medium Density Residential." This designation allows for 2 to 8 dwelling units per acre (du/ac) with a

midpoint density of 5 du/ac; the project falls within this range, with a density of 4 du/ac (36 lots on a 9-acre site).

Although the General Plan amendment would reduce the total acreage of privately-owned potentially developable sites in the city with a land use designation of Public and Institutional from approximately 60 acres to 51 acres, the General Plan provides policies and programs that encourage the evaluation of land use changes, additional infill development, and the provision of community facilities, as specified below:

General Plan - Land Use Element

Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.

Policy 5: Evaluate land-use changes in the context of overall City welfare and goals, as well as the impacts on surrounding neighborhoods.

Program 5.2: Consider surrounding land uses and potential impacts when changing land-use designations.

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.

General Plan - Public facilities and Community Programs Element

Goal 1: Provide sufficient public facilities and community programs to efficiently serve existing and future development while preserving and enhancing the quality of life for existing and future residents.

As described in the Project Description, the applicant is proposing to rezone the site from R-1-6,500 to a PUD district (PUD-MDR) to allow for variations in the development standards of the R-1-6,500 district (i.e., minimum corner lot widths, front and rear yard setbacks, and building-to-building separation). Compared with the existing zoning, the project as a PUD maintains a minimum of lot size of 6,500 square feet and generally maintains the same general residential density and level of development anticipated by the Zoning Ordinance.

The project applicant would comply with the City's Inclusionary Zoning Ordinance by paying the Lower Income Housing Fee (LIHF), in addition to making an affordable housing fee contribution to the City.

The project would also install a new tot-lot and perform landscape improvements within Valley Trails Park. The landscape replacement is consistent with the Valley Trails Park improvement recommendations listed in the Parks and Recreation Master Plan.

The proposed project would also further the following General Plan Programs and Policies:

Land Use Element

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.

Therefore, the potential impact would be categorized as **less than significant**.

- c) There is no habitat conservation plan or natural community conservation plan applicable to the project area. Therefore, this would be categorized as **no impact**.

**5.11. MINERAL RESOURCES**

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**ENVIRONMENTAL SETTING**

The project site is urbanized and is not known to contain any mineral resources.

**DISCUSSION**

a-b) The project site is not known to contain any mineral resources and thus would not result in the loss of locally important mineral resources. Therefore, there would be **no impact**.

**5.12. NOISE**

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**ENVIRONMENTAL SETTING**

External noise sources in the vicinity of the project site are primarily generated by vehicles traveling on I-680, which is located 700 to 1,200 feet west of the project site. Noise measurements taken for the General Plan in 2007, directly west of the project

site at Petrified Forest Ct. and approximately 54 feet from I-680 sound wall, reported noise levels of 65-67 decibels on the day-night equivalent level (dB L<sub>dn</sub>).<sup>15</sup>

## DISCUSSION

a,c,d) For single-family housing projects, the City's General Plan generally requires that backyard areas not exceed 60 dB L<sub>dn</sub> and that indoor noise levels not exceed 45 dB L<sub>dn</sub>. As described in the setting section, exterior noise levels at the project site may approach 60 dB L<sub>dn</sub> under existing conditions, especially along the western side of the project site, closest to I-680, but would not be expected to exceed the General Plan standard.

The development of the project would generate added noise, such as vehicle travel and landscape maintenance activities. However, noise levels are not expected to change substantially from those currently experienced in the area because overall activity levels at the site would be modest. Ambient noise levels could decrease for some of the adjacent properties, particularly further east of I-680, due to the shielding of traffic noise by the proposed structures. Estimated future noise levels at the clubhouse are likewise expected to be within normally acceptable standards and would be subject to regulations in the PMC Noise Ordinance with respect to indoor and outdoor events.

As required by the California Building Code (CBC), rooms where windows need to be closed to reach interior noise goals would need to include ventilation or air-conditioning units.

Short-term construction noise would be generated at the project site. Conditions of approval for the project allow construction hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, with no work Saturdays, Sundays or holidays. The Director of Community Development may approve earlier construction "start times" or later "stop times" only for specific construction activities (e.g., concrete pouring) if it can be demonstrated 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 Department of Motor Vehicles (DMV) noise standards and be equipped with muffling devices, according to standard conditions of approval. As a result, this potential impact during operation of the project and during construction would be **less than significant**.

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<sup>15</sup> City of Pleasanton. Pleasanton General Plan 2005-2025, Noise Element. Adopted July 21, 2009, Amended January 6, 2015: 11-6.

- b) Construction activities could contribute to short-term increases in vibration due to construction equipment, earthmoving, and vertical construction activities. No excessive vibration is anticipated during operation of the residential project. Therefore, the impact would be a **less than significant**.
- e,f) The project site is 5 miles from the Livermore Municipal Airport, outside of the airport land use plan area, and not within the vicinity of a private airstrip. Therefore, this would be categorized as **no impact**.

### 5.13. POPULATION AND HOUSING

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### ENVIRONMENTAL SETTING

The project site is currently occupied by a church, surface parking lot, and undeveloped land.

### DISCUSSION

- a) The project site is an infill site, surrounded by residential homes and a City park. The project would add an additional 36 single family homes to the City's housing stock, which would contribute to the local population. However, population growth would not be substantial. In addition, public streets and other infrastructure have been installed or extended to the boundaries of the project site in conjunction with other, nearby development, and are readily available to the proposed development. Therefore, the project would not result in direct or indirect growth inducing impacts for the City of Pleasanton. Therefore, this would be a **less-than-significant impact**.

b-c) The project site is currently occupied by a church and therefore would not displace any existing housing or residents. Therefore, these issues would be categorized as **no impact**.

## 5.14. PUBLIC SERVICES

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL SETTING

Fire and police protection are provided by the Pleasanton-Livermore Fire Department and Pleasanton Police departments, respectively. The Fire Department does not maintain numeric standards for response times. Pleasanton Unified School District provides school services for children in grades K through 12. The School District operates nine elementary schools, three middle schools, and three high schools. Donlon Elementary is the closest school, 1 mile to the north. The City's Community Services Department manages parks and open spaces in the city. Pleasanton



provides about 5.1 acres of improved neighborhood and community parks per 1,000 population, according to the General Plan.<sup>16</sup>

## DISCUSSION

a.i-ii) The project may result in an incremental increase in police and fire service calls due to the addition of 36 households and operation of the clubhouse, but this would not result in substantial adverse physical impacts that would require new or expanded facilities. The site is an infill site, within an existing residential neighborhood, located approximately 2.5 miles from Fire Station No. 4 at 1600 Oak Vista Way. The project is located outside of the Special Fire Protection Area, where wildland fires are a concern.

Adequate access to the development would be provided to all structures for police, fire, and other emergency vehicles. Moreover, buildings are designed to meet the requirements of the California Building Code and other applicable City codes and all new buildings would be equipped with automatic fire suppression systems (sprinklers). Police and Fire service capacities exist to adequately serve the project and therefore the potential impact would be **less than significant**.

a.iii) Based on the School District's student generation factors, the project may add approximately 25<sup>17</sup> school-age children. The project sponsor has entered into an agreement with the Pleasanton Unified School District to mitigate the impact of the project. As a condition of approval, the developer would contribute funds to the School District to offset the project's impact to school facilities. Funds may be used towards the construction and/or procurement of classrooms. As a result, the potential impact would be **less than significant**.

a.iv-v) The project may result in an incremental increase in the use of parks and public facilities, such as libraries, but would not result in substantial adverse effects or require the construction of new facilities. The project includes land dedication, a tot lot, and landscaping improvements to the adjacent Valley Trails Park. (The parkland dedication granted to the City is analyzed in Section 5.15 below.) Additionally, the project includes open space areas (used as bioretention basins) that would abut Valley Trails Park; the project sponsor is required to maintain this new private open space area. As a result, the potential impact would be **less than significant**.

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<sup>16</sup> City of Pleasanton. Pleasanton General Plan 2005-2025, Public Safety Element. Adopted July 21, 2009, Amended January 6, 2015.

<sup>17</sup> Student yield factor of 0.704 x 36 units, PUSD Demographic Report, March 2016.

## 5.15. RECREATION

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## ENVIRONMENTAL SETTING

The project site abuts the existing Valley Trails Park, which is a linear park, providing a tot lot, trails, and open space within the Valley Trails Neighborhood.

## DISCUSSION

- a) The project would result in an incremental increase in the use of existing neighborhood and regional parks and other recreational facilities, in particular the adjacent Valley Trails Park. However, the addition of 36 households is not expected to result in substantial physical deterioration of the facility. Moreover, the project is required to contribute a per unit Public Facilities Fee which helps to fund capital improvements to public facilities, including parks. However, the applicant will receive some fee credit(s) due to the proposed improvements within the park that the applicant is proposing. As a result, the potential impact would be **less than significant**.
- b) The project includes two private landscape areas near the cul-de-sacs, totaling approximately 0.24 acre, which would be maintained by the future homeowners/maintenance association. The project would also provide and maintain two paved 5-foot wide pedestrian/bicycle pathway connections from the ends of the two cul-de-sacs to the existing Valley Trails Park pathway. Finally, the project would dedicate an approximately 712-square-foot piece of land to the City, thereby expanding the existing Valley Trails Park. The project applicant would also install a new tot-lot and landscape improvements (i.e., turf removal and replacement with groundcover at specified locations) within Valley Trails Park. The landscape replacement is consistent with the Valley Trails

Park improvement recommendations listed in the Parks and Recreation Master Plan.

The project sponsor has proposed to construct a freestanding public restroom facility within Valley Trails Park and dedicate it to the City. If a public restroom is supported by the Parks and Recreation Commission and/or City Council, it would undergo a separate development process and therefore is not defined as part of the project evaluated herein (but development of this restroom is not expected to result in significant environment impacts). If the restroom facility within the Park is not supported by the City, the project sponsor would contribute a total of \$300,000 for Valley Trails Park improvements, which would further mitigate potential impacts from the project.

The project would include installation of landscaping and irrigation within "Parcel C," which the applicant would be responsible for maintaining and irrigating. Given that this is a limited area, abutting an existing park where the Community Services Department is already responsible for maintenance, the project is not anticipated to have an adverse physical effect on the environment. Therefore, the potential impact would be **less than significant**.

## 5.16. TRANSPORTATION AND TRAFFIC

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		Impact With Mitigation Incorporated		

### Transportation and Traffic

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location those results in substantial safety risks?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**ENVIRONMENTAL SETTING**

Access to the project would primarily be provided through a new entry street which forks into two streets that would terminate in cul-de-sacs. Homes fronting Valley Trails Drive would be accessed directly from Valley Trails Drive. Pedestrian access to the project would be provided by new sidewalks throughout the project site, on Valley Trails Drive, and with new paths at the end of each cul-de-sac, connecting to Valley Trails Park.

Local transit service is provided by the Livermore Amador Valley Transit Authority, which provides school routes along Valley Trails Drive, with stops along the project site. Additionally, routes connecting to Downtown Pleasanton and the Dublin/Pleasanton BART and ACE train stations are located on Hopyard Road, with the nearest station 0.5 miles to the east at South Valley Trails Drive.

**DISCUSSION**

- a) The Pleasanton General Plan provides guidance for when a traffic analysis is required to determine impacts on the performance of the circulation system. Program 2.2 of the Circulation Element requires site-specific traffic studies for all major developments which have the potential to exceed LOS [Level of Service] "D," and implementation of the mitigation measures identified in these studies. The City generally requires a Traffic Impact Assessment (TIA) if one or more of the following criteria are triggered:
1. Project generates 100 or more vehicle trips during the A.M. or P.M. peak hour.
  2. Project generates 40 or more vehicle trips through an existing LOS D intersection.

3. Project generates 10 or more vehicle trips through an existing LOS E or F intersection.
4. Project that changes existing land use in general or master plan.

Based on the 9th Generation of the Institute of Transportation Engineers Trip Generation Handbook, the proposed 36 single-family lot development would generate approximately 27 and 36 trips during the A.M. and P.M. peak hours, respectively. Therefore item 1 does not apply. The Valley Trails Drive and Hopyard Road intersection is currently operating at a Level of Service of C; therefore items 2 and 3 are not applicable. With respect to item 4, the project would require a General Plan land use change; however, the proposed use would generate fewer trips with the General Plan land use change than the existing Public and Institutional uses (hospitals, public schools, etc.) allowed under the existing land use designation. As result, the City's Traffic Engineer has determined that the project would result in an incremental increase in traffic, and that a Traffic Impact Assessment (TIA) is not required.

The project would have a beneficial impact on pedestrian and bicycle circulation, by providing new trail connections to the Valley Trails Park and the existing trail system that extends east toward Hopyard Road. As a result, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system and the potential impact would be **less than significant**.

There are no significant traffic impacts associated with the project; therefore, no mitigation is warranted. However, the applicant will be responsible for funding a traffic study and implementing any associated calming programs, if deemed warranted by the City's Traffic Engineer, once 18 of the homes (50% of the development) receive final inspections from the City's Building and Safety Division. The traffic calming program would further reduce the already less-than-significant impacts of the project on the traffic circulation system. The project would be conditioned such that the applicant would be responsible for retaining a traffic consultant/firm to assess the need for traffic mitigation measures within the Valley Trails neighborhood. The City's Traffic Engineer would review these findings and require the applicant to implement any changes deemed appropriate to promote traffic calming.

- b) The project would not create 100 or more new peak hour trips, and the project would not exceed, either individually or cumulatively, a level of service standard established by the Alameda County Congestion Management Agency for designated roads or highways. As a result, Alameda County Congestion Management Agency's Congestion Management Program

(CMP) analysis is not required. Therefore, the project impact would be **less than significant**.

- c) The project site is located 5 miles from the closest airport and therefore would not interfere with air traffic patterns nor increase air traffic levels. Therefore, the project would have **no impact**.
- d-e) The project's streets and emergency vehicle access roads have been designed to City standards and would provide adequate sight distances to accommodate the safe turning radius of emergency vehicles and passenger vehicles entering and existing driveways. Therefore, the potential impact would be **less than significant**.
- f) The project may incrementally increase the use of bus transit, but would not conflict with or decrease the performance of the existing transit system. It would fill in gaps in the sidewalk network and support extensions to the existing trail system, consistent with the Bicycle and Pedestrian Master Plan, adopted in 2010, as well as the draft plan being updated in 2017. Therefore, the project would not conflict with adopted City policies supporting alternative transportation and the potential impact would be **less than significant**.

## 5.17. UTILITIES AND SERVICE SYSTEMS

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- e) Result in a determination by the wastewater treatment provided which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

### ENVIRONMENTAL SETTING

The City of Pleasanton has public utilities and infrastructure available to meet the planned buildout of the General Plan. Existing public utility systems, such as sewer, water, and stormwater facilities, are readily available at the project site.

### DISCUSSION

a-b,d-e) In terms of wastewater, no water quality violations currently exist. The project would not discharge any waste, other than domestic sewage, and all sewage would be discharged into the City's sanitary sewer system for ultimate treatment. As a result, the project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. Although the project would result in an increase in the generation of wastewater compared to the existing church use, sufficient sewer capacity is available for the project according to the City's Engineering Division. Therefore the project would not result in new or expanded wastewater treatment facilities.

In terms of water, the project would result in an incremental increase in water use compared to the existing current use and would be required to implement the City's regulations for water conservation and abide by water use targets to avoid fees during drought conditions.

Therefore, the project is not expected to require the construction of new water facilities or require the acquisition of new water supplies, and the potential impact would be **less than significant**.

- c) The project would include the construction of bioretention areas within the project site to treat stormwater runoff from impervious surfaces. This system

would manage and treat stormwater runoff from the project and is designed to filter pollutants, regulate flows, and allow infiltration. It would not necessitate the construction or expansion of storm drain facilities off-site that would result in significant environmental effects. As a result the potential impact would be **less than significant**.

- f-g) Demolition and construction of the proposed project would generate construction waste; however, at least 75 percent of the total job site construction waste (measured by weight or volume) would be required to be recycled. The remaining construction waste and increase of solid waste during operation of the project would not result in a substantial reduction in the capacity of a landfill. Collected solid waste is sorted at the Pleasanton Transfer Station and Recycling Center and then the solid waste is transported to the Vasco Road Sanitary Landfill in Livermore, which has capacity through 2022.<sup>18</sup> The project would be required to comply with all federal, state, and local statutes and regulations related to solid waste. Therefore, these issues would be categorized as **less-than-significant impacts**.

## 5.18. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<sup>18</sup> Cal Recycle. Facility/Site Summary Details: Vasco Road Sanitary Landfill. <<http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0010/Detail/>>. Accessed February 26, 2017.



- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

## DISCUSSION

- a) The project is located on an infill site composed of a church, surface parking lot, and undeveloped land that is regularly disked and therefore not supportive of significant habitat or fish, wildlife, or plant species. There are no existing water bodies, or rare, endangered, or threatened species known to inhabit the subject property, nor are there historic resources. Therefore, the project will have a **less-than-significant impact** on biological and cultural resources.
- b) Constructing this project will incrementally increase impacts related to certain environmental factors as detailed in the preceding sections. However, given that the site is an infill location, surrounded by residential development and an existing City park, and served by existing utilities and public facilities and services, the increases would not be cumulatively considerable. Therefore, this potential impact would be **less than significant**.
- c) The project will not include any activities or uses causing substantial adverse effects on human beings either directly or indirectly or on the environment. The project has been designed to substantially comply with City of Pleasanton General Plan and Zoning regulations and would incorporate conditions of approval to meet local codes and regulations, and mitigate potential impacts. The project design, existing regulations, and conditions of approval reduce potential impacts to **less-than-significant** levels.

## 6. REFERENCES

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From: Sue Goddard  
Sent: Monday, August 08, 2016 4:17 PM  
To: Jay Lee  
Subject: Ponderosa homes/PUD-113

We are concerned about Lassen St entrance to this development. We have over 30 residences coming out of Lassen right now. Many of these have more than one auto. To add another 30 + into the mix would impact this even more. Petrified Forest has 8 residences and less impact from the Valley Trails curves on each side. Seems like an entrance at Petrified Forest will actually impact fewer people.

Sue Goddard [REDACTED] Lassen St  
Sent from my iPhone

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**From:** Robin Giffin  
**Sent:** Monday, August 08, 2016 5:09 PM  
**To:** Jay Lee  
**Subject:** In Support of Ponderosa's Valley Trails Project

Dear Planning Commissioners,

I am in support of the Ponderosa's Valley Trails project.

I believe Ponderosa has done a good job of revising the project so that it blends in with the existing neighborhood. The plan has been redesigned to be an integral part of the neighborhood. The proposed homes along Valley Trails now face Valley Trails, the density blends in with the existing neighboring density, and the project is no longer gated. I appreciate these changes.

I do have a few minor suggestions/comments.

#### **Eastern Most Homes Adjacent to the Park**

I would suggest these all be 1 story to create a sense of open space between the development and the park and perhaps allow a portion of the existing Pleasanton Ridge view to continue to be captured when viewed from the park.

#### **Tot Lot**

I would like to see where the tot lot is proposed. Is it removing existing improvements?

#### **Community Center**

At this point I am not a fan of the Community Center. It raises too many questions and concerns.

It is unclear to me who can use the Community Center and who is paying for maintenance. Maintenance would not only include building maintenance, but also regular cleaning, and replenishing of supplies (like toilet paper).

Since it is proposed on private property, its maintenance will likely be funded by an HOA. I would assume the HOA will be entirely comprised of the new homeowners. If the Community Center is open to the public, it's unclear to me whether or not they can legally be required to pay for such a public benefit as part of their dues. Perhaps they can, but it does seem somewhat unfair. Perhaps they will collect additional fees for neighborhood/other use?

The existing Valley Trails HOA does not have required dues, and I would not want to pay dues for this amenity.

I am concerned about the design. I would suggest that the Police Department comment on the interior bathrooms if they haven't already. Typically bathroom doors in the parks face where people can see them to provide an extra layer of security.

If the intent is to create a neighborhood benefit, I would suggest an anonymous mail survey be conducted in the neighborhood to see what residents want.

Thank you for allowing me to comment.

Robin Giffin

█ Platt Court  
Pleasanton, CA 94588

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**From:** Robin Giffin  
**Sent:** Tuesday, August 09, 2016 3:16 PM  
**To:** Jay Lee  
**Subject:** Valley Trails Plans, Community Center, and Basketball Court

Dear Planning Commissioners,

I read the staff report for the work session. It is well written and answered many of my questions. I appreciate how much time staff, the applicant, and several neighbors have put into this application.

I am still opposed to the Community Center if the residents of the Valley Trail Homeowners' Association are to pay for its maintenance. I do think dues would be a burden for many in the neighborhood. There are no required dues in Valley Trails as there is nothing commonly owned.

Exhibit F of the staff report shows what is scheduled for the Valley Trails park. It calls for 1 full basketball court. If this court is unfunded, I would suggest that funding this court be considered instead of the Community Center.

Regarding the 1 full basketball court, it is already anticipated that the City would maintain this 1 full basketball court (since it is in an official park plan), so there would be no monetary impact on the existing neighborhood if it were installed. Currently, the basketball court in the park is only a 1/2 half court and it is sloped a bit like a driveway which makes it okay for standing still and shooting hoops, but not great for a game.

Thank you again for letting me comment.

Take Care,  
Robin Giffin

■ Platt Court

---

**From:** Shoni Johnson

**Sent:** Tuesday, August 09, 2016 5:10 PM

**To:** Kendall Rose; Nancy Allen

**Cc:** Atoof Yahya; Bob&Linda Wittig; Glen Johnson; ERIC WEDEKING; Robin Snow; Phan Joe & Jennie; Minh and Jenny Lee; Doug Farmer; Linda Farmer; Elaine Kanakis; Lori and Dave Dillon; Maisoon Khasim; David & Laura Monical

**Subject:** Agenda Packet for the August 10, 2016 Planning Commission Meeting

Hi Ms. Rose,

I met Ms. Callen today and we were able to speak about some of the plans and planning requests regarding the Ponderosa Homes development in Valley Trails (VT). Ms. Callen informed me about a couple of items some members of the Valley Trails community are proposing the city add to the approval of the Ponderosa Homes to "giving back" something to the VT Community. While this is a noble gesture, I have some concerns with the current proposals, which I learned include:

1) adding restrooms to the park, which would either be placed very close to the end of our court, or a little further down towards the top of the U near the entrance of the park,

OR

2) a community center that is open to VT, but maintained by HOA funds from Ponderosa Homes.

I have major concerns about both of these items. I personally do NOT want restrooms anywhere in the park (especially not near our court which is very close to the playground equipment). This will not help us with the current situation we are battling of loitering and drug activity at and around the park both during the day and throughout the night. Even if the bathrooms are locked during the night, they are an eyesore, and they increase places for people to hang out unnecessarily. Additionally, being so close to the proposed restrooms, I really don't want possible whiffs of the odor. Our park is used by locals who all live close enough to go home if a bathroom break is needed. Enticing additional traffic at the park simply increases unwanted guests and parking issues on the surrounding courts as there is no official parking lot.

The community center will be so close to us we will have both increased noise and traffic, especially with little or no designated parking for the center. I would also have concerns that years from now the Ponderosa Homes HOA would complain that since 500 VT homes are using the center, VT should also have mandatory dues to help cover the cost. A community center adds no value, in my opinion, and brings in additional unwanted traffic and disturbance.

My strong suggestion is that the extra lots in question be left as landscaped Open Space. Please seriously consider my concerns as you progress through the planning of this project. Feel free to share my email with whomever you need. I have also copied several of my neighbors on here to keep them in the loop. Their opinions may differ from mine, but I do think it's important that you hear from multiple community members. Unfortunately, I am unable to attend tomorrow's meeting, but I wanted to get this to you in case you needed. Thank you for your time and consideration.

Shoni Johnson

Yellowstone Court (Valley Trails)



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**From:** Elaine  
**Sent:** Wednesday, August 10, 2016 10:15 AM  
**To:** Jay Lee  
**Subject:** Valley Trails Proposed Construction

Jay,

Thank you for taking the time to speak to me late yesterday afternoon. Our property at [REDACTED] Yellowstone Court will be directly affected by the proposed construction of homes. As you and I discussed, there are 4 potential issues my husband and I would like noted in the conditions of approval for the project.

- 1) As an existing open field, there are rodents and animals nesting in the 9+ acres. We would like some assurance the homes directly surrounding the construction will have access to an exterminator to help with the potential invasion of our homes.
- 2) We would like assurance that the dirt caused by major construction over a two year period will be minimal. Already because of the open field, there is dirt that must be cleaned off our deck and windows on a regular basis. Construction will make this issue significantly worse. Again, those homes directly surrounding the construction should have some sort of compensation/assistance for the abatement of dirt that will cover our cars, windows, outside of the homes, and potentially interiors. After visiting our nephew's home on Stanley Blvd where there is currently major construction, we see how the dirt and mud is tracked onto their decks and inside their home. The neighbors there are asking the contractor to provide cleaning services.
- 3) As everyone involved in the Valley Trails neighborhood is aware, there are significant on-going settlement issues. It seems each time a property has some construction done, the neighbor's property may be affected. We are not geotechnical engineers; however, we would like a study done of the potential for settlement of nearby soils as part of the conditions of approval. In addition, we would like a multi-year monitoring of settlement in the area surrounding the new construction. We would like it on record that we will take photos of our property before construction begins in case we see cracks, etc. after. Unfortunately, things like doors and windows not closing properly or floors that slope won't show up on photos.
- 4) Lastly, as to the placement of the proposed clubhouse/restrooms at the end of Yellowstone Court which is currently one of the two options in the plotting plan, we respectfully request it not be placed at the end of Yellowstone Court. As the Pleasanton Police Department can attest, we have had a long-standing, on-going problem with drug activity on Yellowstone Court both during the day and at night. Drug deals and activity are often observed at the end of our court with individuals parking their cars here and going into the park and quickly returning. It would not be prudent to build a clubhouse and especially restrooms where there is already a problem with drugs and loitering. Even if the rooms are locked at specific hours, it very well may become more of an attractive nuisance in a spot already rife with problems.

Please feel free to share our concerns as appropriate and thank you for your time and consideration.

George and Elaine Kanakis

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**From:** Hua Zhou  
**Sent:** Wednesday, August 10, 2016 12:21 PM  
**To:** Jay Lee  
**Subject:** Concerns About PUD-113, Ponderosa Homes

Hi dear member of Planning Commission,

I am Hua Zhou, the residence of Valley Trails. I have lived in Valley Trails for 14 years.

I have concerned about the construction:

1. We don't want our daily life is affected during construction.
  - To build 37 new houses, it will create a lot of traffics to our neighborhood. How do they solve the problem?
  - Also, during construction, how do they handle the dusty.
2. We don't want our daily life is affected after construction.
  - The traffic is heavy in the morning when the kids go to school. how do they solve the problem?
  - the park is small. Add another 37 houses, the park will be hard to hold so many people. Is it possible for them to donate some of land and expand the park?

I hope my concern will be discussed in the hearing.

Regards,

Hua Zhou

**SUPPLEMENTAL MATERIAL**  
Provided to the Planning Commission  
After Distribution of Packet

Date Distributed: 8/11/16 

**From:** Shoni Johnson  
**Sent:** Wednesday, August 10, 2016 11:12 PM  
**To:** Kendall Rose;  
**Cc:** ERIC WEDEKING; Lori and Dave Dillon  
**Subject:** Re: Agenda Packet for the August 10, 2016 Planning Commission Meeting

Hi Ms. Rose,

I wanted to make sure that you were aware there are other residents in Valley Trails who share similar concerns as I do regarding the below issues that I emailed you about yesterday. I am sorry I was unable to attend the meeting, but I am copying this blog from the Nextdoor Neighbor website to share with you. I hope that you can share this with the planning department to show that Connie Cox does not truly speak for everyone in Valley Trails. Unfortunately, she has a way to control the information, so it can sometimes appear that she is the only representative voice, but this is not the case. Please hear these additional concerns, as not everyone is able to attend the public meetings. Thank you.

Shoni Johnson, VT Resident

**Community Bathroom** 23h ago

[Lori Dillon](#) from [Valley Trails](#)

When I first heard about a public bathroom being asked of Ponderosa to build in our park I thought it sounded good. However, after really putting some thought into it, I have some reservations.

- 1)  
We had a homeless person sleeping in the bushes this summer and a bathroom could attract more of that behavior.
- 2)  
There probably will be some vandalism and graffiti, at times.
- 3)  
Our grassy areas are not large enough for organized sports to have practices. It is rare for any large groups to gather here.
- 4)  
We all live close to the park, so we can go home for a bathroom break. Personally, I would rather walk/run home than use a public toilet.
- 5) Could be an eyesore for people who live near the bathroom.

These are a few reasons that I'm thinking about. My goal of posting this is to get people thinking about what we really would be gaining and if it is worth it. I'm not sure if anyone really has a strong opinion for it, or it just sounded good for Ponderosa to put some money into our park. This post is not intended to offend anyone.

Shared with Valley Trails in General

THANK 8 REPLY 14

[Craig](#), [Annet](#), [Eric](#), and [5 others](#) thanked [Lori](#)



[Cynthia Sandhu](#) from [Valley Trails](#) 25h ago

Kids love parks. The play structures are there for them to have fun and enjoy them, but when you have a newly potty trained toddler, the 10-15 minute walk home is not really an option. As a parent to young kids, i think adding a bathroom is a fantastic idea.

**Thank Flag**

Craig thanked Cynthia

**Lori Sullivan** from Valley Trails 16h ago

Bathroom I'd not a good idea. Vandalism for sure. city will not support constant repairs

**Thank Flag**

Lori thanked Lori

**Carrie Fitzpatrick-Sohler** from Valley Trails 16h ago

Thanks, Laurie! I couldn't agree more.

**Thank Flag**

Lori thanked Carrie



**Craig Mullins** from Valley Trails 15h ago

If it's jsut for valley trails residents... Why not have an electronic lock and only we know the password...

**Thank Flag**

**Eric Young** from Valley Trails 15h ago

I would rather see them take care of the park then put in a bathroom. Went to the park this last weekend and all the grass is dead. What is going on with that?

**Thank Flag**

Lori and Lorri thanked Eric

**Sandy Tenborg** from Valley Trails 14h ago

I agree too Laurie. Even with electronic locks the bathrooms in other areas get vandalized - Paper goods are set on fire, lights broken out, doors broken, graffiti. In addition, I'd like to know how many other neighborhood parks have restrooms in the City. In addition, there is long term maintenance and replacement costs. I would rather the monies go to maintenance of the park. the trees are losing limbs because they have not been pruned, there are large cracks in the turf because they are not filling them in or watering enough. Most of the plant material has already been removed - long before the drought. It is sad.

**Thank Flag**

Lori thanked Sandy

**Annet Hammond** from Valley Trails 14h ago

I agree, I walk the park daily and I'm actually appalled by the way it looks, I'm amazed that no one has broken a foot by falling into the cracks some are 4-5 inches wide !!

The grass is dead scrubs and trees are lopsided and dying the walking path is lopsided and cracking it's beyond ridiculous

Forget the bathrooms they're a recipe for misuse

It was also mentioned to me that the clubhouse pondarosa wants to put in is ONLY available for VT to rent 4x a year ?? What's the point of that ?

I personally don't have any use for that so I'm not fond of that idea either !

I think pondarosa can do better than that, I'm directly across from the building site so traffic and such will have an direct impact on my neighbors and I

I think a minimum of 2 street entrance and exit points are crucial, as well as a four way stop signs !!

People fly through that section in such a manner that I can't even cross valley trails from my court (lassen st) and if PPD would put the speed measuring device there (instead of the first court going onto VT ) it would support my thoughts !

[Thank Flag](#)

Craig, Lori, and Lorn thanked Annet

[Delia Cooper](#) from Valley Trails 12h ago

Lori, I completely agree with all the points you made. Thank you for posting this.

[Thank Flag](#)

Craig thanked Delia

[Eric Young](#) from Valley Trails 12h ago

We live on Yosemite ct and it is all most impossible to get out of our court int the morning with people speeding around the corner. I can only imagine what this would be like with another 35 homes with a minimum of 2 cars per household traveling that road as well.

[Thank Flag](#)

Craig and Annet thanked Eric



[Connie Cox](#) from Valley Trails 5h ago

Lori, not sure why you thought organized sports would have practices in our park? Years ago when we had no play ground equipment in the park and the park was not being used we did have drug deals and shady behavior in the park. I learned that statistics show that if people are using the park, that keeps crime down. It has been much better since we got the park renovated. The homeless person kind of proves that point; people were using the park and saw that person and the authorities were called . As to the bathrooms, they will close at night so people cannot get in them. It is the VT residents who have been asking for bathrooms in the park. Some of our homes are quite a distance from the park; so kids have been going in the bushes. We need to stop that. Of course, we don't live in a crime free world but all of can help cut down on graffiti and vandalism by working together. Something is going on that site; so please tell the Planning Commission your thoughts.

[Thank Flag](#)



[Lori Dillon](#) from Valley Trails 5h ago

Connie, I never thought or said we had sports practices in our park. My point was that we do NOT have them so there are no large groups gathering from outside VT in the park that would need a bathroom. Sorry you

misinterpreted that. I actually never mentioned drug deals in our park either. However, I do believe I have some valid points and it appears other VT residents agree with me. I wanted to start a conversation so people who have not really thought about this issue would contemplate the pros and cons. Everyone sees your emails and views, but since you have deleted the "reply all" on your emails, you are stopping a lot of open communication and probably a lot of good ideas. I'm curious why you would delete that? Anyway, if most people prefer a bathroom, that's fine. It does appear to be a divided issue.

[Thank Flag](#)

Annet and Delia thanked Lori



[Connie Cox](#) from Valley Trails5h ago

I obviously misunderstood your comment about the sports practices. Regardless, it is the people of Valley Trails who have asked for the bathrooms (not my idea). I know you didn't mention drug deals in the park, I did. I thought a little history would be helpful and the information the Pleasanton Parks Department taught us years ago when we were advocating for a better park that a park that gets used, has less crime. I do want everyone to be heard. All the ideas help to make this the best project we can get for the site. Ponderosa only had one meeting with neighbors. We have had several. I never did "replyall" to Valley Trails emails. Can't. Then it looks like spam. I have a program that allows me to send emails out while keeping your email confidential. Hope you can come to the Planning Commission tonight or if it gets postponed, to the next one to let your voice be heard

[Thank Flag](#)



[Eric Wedeking](#) from Valley Trails2h ago

How do we know that Valley Trails residents have been asking for bathrooms? Ponderosa should sent out a questionnaire before they spend money on something that potentially only a handful of residents want.

You cannot gauge the number of people who want something based off a few random encounters or emails. Not everyone can attend the sporadic meetings nor should they need to in order for their voice to be heard.

I'm all for doing what the neighborhood as a whole wants but there should be a better way of going about it.

[Thank Flag](#)

Lori thanked Eric

[Ed Broome](#) from Valley Trails1h ago

No finger-wagging on my part, just a suggestion. Perhaps, we should all take some time to review the proposed plan and attend the Workshop that the city will be scheduling. The entire plan and staff report are all available on the city's website. In my opinion, it will go a long way in answering many of the questions that are being raised, and perhaps prevent some of the mis-information that may be being posted. That is really the only way folks can make an informed decision and draw their own conclusions. The lead planner's contact info. is also listed on the Staff report in case someone wants to send and email with a question or comment. I have sent two emails that were answered within a couple of hours.

Edited 59m ago

[Thank Flag](#)

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**From:** Chris Olson  
**Sent:** Thursday, August 18, 2016 8:29 PM  
**To:** Jay Lee  
**Subject:** Re: Valley Trails Ponderosa Homes Question

Jay,

Thank you very much for the information. My wife and I unfortunately were out of town for the meeting and couldn't ask our questions. Our major concern is the majority of the one story houses have lofts which, in essence are 2 story houses. Taking that into account, the ratio of single to two story houses would be more like 70/30 which would not really match the existing housing area. Also the lot size compared to the house is not like the existing structures. Those are our main concerns with the proposal.

Thank you,  
Chris Olson

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On Tue, Aug 2, 2016 at 5:11 PM, Jay Lee wrote:

Hi Chris,

Thank you for your email. I've attached a site plan that shows how the land will be subdivided. The site plan also shows where the one and two story homes will be located. If you look at the table in the upper left hand corner, you'll see that the model type for each lot is indicated. Plans 1 and 2 are one story homes. Plans 1X and 2X are one story homes with an optional loft area. Plan 3 is a two story home. I've also attached elevations that show the various model types and elevation styles, which will give you a sense of how the homes will look.

This upcoming work session is just for the Planning Commission to review and comment on the preliminary plans for this project. No action will be taken. The work session is for staff and the applicant to get direction regarding this project. The Planning Commission and City Council hearings will be later this year.

Please let me know if you have any other questions/concerns/comments. Thank you.

**Jay Lee, AICP**  
Associate Planner  
City of Pleasanton  
Community Development Department, Planning Division  
200 Old Bernal Ave.  
Pleasanton, CA 94566  
[\(925\) 931-5610](tel:(925)931-5610)

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**From:** Chris Olson  
**Sent:** Monday, August 01, 2016 9:15 PM  
**To:** Jay Lee  
**Subject:** Valley Trails Ponderosa Homes Question

Jay,

My wife and I live on Hawaii court and had a few questions regarding the proposal. First, are there plans as far as how the acres will be divided up? We are trying to visualize this. Second, it was originally said that the

housing proposal would be a combination of single and two story homes. Are there plans showing how many will be single and how many would be 2 stories? Third, will these new homes have a look to be similar to the rest of the community? Finally, what is the timeline on this development? we are trying to understand the disruption and traffic.

If we could get answers we would appreciate it.

Thank you,

Chris Olson



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**From:** ERIC WEDEKING  
**Sent:** Wednesday, August 24, 2016 1:12 PM  
**To:** Jay Lee  
**Subject:** RE: Valley Trails church property

Hello Jay,

Thanks for the response. Specifically, my concerns are that a bathroom and clubhouse would only serve a purpose for a small number of people. The main users will be a few individuals who run day care businesses from their homes and occupy the park area for several hours every weekday in the late morning. Currently there are children that go to the bathroom in the bushes. While I do not want that either, the community should not bear the cost of that behavior.

Also, after talking with another resident it is unclear who would maintain the facility. Valley Trails does not have a homeowners association as you would possibly be lead to believe. There is no means of collecting money other than random personal checks written to a non-elected group leader with no accountability as to how the money is spent. The person who heads this group has done so for approximately 25 years when their own unofficial bylaws state that there is a 2 year limit. Some residents support this club, but the fact is they are not a legal entity. They have no legal right to collect money and the residents that do support them simply trust that they will do what is right. Myself and several other residents have tried to get to the bottom of where money goes and were personally attacked for doing so.

The bottom line is that I am suspicious of this group of people. The Pleasanton police have investigated their activity and while they agreed it was suspicious, decided not to pursue criminal charges for lack of evidence. At a minimum, they are misrepresenting themselves.

Many other residents see no need for a bathroom since the park is long, and every home is a short walk away. There are also concerns about cleanliness, graffiti, and cosmetic appeal. This is a community park. There are no sports events, functions or parking.

These are just a few concerns off the top of my head but like I said before, I would support what the majority of Valley Trails residents want. It is hard to get people to show up to a meeting with our busy schedules and responsibilities. I think a questionnaire would be a better way to gauge thoughts.

Thanks for your time.

Eric Wedeking  
Valley Trails Resident  
Yellowstone Court

## Jay Lee

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**From:** Jay Lee  
**Sent:** Monday, August 29, 2016 8:24 AM  
**To:** 'Chris Olson'  
**Subject:** RE: Valley Trails Ponderosa Homes Question  
**Attachments:** PUD-113, Ponderosa Homes, 6900 ValleyTrailsDr, PC 8-31-16 NOTICE.pdf

Hi Chris,

The maximum floor area ratio (FAR) is 40%. The FAR for your home is approximately 32%, so you have a little room to work with. Ponderosa is proposing to develop homes that meet the maximum FAR of 40%.

You should have received the notice by now if you are within a 1,000-foot radius of the site. However, if you haven't received it, I've attached an electronic copy to this email. The hearing is this Wednesday at 7pm.

**Jay Lee, AICP**

Associate Planner  
City of Pleasanton  
Community Development Department, Planning Division  
200 Old Bernal Ave.  
Pleasanton, CA 94566  
(925) 931-5610

**From:** Chris Olson [mailto: ]  
**Sent:** Sunday, August 28, 2016 2:01 PM  
**To:** Jay Lee <jlee@cityofpleasantonca.gov>  
**Subject:** Re: Valley Trails Ponderosa Homes Question

Hi Jay,

We added onto our house and while going through the permit process we were told there could be a concern on our ratio of conditioned space to lot size. Our house is now 2323 square feet on a lot of 7197 square feet. If we were pushing the ratio with the addition that brought us to 2323, we are concerned with a 3000+ square foot home situated on the same size lot or smaller.

Thank you for the update, and hopefully we will see the notice for the hearing soon.

Thank you,  
Jenn and Chris Olson

On Wed, Aug 24, 2016 at 8:51 AM, Jay Lee <[jlee@cityofpleasantonca.gov](mailto:jlee@cityofpleasantonca.gov)> wrote:

Hi Chris,

I will be forwarding your comments to the Commission soon. However, I have one question. Could you clarify what you mean by "the lot size compared to the house is not like the existing structures"?

Also, regarding the prevalence of two-story homes, the intent of the one-story homes with lofts is to minimize the two-story appearance and height of these homes. Although these homes will have a loft, they will appear to be one-story homes. Also, their maximum heights will range from 25'-3" to 27'-10", which is compatible with the surrounding area. Furthermore, the heights of these homes using the Pleasanton Municipal Code's definition of height (measured from the average elevation of the natural grade covered by the home to the average height between eaves and ridges for a gable roof) will be less than 24 feet, which is much lower than the Code's requirement of 30 feet. We believe that the heights of these homes will be compatible with the heights of the homes in the surrounding neighborhood.

**Jay Lee, AICP**

Associate Planner

City of Pleasanton

Community Development Department, Planning Division

200 Old Bernal Ave.

Pleasanton, CA 94566

[\(925\) 931-5610](tel:(925)931-5610)

**From:** Christopher C Olson [mailto:[jennchris0618@gmail.com](mailto:jennchris0618@gmail.com)]

**Sent:** Friday, August 19, 2016 10:47 PM

**To:** Jay Lee <[jlee@cityofpleasantonca.gov](mailto:jlee@cityofpleasantonca.gov)>

**Subject:** Re: Valley Trails Ponderosa Homes Question

Hi Jay,

Yes, please forward my comments, and we will keep our eyes out for the notice of the continuation meeting.

Thank you,  
Chris Olson

On August 19, 2016, at 8:17 AM, Jay Lee <[jlee@cityofpleasantonca.gov](mailto:jlee@cityofpleasantonca.gov)> wrote:

Hi Chris,

Actually, the work session was continued because there wasn't enough time at the last hearing. It will take place on 8/31/16. You should be receiving a notice soon (assuming you are within 1,000 feet from the property).

Would you like me to forward your comments to the Planning Commission?

**Jay Lee, AICP**

Associate Planner

City of Pleasanton

Community Development Department, Planning Division

200 Old Bernal Ave.

Pleasanton, CA 94566

[\(925\) 931-5610](tel:9259315610)

**From:** Chris Olson [mailto:[chris.olson@cityofpleasantonca.gov](mailto:chris.olson@cityofpleasantonca.gov)]  
**Sent:** Thursday, August 18, 2016 8:29 PM  
**To:** Jay Lee <[jlee@cityofpleasantonca.gov](mailto:jlee@cityofpleasantonca.gov)>  
**Subject:** Re: Valley Trails Ponderosa Homes Question

Jay,

Thank you very much for the information. My wife and I unfortunately were out of town for the meeting and couldn't ask our questions. Our major concern is the majority of the one story houses have lofts which, in essence are 2 story houses. Taking that into account, the ratio of single to two story houses would be more like 70/30 which would not really match the existing housing area. Also the lot size compared to the house is not like the existing structures. Those are our main concerns with the proposal.

Thank you,

Chris Olson

On Tue, Aug 2, 2016 at 5:11 PM, Jay Lee <[jlee@cityofpleasantonca.gov](mailto:jlee@cityofpleasantonca.gov)> wrote:

Hi Chris,

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Please let me know if you have any other questions/concerns/comments. Thank you.

**Jay Lee, AICP**

Associate Planner

City of Pleasanton

Community Development Department, Planning Division

200 Old Bernal Ave.

Pleasanton, CA 94566

[\(925\) 931-5610](tel:9259315610)

**From:** Chris Olson [mailto:[jennchris0618@gmail.com](mailto:jennchris0618@gmail.com)]

**Sent:** Monday, August 01, 2016 9:15 PM

**To:** Jay Lee <[jlee@cityofpleasantonca.gov](mailto:jlee@cityofpleasantonca.gov)>

**Subject:** Valley Trails Ponderosa Homes Question

Jay,

My wife and I live on Hawaii court and had a few questions regarding the proposal. First, are there plans as far as how the acres will be divided up? We are trying to visualize this. Second, it was originally said that the housing proposal would be a combination of single and two story homes. Are there plans showing how many will be single and how many would be 2 stories? Third, will these new homes have a look to be similar to the rest of the community? Finally, what is the timeline on this development? we are trying to understand the disruption and traffic.

If we could get answers we would appreciate it.

Thank you,

Chris Olson

Click [here](#) to report this email as spam.

**Cindy Quintero**

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**Subject:** FW:

**SUPPLEMENTAL MATERIAL**  
Provided to the Planning Commission  
After Distribution of Packet

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**From:** Elaine  
**Sent:** Monday, August 29, 2016 3:56 PM  
**To:** Jay Lee  
**Cc:** Connie Cox  
**Subject:** Fw: Valley Trails Proposed Construction

**Date Distributed:** 8/31/16 CQ

Jay,

I am sending to you once more the email I submitted on August 10th with regard to the proposed Ponderosa Homes development in Valley Trails. I will be out of town and not available for the meeting this week but my husband and I want our voices heard.

I want to reiterate and stress that the first 3 items outlined in the email below are very important to those of us who live so close to the proposed construction site.

As to item 4, the proposed clubhouse/restrooms, it can't be stressed strongly enough that Yellowstone Court is not an appropriate site. We had, once again, 5-6 Pleasanton Police vehicles on the court this past week because of ongoing problems at one of the Yellowstone homes. The proposed clubhouse/restrooms would only be an attractive nuisance in a already troubled area.

Thank you for your consideration,

Elaine and George Kanakis

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**From:** Elaine  
**Sent:** Wednesday, August 10, 2016 10:15 AM  
**To:** Jay Lee  
**Subject:** Valley Trails Proposed Construction

Jay,

Thank you for taking the time to speak to me late yesterday afternoon. Our property at ██████ Yellowstone Court will be directly affected by the proposed construction of homes. As you and I discussed, there are 4 potential issues my husband and I would like noted in the conditions of approval for the project.

1) As an existing open field, there are rodents and animals nesting in the 9+ acres. We would like some assurance the homes directly surrounding the construction will have access to an exterminator to help with the potential invasion of our homes.

2) We would like assurance that the dirt caused by major construction over a two year period will be minimal. Already because of the open field, there is dirt that must be cleaned off our deck and windows on a regular basis. Construction will make this issue significantly worse. Again, those homes directly surrounding the construction should have some sort of compensation/assistance for the abatement of dirt that will cover our cars, windows, outside of the homes, and potentially interiors. After visiting our nephew's home on Stanley Blvd where there is currently major construction, we

see how the dirt and mud is tracked onto their decks and inside their home. The neighbors there are asking the contractor to provide cleaning services.

3) As everyone involved in the Valley Trails neighborhood is aware, there are significant on-going settlement issues. It seems each time a property has some construction done, the neighbor's property may be affected. We are not geotechnical engineers; however, we would like a study done of the potential for settlement of nearby soils as part of the conditions of approval. In addition, we would like a multi-year monitoring of settlement in the area surrounding the new construction. We would like it on record that we will take photos of our property before construction begins in case we see cracks, etc. after. Unfortunately, things like doors and windows not closing properly or floors that slope won't show up on photos.

4) Lastly, as to the placement of the proposed clubhouse/restrooms at the end of Yellowstone Court which is currently one of the two options in the plotting plan, we respectfully request it not be placed at the end of Yellowstone Court. As the Pleasanton Police Department can attest, we have had a long-standing, on-going problem with drug activity on Yellowstone Court both during the day and at night. Drug deals and activity are often observed at the end of our court with individuals parking their cars here and going into the park and quickly returning. It would not be prudent to build a clubhouse and especially restrooms where there is already a problem with drugs and loitering. Even if the rooms are locked at specific hours, it very well may become more of an attractive nuisance in a spot already rife with problems.

Please feel free to share our concerns as appropriate and thank you for your time and consideration.

George and Elaine Kanakis



**Cindy Quintero**

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**Subject:**

**FW:**

**SUPPLEMENTAL MATERIAL**  
Provided to the Planning Commission  
After Distribution of Packet

-----Original Message-----

**Date Distributed:** 8/31/16 *CQ*


**From:** Dave & Carol  
**Sent:** Tuesday, August 30, 2016 3:39 PM  
**To:** Jay Lee  
**Subject:** Comments on PUD113 Ponderosa Homes


Jay

While I cannot attend Wednesday's workshop, I wish to express my approval of the building of 35 homes and the rezoning of the property to R-1-6500 provided that the improvements that the Valley Trails Neighborhood Coalition agreed to with Ponderosa Homes are included. These improvements include the building of a small meeting room and rest rooms for the use of Valley Trails park users. This building will be paid for by Ponderosa Homes and will be located adjacent to the park on their property. In addition, they have offered to build a second children's playground in a central location.

Residents of Valley Trails have been fighting for many years for a use of the EVC church property that fits with the neighborhood. This is the best that we have seen.

Thank you

David Pastor  
  
Pleasanton, CA

Date Distributed: 10/24/16 

October 21, 2016

City of Pleasanton Planning Commission

Re: Evangelical Free Church/Ponderosa Homes, P16-1386, TRACT 8259 and P16-1385

Sometime in 2014 the formal Valley Trails Homeowners Association was disbanded. In early 2015, it became apparent that some sort of grass-roots effort would need to take place in order to provide a unified voice for our neighborhood, with particular regard to the then-rumored sale of the Evangelical Free property.

I have never been involved in any HOA or grass roots organization. However, because of my background and profession, I was asked to help contribute to this new effort. Since 2015, I have shared responsibilities for organizing and seeking input from the Valley Trail neighborhood and acting as one of the key liaisons between the neighborhood and Ponderosa Homes. Our efforts are nothing more than an informal grass-roots organization, with all of us volunteering our time and personal resources to make this project work in the best way possible and have the greatest benefit for all concerned.

Since the beginning of this new neighborhood 'organization', we have always been obsessively determined to be an inclusive body. Our role as liaisons has afforded us a unique opportunity to reach out to our neighbors for their views and opinions on how we, as a neighborhood, would like to see the parcel developed."

Over the last two years, we have held a series of six neighborhood meetings. As we do not have any funds with which to operate, notice of those meetings were sent by email, social media and good old-fashioned word of mouth. We went through great lengths to make sure as many of our residents were notified as possible, in order to avoid anyone having any feelings whatsoever of disenfranchisement. We took the extra step in asking those receiving emails to talk with their neighbors to have them included on the mailing list, if they were not already. The intent and spirit of these neighborhood meetings was to gather all ideas, present updates and discuss the positives and negatives of this project.

Several of the key liaisons also provided our personal contact information for those who were unable to attend a meeting, or who had ideas, concerns or questions.

Altogether, this resulted in over 420 touch points; with a median participation and feedback approximately in the 80<sup>th</sup> percentile to date.

Additionally, Ponderosa hosted two neighborhood meetings. Notices of those meetings were sent via U.S. mail to each and every household within Valley Trails.

With regard to the site plan, layout and neighborhood amenities being proposed by Ponderosa; these are in direct response to overwhelming input and majority support directly from the neighborhood. As previously mentioned, the EV Free property was the main topic of our six neighborhood meetings. We, as liaisons took the wishes, desires and feedback from those meetings back to Ponderosa for discussion and inclusion.

Ponderosa has proposed building a wonderful clubhouse facility that will greatly benefit not only our neighborhood but the city as a whole. Their proposed operational model includes provision for either a Special Services District or Overlay District, limited to the proposed new home parcels as a funding mechanism for day-to-day operations, maintenance and capital projects in the future. The preferred location expressed by the majority of our residents is for Lot 11. We also believe that Lot 10 should also be included in order to provide the parking required, per the City of Pleasanton Title 18, Chapter 18.88.030 (D) Zoning Ordinance.

Upon completion, it makes the most sense for Ponderosa to dedicate the parking lot and community center to the City. It will cost the city nothing to maintain and operate this facility and it will also allow for citywide availability to all residents. It is our firm opinion that no other operational model will be practical or workable.

It is with these details in mind, that we **conditionally** support this project. With the condition being the clubhouse, parking lot and park refresh amenities. We would also petition that the clubhouse and park amenities be completed concurrent with Ponderosa's Phase 1 build out and not be delayed until all phases have been completed.

Without all of the aforementioned conditions being incorporated, we will be unable to lend our support for the proposed re-zoning and project. Simply stated, this is the right project, right amenities and the right time.

Respectfully submitted,

Ed Broome

██████ Hawaii Ct. South

(925) 200-7701

ejbroome@gmail.com

## Natalie Amos

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**From:** Kendall Granucci  
**Sent:** Tuesday, March 14, 2017 6:08 PM  
**To:** Natalie Amos  
**Subject:** FW: petition re. Valley Trails project  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

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**From:** Adam Weinstein  
**Sent:** Thursday, November 03, 2016 4:23 PM  
**To:** 'nancy allen'; 'Greg O'Connor'; 'Herb Ritter'; 'Jack Balch'; 'David Nagler';  
**Cc:** Gerry Beaudin; Kendall Rose; Shweta Bonn; Natalie Amos; Julie Harryman; Mike Tassano  
**Subject:** petition re. Valley Trails project

Dear Commissioners,

Not sure if you've already gotten this, but attached is a petition re. relocating the entryway to the Ponderosa/Valley Trails project. Apologies if you've already seen it.

Thanks, Adam

**Adam Weinstein, AICP**  
**Planning Manager/Deputy Director of Community Development**

City of Pleasanton  
200 Old Bernal Avenue  
P.O. Box 520  
Pleasanton, CA 94566-0802  
(925) 931-5606

To the Planning Commission of the City of  
Pleasanton, September 8, 2016

This letter is in response to the planned development of Ponderosa to build 35 to 37 houses on the Evangelical Free Church property.

We, as residents of Lassen Street, Mount McKinley and Mount Rainer, are EXTREMELY concerned with the proposed plans of the development's court entrance across from Lassen Street.

These 3 streets have 25 homes, which would intersect with the Ponderosa homes, making it an intersection of 60 to 62 homes.

We ask you to revise these plans to construct the entrance opposite either Mesa Verde Court (only 10 houses), Grand Canyon Court (only 8 houses), or Petrified Forest Court (only 9 houses). These courts have considerably less houses, and would accommodate additional traffic easier. In fact, Grand Canyon Court is already across from the church driveway, so they have proven they can accommodate some extra traffic. No other intersection in Valley Trails has to endure traffic from 60 homes (our 3 streets and Ponderosa's proposed 3 streets).

As a 25+ year resident I can contest that traffic has always been a huge problem. We have a 25 residence court, each owning 2-3+ vehicles, that all use Lassen to go in and out. It would make absolutely no sense to add to our traffic daily by adding another 3 streets directly opposite Lassen.

We also need to mention that we, as residents, feel that this is an absolute blind corner to cross on foot, let alone by car, this section has always been a safety concern as people drive way

past the 25 mile speed limit.

We do not like the idea of a 4 way stop sign or even a 2 way stop sign and we don't want speed bumps. We have been told by many Valley Trails residents that if any of those happen they will drive home via South Valley Trails in order to avoid them.

That is not fair to the people on South Valley Trails which already have to deal with traffic (including having trouble sometimes backing out of their driveway because of oncoming traffic from the courts). You may not be aware, but there are zero homes on North Valley Trails and 64 homes on South Valley Trails. Why encourage more traffic on South Valley Trails?

There is a very simple solution. Ponderosa should flip their plan and have the 35-37 homeowners exit across from Mesa Verde, Grand Canyon or Petrified Forest Court.

Please note the signatures attached and consider revising your proposed building plans for the Ponderosa Development.

Sincerely,

The residents of Lassen, Mt McKinley and Mt Rainier

signature sheet to move Ponderosa development court entrance

Name	Address	E-Mail	Signature
Hammond, Annet	[REDACTED] Lassen st	[REDACTED]	[Signature]
Sames, Sarah	[REDACTED] Mt. McKinley Ct	[REDACTED]	Sarah Sames
Tragni, Sandy	[REDACTED] MOUNT RAINIER Ct.	[REDACTED]	[Signature]
Marivada, Satya	[REDACTED] Mount McKinley Ct,	[REDACTED]	[Signature]
Doreen Duncan	[REDACTED] mt mckinley ct PLS	[REDACTED]	Doreen
Laura Bakar	[REDACTED] Mt Rainier Ct PLS 94588	[REDACTED]	Bakar
Dong, ne kwanon	[REDACTED] mt mc kinley ct pls 94588	[REDACTED]	[Signature]
Ragiel One	[REDACTED] Lassen st Pleasanton PLS.	[REDACTED]	[Signature]
Ling Tan	[REDACTED] Lassen st Pleasanton	[REDACTED]	[Signature]
Yuefeng Lin	[REDACTED] Lassen St. Pleasanton	[REDACTED]	[Signature]
CHRIS SHORE	[REDACTED] LASSEN ST.	[REDACTED]	[Signature]
ERIC LOBAO	[REDACTED] Mt. RAINIER Ct PLEASANTON CA 94588	[REDACTED]	[Signature]
MARK HORNE	[REDACTED] LASSEN ST, PLEASANTON, CA	[REDACTED]	[Signature]
Leonard Cooper	[REDACTED] Lassen ST Pleasanton CA	[REDACTED]	[Signature]
Anand Deshpande	[REDACTED] Mt Rainier Ct	[REDACTED]	[Signature]
Tanya Stover	[REDACTED] Mt. Rainier Court	[REDACTED]	Tanya Stover
LOGAN CAROTHERS	[REDACTED] MT. RAINIER CT.	[REDACTED]	[Signature]
Leilani McLean	[REDACTED] Mt. Rainier Ct. 94588	[REDACTED]	[Signature]
Aarti Bhatt	[REDACTED] Mt. McKinley Ct	[REDACTED]	[Signature]
Jennifer Oellerich	[REDACTED] Mt. McKinley Ct.	[REDACTED]	[Signature]
MOHSIN SALAHUDDIN	[REDACTED] LASSEN ST PLEASANTON CA	[REDACTED]	[Signature]
Edward Poon	[REDACTED] Mt. Rainier Ct. Pleasant Ca 94588	[REDACTED]	[Signature]