

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**PUD-118
4791 Augustine Street, Mike Carey
July 13, 2016**

PROJECT SPECIFIC CONDITIONS OF APPROVAL

Planning Division

1. The permitted and conditionally permitted uses for the detached, single-family homes shall be those found in Section 18.32 of the Pleasanton Municipal Code (PMC) and the permitted and conditionally permitted uses for the upper floors of the mixed-use building shall be those in Section 18.36. The permitted and conditionally permitted uses for the office/retail/commercial/mixed-use spaces shall be those of the C-C District found in Section 18.44.090 of the PMC.
2. Prior to submitting to the Building and Safety Division for plan check, the plans shall be revised to reflect that Residence 1 shall be designed such that the designated first-floor mixed-use (MU) space is separated from the residential unit and the south elevation of Residence 1 is designed such that it has an office/retail appearance. This shall be achieved by modifying the floor plan to show the extension of the south garage wall adjacent to the MU space to the entry hallway in front of the residential unit's laundry room and creating an exterior tenant-access-only door on the west elevation. The south elevation drawing of Residence 1 shall be modified to incorporate large storefront windows, similar to those of the dedicated mixed-use building, and the west elevation drawing shall be modified to reflect a tenant-access-only door, similar to those used on the mixed-use building.
3. The 180-square-foot space in Residence 1, labeled as "MU" on the floor plan of Exhibit B, shall not be used, converted, and/or altered for residential use. The MU space shall be required to meet all applicable building and fire codes.
4. No additions or expansions are permitted to any structure. Future building and/or site improvements not covered by this development plan approval shall be subject to City review and approval prior to any changes to the building(s) and/or site.
5. Accessory structures are not allowed.
6. Prior to submitting a Parcel Map or issuance of a building permit from the Building and Safety Division, the applicant/property owner shall enter into a license agreement with the City for the roof eave encroachment of the mixed-use

building into the City right-of-way, the language of which shall be subject to the review and approval by the City Attorney.

7. The roofing material of all the buildings shall be standing seam metal. All applicable plan sheets shall be revised and included in 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 Community Development Director prior to issuance of building permits.
8. Fencing within the development shall conform to the approved development plan on file with the Planning Division (Exhibit B). Minor modifications to the fencing plan may be approved by the Director of Community Development without a PUD modification.
9. All signage for the commercial/retail/office spaces of the mixed-use building and Residence 1 shall conform to the requirements of the Pleasanton Municipal Code, Downtown Revitalization District requirements, and the Downtown Design Guidelines. The applicant shall submit a final comprehensive signage package for said buildings and site for review and approval by the Planning Division prior to installation of any signs.
10. 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. Stucco shall be smooth and hand-troweled.
11. The project developer/subdivider shall create the applicable access, use, maintenance, etc., easements for the private street, and parking lot, subject to the review and approval of the City Attorney and Director of Community Development prior to occupancy of any structure.
12. Prior to installation/display, the applicant/responsible party shall submit design details for all outdoor structures and/or furniture to be located in front of the mixed-use building or Residence 1. These details shall be subject to the review and approval of the Director of Community Development. This condition shall be applicable to all uses that occupy the first-floors of the mixed-use building and Residence 1, including those that do not have outdoor dining as part of their use, but still intend to place structures or furniture outside of the tenant space.
13. The garages shall not be modified or used for storage in a manner that would interfere with the ability to park two cars within the garage and each resident shall utilize the garages for the parking of vehicles. In addition, boats, trailers, campers, motor homes, and other recreational vehicles shall not be parked or stored on-site and residents, tenants, guests, etc., shall not park on the private street/driveway. 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 Parcel Map.

14. 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.
15. The applicant shall provide automatic opening sectional roll-up garage doors on the garages of the houses covered by this approval. Unless otherwise approved by the Director of Community Development, the door design and material shall conform to the PUD development plan.
16. Wood-, fiberglass-, or vinyl-framed/sashed windows shall be utilized on the structures. If fiberglass- or vinyl-framed/sashed windows are used, they shall have a similar frame and sash thickness as found on a traditional wood-framed/sashed window unless the required noise mitigation for this project prevents compliance with this requirement. In addition, window mullions shall be raised and located on the exterior of the window. Manufacturer's specification sheets, details, and sections of the windows, and window treatments (sills, trim, etc.) shall be shown on the building permit plans and shall be subject to review and approval by the Director of Community Development prior to issuance of a building permit.
17. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.
18. Prior to issuance of a building permit, the applicant shall prepare a noise study for the development. Details of any recommended noise mitigation shall be submitted in conjunction with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project. The applicant's noise consultant shall review the applicable noise mitigations shown on the building permit plans to ensure that the recommendations have been properly incorporated into the design. The consultant shall certify in writing that such recommendations have been followed.
19. The developer shall submit a vibration study prior to submitting a Parcel Map or plans to the Building and Safety Division for plan check. Said study shall be reviewed and approval by the Director of Community Development and Chief Building Official. Should the report require increasing the height of the structures to implement any necessary foundation requirements/mitigations, said height changes shall be reviewed and approved by the Director of Community Development prior to approval of a Parcel Map or issuance of a building permit.

20. The applicant shall retain Tree Nos. 90 and 91 noted in the tree report prepared by Traverso Tree Service, dated "January 18, 2016," on file with 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 Director of Community Development) generally along the existing tree drip lines, as shown on the plans. The fencing shall remain in place until the final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a "stop work order." Said revisions shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.
21. 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.
22. The current State of California's Green Building Standards Code, "CALGreen," shall apply, as applicable.
23. The buildings covered by this approval shall comply with the current City of Pleasanton's Garbage Service's recycling and composting programs. The trash enclosure shall be sized to accommodate both trash and recycling containers. The trash and recycling containers shall be kept inside the enclosure at all times, except during pick-up times. The trash enclosure shall meet all City and Livermore Pleasanton Fire Department requirements.
24. A minimum of one appliance or system that meets Energy Star standards shall be installed in each residential unit and MU space as part of the project. The appliance(s) or system(s) shall be stated on the plans submitted for issuance of a building permit.
25. All 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.

- 26. 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.
- 27. The final landscape and irrigation plan shall be submitted to and approved by the Director of Community Development as part of the building permit plan set prior to issuance of a building permit. Plant species shall be drought tolerant in nature with an irrigation system that maximizes water conservation (e.g., drip system). The landscaping and irrigation indicated on the approved plans shall be installed before each house final, and reviewed and approved by the Planning Division.
- 28. 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; compliance with the irrigation system criteria; and installation of private sub-meters if the project is non-residential with a landscape area of 1,000 square feet or greater.

29. A minimum of one water conservation device such as low-flow faucets, toilets, shower fixtures, etc. shall be installed in each residential unit and mixed-use space as part of the project. The water conservation device(s) shall be stated on the plans submitted for issuance of a building permit.
30. 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.
31. Prior to issuance of a building permit, the applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the developer shall pay any applicable Dublin-San Ramon Services District (DSRSD) sewer permit fee.
32. 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.
33. Prior to issuance of a building permit, the applicant shall contribute \$2,500 per new unit to the Bernal Park Reserve Fund.
34. The electrical plans for the homes shall provide telecommunications infrastructure consistent with state-of-the-art methods (e.g., cabling for DSL, broadband, or wireless service, wiring for total room access, etc.) in effect at the time that building permit(s) are issued. The plan shall be part of the building permit plan set.
35. A final subdivision map shall be required to subdivide the property into 4 parcels. With the final map, the project developer shall record Conditions, Covenants and Restrictions (CC&R's) at the time of recordation of the final map which shall create a maintenance association for the development. The type of association established shall be accepted by the City Engineer and Director of Community Development prior to submitting a final subdivision map. The association shall be responsible for the maintenance of all common utilities and stormwater treatment measures/areas, common access driveway and parking, and other facilities specified in the approval. The buildings, driveway aprons, landscape, and lot-specific drainage shall be the responsibility of the individual owner for the lot. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The City shall be granted the rights and remedies of

the association, but not the obligation, to enforce the maintenance responsibilities of the association.

36. The developer shall pay any and all fees to which the property may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
37. 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. 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.
38. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include separately recorded disclosure statements or restrictive covenants indicating the following:
 - a. That the property is in an area subject to noise, activity, and traffic impacts associated with a Downtown location.
 - b. The adjacency of the Union Pacific Railroad and possible noise, including noise from train whistles and horns, and vibration impacts from said railroad.
 - c. That additions/modifications to the structures and garages are prohibited.
 - d. That the residents, tenants, guests, etc., are prohibited from parking on the driveway accessed on Old Bernal Avenue and Augustine Street.
 - e. That boats, trailers, campers, motor homes, and other recreational vehicles are prohibited from being parked or stored on-site.
 - f. That the garages shall not be modified or used for storage in a manner that would interfere with the ability to park two cars within the garage and that each resident shall utilize the garages for the parking of vehicles.

Wording for these disclosures and covenants shall be written in simple/plain language, shall be submitted to the City Attorney for review and approval before

issuance of a building permit for this development, and shall be recorded over the project site by separate instrument.

39. The leases for the multi-family units (apartments) covered by this PUD Development Plan approval shall include disclosure statements indicating the following:
 - a. That the property is in an area subject to noise, activity, and traffic impacts associated with a Downtown location.
 - b. The adjacency of the Union Pacific Railroad and possible noise, including noise from train whistles and horns, and vibration impacts from said railroad.
 - c. That the residents, tenants, guests, etc., are prohibited from parking on the driveway accessed on Old Bernal Avenue and Augustine Street.
 - d. That boats, trailers, campers, motor homes, and other recreational vehicles are prohibited from being parked or stored on-site.
40. The project developer shall provide all initial buyers with copies of the project conditions of approval.
41. Prior to issuance of building permits for the project, a parcel map shall be approved by the City and recorded.
42. 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.

Climate Action Plan

43. The project shall meet or exceed 25% of Title 24 requirements and shall incorporate shade trees and/or cool roofs. Said requirements, shade trees, cool roof details, and landscape lighting shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to issuance of a building permit.
44. The applicant shall work with staff on locations for providing light-colored paving material for driveways and street paving. The color and location of the paving shall be shown on the plans submitted to the Building and Safety Division and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
45. The applicant shall incorporate water-saving landscape plants that include xeriscaping and drought-resistant planting in lieu of lawns. Said plants, with

location, species, size, etc., shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to issuance of building and/or grading permits.

46. Rain gutters shall discharge into landscaping 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

47. The project developer/owner shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.
48. All landscaping within the public right-of-way along the project's frontage shall be maintained by the homeowners/maintenance association unless otherwise approved by the City Engineer. Necessary irrigation system, irrigation water meter, irrigation valves, irrigation controller, etc. shall be included on the plan for maintenance of all landscaping within the public right-of-way.

Traffic Division

49. The applicant or responsible party shall pay any traffic impact fees for the mixed-use development as determined by the City Traffic Engineer. This fee shall be paid prior to issuance of a building permit.
50. 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.
51. 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.
52. 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 OF APPROVAL

Planning Division

53. The proposed Planned Unit Development Plan shall conform substantially to the project plans, color palette, and arborist report, Exhibit B, dated “Received January 21, 2016” and “Received June 28, 2016,” on file with the Planning Division, except as modified by the following 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.
54. The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a parcel map, as applicable, is approved. If a parcel map is approved, the PUD development plan approval shall lapse when the tentative parcel map approval expires. If a final map is recorded before the parcel map expires, then the PUD development plan approval shall not lapse.
55. 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.
56. The Applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to offset this project’s long term effect on school facility needs in Pleasanton. This program shall be designed to fund school facilities necessary to offset this project’s reasonably related effect on the long-term need for expanded school facilities. The method and manner for the provision of these funds and/or facilities shall be approved by the PUSD and in place prior to building permit issuance. Written proof of compliance with this condition shall be provided by Applicant to the City, on a form generated by the PUSD, prior to building permit issuance.
57. Prior to issuance of a building permit, the developer shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District
58. 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.

59. 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.
60. 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.
61. Prior to building permit submittal, a list of the green building measures used in the design of the buildings, covered by this approval, shall be provided to the Planning Division for the review and approval by the Director of Community Development. The 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 Multifamily 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.

62. 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

63. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping areas included in this project will be maintained at all times in a manner consistent with the approved landscape plan for this development. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.
64. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
65. 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.
66. 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.
67. Prior to building occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
68. 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.
69. The developer and/or future property owners are encouraged to use best management practices for the use of pesticides and herbicides.

Tree Requirements

70. The project developer shall comply with the recommendations of the tree report prepared, dated "January 13, 2016." No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
71. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development for the appraised value of

each tree (tree Nos. 90 and 91 in the Traverso Tree Service report on file with the Planning Division) required to be preserved. This cash bond or security shall be retained for two 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. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.

72. The following statements shall be printed on to the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
- a. No existing tree may be trimmed or pruned without prior approval by the Director of Community Development.
 - b. No equipment may be stored within or beneath the driplines of the existing trees.
 - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
 - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.

Construction

73. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
74. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
75. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.

Building and Safety Division

76. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
77. 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.

78. 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 Division

79. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
80. 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 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.
81. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining 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.
82. 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.
83. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
84. 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.

85. All existing service drops (PG&E Pac Bell and Cable TV) to existing homes and new services to proposed units within this development shall be installed underground in conduit to the nearest "utility approved" riser pole. The project developer shall also be responsible for paying a pro-rata share as determined by the City Engineer for undergrounding of the overhead utility lines across the project frontage. Said payment shall be due prior to the approval of the final map.
86. 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.
87. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
88. 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.
89. 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 grading permit.
90. All existing drainage swales that are filled shall have sub drains installed unless otherwise approved by the City Engineer and the developer's soils engineer. All sub drains shall have tracer wire along entire length of the sub drains and cleanouts installed with metal cap at the beginning of the pipe and at locations needed for maintenance. 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 project developer's engineer shall submit a final sub drain location map to the City Engineer prior to acceptance of the public improvements and/or project. It shall be the responsibility of the property owner to relocate a sub drain, if during the excavation of a pool or other subsurface structure, a sub drain is encountered. All property owners within the subdivision shall receive notice of the presence of these sub drains. Said notice shall be reviewed and approved by the City Attorney prior to distributing the notice.
91. 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.

92. All existing septic tanks or holding tanks, if any, 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.
93. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
94. The applicant shall post with the City, prior to approval of the subdivision map, a separate performance bond for the full value of all improvements that are not to be accepted by the City of Pleasanton.
95. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.

Livermore-Pleasanton Fire Department

96. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
97. 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.
98. 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.
99. 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.
100. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. If building is located greater than 50 feet from street frontage, character size shall be 16" high by 1 ½" stroke minimum. In all cases address numerals shall be of contrasting background and clearly visible in accordance with the

Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping or other obstructions.

101. 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 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

102. 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.
103. The project developer shall submit a written dust control plan or procedure as part of the improvement plans.

104. 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.
105. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
106. 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.
107. 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. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.

CODE CONDITIONS

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

Building and Safety Division

108. 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.
109. 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.
110. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
111. 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

112. 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.
113. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies NFPA 13D for residential occupancies and NFPA 13R for multifamily residential occupancies.
114. 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.
115. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by

the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.

116. 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.
117. 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.
118. 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.
119. 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.
120. 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

121. 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.
122. 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 Ponderosa Homes representative and recorded at the Alameda County Recorder's office.
123. 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

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.

124. 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

125. 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/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

126. 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.

127. 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}

PUD-118, Mike Carey

Work Session to review and receive comments on applications for: (1) certificate of appropriateness to demolish all existing structures; and (2) Planned Unit Development (PUD) Rezoning and Development Plan to construct an approximately 2,032-square-foot, three-story mixed-use building with retail/office space on the ground floor and three apartments on the second- and third-floor and three, three-story, single-family homes at the property located at 4791 Augustine Street.

Natalie Amos presented the staff report and described the scope, layout and key elements of the proposal.

Commissioner Nagler: As pointed out in the staff report, the code would require nine parking spaces and the applicant is proposing six for the mixed use building, but as I understand the application, there are also a total of six more spaces, right? Two covered spaces per residence.

Amos: Correct.

Commissioner Nagler: Why wouldn't those additional six spaces be used in your calculation of the total number of spaces being provided.

Amos: They're provided for the detached single family homes because they're in garages. There would be a total of 12 spaces on site that are being provided. Per the code, we are required two spaces for each single family dwelling unit and that's how they are meeting that for each one.

Commissioner Nagler: I see, so the nine is strictly applicable to the mixed use building.

Amos: Correct, and as I mentioned, they are proposing a PUD which does offer flexibility in terms of setbacks, heights and parking standards.

Commissioner O'Connor: So Natalie, can you expand a little bit on this office overlay. That's what's driving the two spaces per apartment unit or flat or studio?

Amos: Probably more similar to a studio.

Commissioner O'Connor: So we're requiring two per studio because it has the office overlay?

Amos: We're suggesting that it be two given that's what the code states for parking requirements. Because the applicant is proposing a PUD you can offer flexibility to the parking standards. So just looking at it as what the Pleasanton Municipal Code requires on apartment units based on the number of bedrooms, it would be two spaces per unit.

Commissioner O'Connor: Would that change if it didn't have the office overlay, if it was strictly a mixed use development?

Amos: It could change because of the rezoning. So if you're asking if he's having the office designation and he left it strictly as office, he'd have a whole different parking ratio for it. But if

they're doing the rezoning for it, we were looking at it and trying to keep it as close as possible to meeting the code requirements.

Commissioner O'Connor: Okay. I thought what was driving the two per apartment was that it had the office overlay.

Weinstein: These parking standards are not unique to the Office District. They would apply to any mixed use project throughout the city unless there were specific reduced standards for that mixed use project. I think what is happening is that there is a core area overlay that's located in this area but only applies to multi-family residentially zoned properties and that core area overlay offers reduced parking requirements for projects like this.

For instance, the parcel just to the north of this one that was looked at by the Planning Commission several months ago: the Alok Damireddy project, that included apartment units. Because those apartment units were in the Core Area Overlay District in a residentially zoned district, the parking requirement was only one space per unit. So again, just one parcel over has different parking regulations in our code compared to the one that we're looking at here.

Commissioner Balch: Can I ask a quick follow-up? So on the Knuppe project which we did up on Spring Street, we were looking at the size of the square footage of one use versus the residential uses as well on that same parcel, right? That's not happening here because of the mixed use element of the building?

Weinstein: Yes, I think what you're asking is maybe a land use question, like what's the right ratio of commercial to.....

Commissioner Balch:yeah, so maybe it was because it was commercial because when it came to workshop it was one size. It got expanded, and then that created a parking issue as well because parking was based more on square footage of the commercial use. But in this, the office use, that doesn't drive....?

Weinstein: It is actually because there's one per the code. If we're just looking at code requirements right now, there's one space required for every 300 square feet of office. So the bigger the office grows, the more parking is required and that's an important consideration when thinking about design modifications of the site. If you increase a land use, it's going to require more parking and it's a relatively constrained site so it can be tough to fit the additional land use and the additional parking into one site.

Commissioner Balch: Okay, so then applying it to this particular site, then the square footage calculation was done and that's where these nine spots came from, right?

Amos: Yes.

Commissioner Balch: Okay, thank you.

Chair Ritter: Any other questions?

Commissioner Brown: Yes, if you could expand on the PMC amendment for limiting the height and stories in downtown, as it relates to Land Use Policy 15?

Amos: The Downtown Specific Plan policy says that we need to initiate an amendment to the Specific Plan to limit the height, whereas the zoning district allows the maximum height in the zoning district of Office to be 30 feet. That's measured to the mid-point of the roof, so it could actually be a couple of feet taller than that. The policies in the Downtown Specific Plan, if staff were to initiate it and the City were to adopt it, would be to limit any development in the downtown to have a maximum height of 30 feet and be no more than two stories. So in this instance, the applicant is not exceeding the 30-foot height limit allowed by the zoning district for Office, but they are proposing three stories.

Commissioner Brown: Okay, so it's basically only the Specific Plan Land Use Policy 15 that talks about the two-story restriction, but it's not in the Municipal Code; it's just part of the Specific Plan so it's guidance that could be over-ridden by a PUD?

Weinstein: Yes, we have this policy that says an amendment to the code should happen but it hasn't actually happened yet and it's possible that when a policy like this actually gets converted into Municipal Code policy that the requirement might be a little more nuanced than this. There might be certain exemptions for certain types of buildings. It's hard to predict how this would translate to the Municipal Code, but in the meantime, we try to stick to the spirit of what this policy requests which is that buildings be less than 30 feet in height and not more than two stories, as well, but there's some flexibility there because there is not a Municipal Code amendment that has been undertaken at this point.

Commissioner Brown: Okay. As part of the whole civic center proposal, will we be looking at this area and zoning, because as you said, it's residential primarily today. It was zoned or rezoned some time ago as Office which is not currently being used as such and essentially the proposal for this property is suddenly back to mixed use and residential. Is that north side of the street going to be re-examined as part of the civic center and what is the prevailing theory as to what that might become, or is that too much out of scope for today?

Weinstein: The Office district is not going to be revisited as part of the civic center master plan which really focuses on that site and where the civic center is going, but it will definitely be looked at as part of the Downtown Specific Plan Update which we are going to embark on in the next couple of months. If you talk to people downtown and you ask them what their top 10 list of updates to the Downtown Specific Plan should be, revisiting the Office district will be in the top 5, so we're certainly going to look at that.

Again, sort of looking at the principles that resulted in the Office district being there in the first place; it was intended to be sort of a buffer district between the Central Commercial Retail district and residential uses to the west. But principles behind that seem pretty good, but the actual land use implications of that need to be re-visited.

Commissioner Brown: Okay, thank you.

Chair Ritter: Could you put up the slide that has the picture of the blue office or the zoning. So basically, just down Main Street is the only office?

Amos: Peters Street.

Chair Ritter: Peters Street I mean is the only Office and then along Old Stanley it looks like right now.

Amos: Peters and Ray Street. If you're looking at those two other purple parcels, that's Ray Street.

Chair Ritter: Okay Ray Street. Adam said there is a top 5. Do they want more offices in the downtown? Is that what you're saying?

Weinstein: No, it's just the fact that the Office district in the Specific Plan hasn't responded well to market conditions. There was a sense that there was an over-supply of office space, that maybe Office district should be more flexible or less flexible. I mean, depending on who you talk to there are very different opinions. So there is a desire to look at what purpose the Office district serves and that might change in the future.

Chair Ritter: And we don't know what the City Hall/Library area would turn into should they move across the street?

Weinstein: Not yet.

Chair Ritter: They are zoned Office right now, right?

Commissioner O'Connor: They are, so I guess that's something I was looking at. If in this analysis the civic center does not stay zoned Office, it would seem bizarre that we would have the other side of the street have a strip of office where there's no other office.

Weinstein: Right, exactly. So when we re-look at the DSP, we'll be taking into account other planning efforts in the city and in downtown and most prominently, the Civic Center Master Plan.

Commissioner Nagler: If I could just add a quick comment. As part of the Civic Center/Library Task Force deliberations a request was made by City staff and it was answered in the presentation to the task force about potential uses of the current civic center property. It was certainly not definitive and it was no way intended to get a recommendation out of the task force because that is not the task force's place. But, what was interesting about their data was a reflection of what are the current market conditions and what might be appropriate uses based upon where demand exists as opposed to what's sort of perfect urban planning.

The idea that there would be offices as part of the current civic center property was suggested by these consultants to not be the highest and best use of the land and the reason for that is they talked about the patterns of office use in Pleasanton and the market demands for small offices because obviously you're not going to put a high rise office building on the civic center site so you're, by definition, talking about insurance offices, accountant and lawyer offices and things like that and there isn't demand in the community for that kind of use of that property. I'm not saying that should dictate clearly our conversation tonight, but it's another data point about a piece of property directly across the street.

Commissioner O'Connor: Sure, as we keep talking about vitality downtown, office doesn't usually generate the vitality you're talking about in a downtown location.

Commissioner Allen: If I could just follow-up with that, so if it's not office then what are the choices—retail, mixed use or residential?

Commissioner Nagler: Retail, mixed use, residential, potentially a small movie theater, restaurants, entertainment.

Commissioner Allen: So we don't know. I mean if it's retail then do we want to turn property across the street which is office into residential or is it better to consider it for retail? I mean, we don't know which way it's going to go.

Commissioner Nagler: No, we don't have any idea.

Commissioner Allen: Do you know in terms of where it's going?

Commissioner Balch: We'll keep it to this item.

Chair Ritter: Okay, so let's hear from the applicant. We have Mike Carey and after that we have a speaker card from Tim Ward.

THE PUBLIC HEARING WAS OPENED.

Mike Carey – Applicant: Tim is the architect so he can kind of jump in with me. Thanks everybody. Staff has been awesome to work with. Tim designed the Starbuck's downtown so we're really excited to work with him because he has some great ideas and concepts on mixed use and he's done a lot of projects in Lafayette and kind of all of the surrounding towns.

We're super excited from where we started and how we evolved. We started with Gerry and we started out with live/work on site. We brought in three live/work units and I believe two or three houses?

Tim Ward: Two.

Carey: The live/work was a great idea but we kind of explored and we talked to Gerry and we figured they'd probably move into the units and never work there. We were ahead of ourselves and we are not quite Berkeley and all that, but we started with that a little bit. And then we started changing the plans. Tim came up with studios on top which I thought was a great idea because everybody's looking to downsize, looking for smaller units, cheaper units, the affordability in towns and we're trying to play with what staff wanted which was office, office, office. It's zoned office, and I'll fall back on that discussion about the zoning and how that kind of feel fits in or not.

So we designed everything and Tim came up with the office building of 900 square feet on the bottom with the three units on top and three houses.

We do have two separate driveways so we don't have to make any curb cuts or lose any street parking. There's an Augustine entrance which would enter for the office and the three studios and there's an Old Bernal entrance which would enter for the three houses. We also stepped the houses away from the other house. The driveway on the west side is bordering the house. The neighbors like that. The house is sort of away from them. Then he kind of clustered the houses.

Natalie's idea at one point on our third or fourth revision was to stretch the houses out and pull them apart so they're not so close and so they are wider with more space around them and then we decided to make the office look more office-like and more commercial. So Tim kind of tweaked it, pulled it forward, gave it some outside seating in the front, raised the ceiling plates and all of the transom windows made the ceilings higher and kind of turned the building. That got us our magic missing parking spot. So all along we were under the illusion that we nailed the parking and nailed the height. From our last project with Brian Bowers the feedback was to keep it under 30 feet. We heard that loud and clear from everybody. So they are 29'8".

Tim Ward: 29'10" and I think one is 30' to the peak.

Carey: 29'11" are the heights. So we thought we nailed the parking. The parking for our neighbor next door is one space per studio. We're in the Core Area Overlay district which carries through the whole downtown so we share that same right to do cool stuff, core overlay, a little flexibility, but the O zoning kind of clips us a little bit. We're ready to debate that though. We have O zoning and now we need two spaces per studio. So we can have two spaces per two-bedroom, three-bedroom, four-bedroom, five-bedroom. Is it up to seven bedrooms? Is that right? For the apartments?

Amos: Yes.

Carey: So technically, by right, we could have a seven bedroom apartment on top and we need two spaces. So to me, the zoning and where we're at on this parcel defies common sense if we're trying to do three studios, we're trying to get a new type of housing downtown. For our neighbor he only needs one space which we have. For us, technically because we're in the O zone, we need six spaces but we could put a giant apartment up top of seven bedrooms and would need two spaces, so just kind of a weird twist on the whole examination of the rules and what we have been going through with our research.

We still want to stick with the three studios. We'd like to go with the Core Area Overlay district which allows us one space per studio, and I just wanted to jump in on the map. Could you show the map of the downtown again; the purple zones?

So you're seeing the purple as Office. Well, the Old Bernal piece is truly zoned O (Office). The whole Peters Street, which you guys did the project for Brian Bowers and the 377—that is zoned C-C but overlaid to O. So it doesn't have O zoning which the piece that we're working on tonight does. So those sites are zoned C-C but they have an overlay to O, which the intention was to soften the blow for the neighborhood maybe, but then I question when they do the Specific Plan again, why the whole First Street that faces Express Liquors and Specialty Sales and all of that—that faces a residential district and that goes straight to C-C. So why do we only want to buffer the west neighbors a little bit and overlay to O but leave the east neighbors out of this. To point out, all the other purples; Ray Street and everything you're seeing as purple, the true zoning is still C-C. They either PUD'd it to O or they built O, but their right by law is C-C zoning which is what we'd like this site to have.

I have some paperwork for you guys. It's just something from the Pleasanton Downtown Association and I'll hand out a couple of things real quick and then I'll let Tim jump in. The PDA recommended what direction they'd like to see on the site. Then I talked to the neighbor next door too which is the big white building.

So the PDA kind of went through the project and their recommendation which I highlighted at the bottom was to allow uses beyond the Office designation on the first floor. We'd like to see modified C-C zoning which is the same thing you did on the St. Mary project for us which is kind of like a light duty C-C. We've talked to staff about, is it a full C-C and we can do everything you could have on Main? Is it a watered-down version that gives you coffee shop, restaurant, whatever? Maybe it's open until 9:00 p.m. and not midnight. We really think the site should be zoned C-C which shares the same core overlay and zoning as my neighbor and parking requirements and all of that. But regardless, we're kind of working on a similar site zoning to the other project you guys just did. Behind the PDA letter is information from the office building across the street. I've talked to the owner a couple of times. I've talked to the commercial brokers who represent him. It's been for sale for 4 ½ years and the upstairs has been three-quarters vacant for 3-4 years.

He called me when he got the mailing and he said, "Hey! I got your card. I'm excited." He said, "I'd like to do something with mine, redo it, something," and so we started talking. He said, "I own tons of office buildings," and so he wrote and faxed it in today his statement, and signed it.

Where I'm going with our process is that it's been zoned 30 years for Office. There's only one office over there, okay? The guy that has the office is not doing that great. I think he's an island on his own. The owners that own the piece next door, this 10-unit apartment complex we can see on the corner and the one lot over are also in my letters. They went to Gerry and Nelson and everybody and wanted to do a project on their site and they said, well it's currently zoned O. We have a 10-plex next door. How are they zoned O? So their vacant lot is currently zoned O so they're trying to figure out, looking at me, looking at the civic center, so I'm not sure what you're going to zone the civic center—I'm sorry, our site here and not the new civic center. If this does move across the field, what is the City going to zone this? I don't believe they're going to stamp the "O" on it. It will be C-C and a mixed use variety.

There's a 52-page study from the Civic Center Master Plan Task Force that talks all about this. It talks about usage, ideas, thoughts, and nowhere do they say O is this smoking hot deal to go to. So I just wanted to throw some of that out there because we've really ping-ponged back and forth with staff on the O zoning. I think when we drew it, Tim did a lot of research trying to get the best fit for the City, and I don't think it's O. I think it's mixed use and everybody's going to figure that out pretty soon. So I'll let Tim talk on the site and all that.

Tim Ward – Architect: I'd like to talk more about the architecture and planning. In working with this and actually going to the farm vernacular, what we were trying to do is develop a palette of a variety of materials. The low pitched roofs, the buildings themselves are much smaller, for instance all of the residences are half the square footage. We're around 393 square feet on the upper floor and within the roof. So we've lowered the plane heights down by seven feet so that the whole appearance is a cluster of sort of a farm with different materials. I know no one seems to like the galvanized metal siding that we have on some of the residences on the upper floors but it's really sort of trying to pick up some of the nuances of the old farm style and the metal roofs that used to be there.

The placement of the buildings was originally much closer to the street and we spread them further back and re-arranged the parking so that it was clear that there was a very simple way to get in and out of garages for the residential sites. On the commercial part of the project, the lower floor, we have about 900 square feet or a little bit more than that, and the three studio

units. They aren't really three floors. Technically, we have a mezzanine because they are open to the lower floor. And that was one of the things we weighed when we looked at the residences; if we did a mezzanine kind of room on the upper floor, technically the building department looks at them as a mezzanine and not a full floor.

I think working around the trees, in terms of the guest parking, we have some additional space there and I think we have some flexibility to make it work. Our hope was that we would provide a little variety of housing types that are so close to that transit, that's like three blocks away. The studios and the small 1,800-square-foot homes would offer a different kind of housing type to single people or single couples than we typically see in this neighborhood. It's sympathetic really to the houses, on the west side the houses are adjacent to another two-story house, two-story houses behind them, and they're all in the same range. We're 30 feet at the ridge and probably 27 feet at the eave line. So that's kind of where the thrust of where the architecture was coming from. If you have questions on that, I'd be glad to answer.

Chair Ritter: Questions for either speaker?

Commissioner Brown: So for the mixed use building with the studios up, is that considered per the City's Planning Division a three-story or two-story with a mezzanine?

Ward: You know, I don't know. Planning looks at it differently than the building code. The California Building Code, I don't know.....

Beaudin: A mezzanine level would be considered a third story.

Ritter: All right, any other questions?

Carey: You visited the whole height thing before and whether it's 30 feet, 50 feet, two or three stories, and everything's under interpretation. We're hoping that we evolved to a set height I think. Whatever you can get into it, I think height is the key element.

Beaudin: And that's what we've been comfortable with as well and that's why we're recommending that the height be considered at 30 feet. You know, the difference between two stories and three stories when you're walking by on the street isn't perceptible, but height and massing are. So the idea here is to get a well-articulated architectural style that fits with the neighborhood. The street is interesting. It kind of narrows and widens as you go along Old Bernal, so whatever happens on this site will likely be newer, closer to the street, and I want to make sure what we put on the opposite side at this point in time is going to provide some balance for the street. Like I said, in some places it's wider than others, so I want to make sure we get a significant enough corner building and probably that residential building as well closer to the street if this is a site plan we stick with.

Commissioner Brown: Yeah, I was just asking as it related to the Land Use Policy 15. That's why I was asking. So one final question and maybe it's not appropriate. The Alok Damireddy project and his email around of being denied at 32 feet; was his 32 feet to the top of the building or was it to the other dimension that you mentioned? And, any other comment around precedent-setting, fairness, etc. as it relates to this project.

I would agree with Gerry's comments that at the end of the day when you're on the street, it's the mass of the building.

Carey: Could I just say, I talked to him because he's the neighbor. He, I think in fairness, he had a couple of ideas going on and he did a workshop and when he came to the Planning Commission, I don't know if he had a 40-foot one or not, but he had a three-story one, a two-story one, so he had two or three different plans and so his zoning district is 40 feet next door. You can have a 10-plex next door at 40 feet. Here we're only zoned O so it's a little mixed match on our zoning and specific plan mixes, but I don't think they wanted to see 40 feet because we don't have 40 feet except for the Rose Hotel and buildings on Main, but I think the Planning Commission—because I read the minutes too and I wasn't there for the workshop—he had two or three ideas and he told me on the phone, "I love your project. It looks great. Pretty much I'm going to vent that I didn't get what I wanted." I think he did but I think he didn't have his plans lined up. He had three options and I think you guys blended it into one.

Chair Ritter: Yes, we had that before you were on the Commission, so, thank you. I think staff could answer more. Great, thank you Mr. Carey. So we'll close the public hearing and we'll bring it back to the Commission.

THE PUBLIC HEARING WAS CLOSED.

Chair Ritter: This is a workshop so no decisions are made. We're just exploring ideas. We're going to answer these questions. Could you please, before we go through these, just explain what makes this a workshop? I always ask this question. Why did we have to go through a workshop for the record?

Weinstein: So all major downtown projects involving new construction go through workshops and all projects involving legislative changes throughout the city, like changes in General Plan land use designation or zoning go through workshops.

Chair Ritter: Great, all right.

Commissioner Balch: I apologize, but one other quick question I wanted to bring up is, has staff had a proposal to adjust resident one to a mixed use building as well?

Amos: In this slide?

Commissioner Balch: Yes.

Amos: So we did have conversations with the applicant about that being an alternative as well.

Commissioner Balch: How did that go over?

Amos: We're presenting the project before you with one mixed use building.

Commissioner Balch: Okay, my question to this is wouldn't this mixed use then increase the parking requirement significantly?

Amos: It could, depending on the square footage you have on the ground floor.

Commissioner Balch: Presumably, you'd almost do the exact same square footage and you have nine and you already had two, so you need seven more in-lieu.

Beaudin: There's a room on the first floor that could be a live/work situation so I think this gets us back to the earlier concept that we were talking about very early in the discussions where you could theoretically have someone with a home office who has the ability to operate there with a pretty small footprint on the ground floor of an office space.

Commissioner Balch: So the City allows you to be self-employed or live/work in your residence, but they don't allow you to have employees in a residence, correct?

Beaudin: So that's true for Home Occupation, but live/work is a little bit different. We don't have live/work in the Code right now. I think it's something we could certainly explore for downtown when we get into the Downtown Specific Plan effort. In a PUD scenario like this, we have a little bit of flexibility to play with that concept, particularly because we're trying to get this project into an O district and I think, if I could just take the opportunity while I have the opportunity—the idea of creating that taller plate height and getting those transom windows in there, what you start to see is the possibility for a space that can evolve with the neighborhood. So we're talking about it in the context of an Office district but we're being mindful of the fact that when we get into this Downtown Specific Plan, the O district is likely to evolve to something else. So the kind of design that Tim and Mike are putting forward tonight really is flexible. And so if it evolves to a retail use in the future or to an office, I think it's going to be a pleasant space for this corner. What we're trying to do is get a great design for a corner space that is flexible.

Commissioner Balch: Okay, so I apologize then because the staff report talks how they would like offices on the ground floor of all four buildings. Is that still where staff is at?

Weinstein: It's a judgment call, right? I think staff's default is to make this project as consistent as possible with the Office district, keeping in mind what Gerry just said, which is that it is possible that the Office district will evolve in the future and that the office space might be better used as retail space. But, we're sort of employing the same principle that we used on the Spring Street project, right? That was a C-C district project which calls for, if you're a strict constructionist of the Downtown Specific Plan, it calls for all ground floor retail space on the Spring Street side. We realized on that site that covering that entire ground floor space with retail was not really practical. It was a really long, narrow lot. So the compromise we came up with was a strong commercial presence right on Spring Street and then whatever you wanted to do in terms of residential on the back and on the upper floors, so we're trying to employ that same principle here on this site. So our suggestion in talking with the applicant earlier was to have the street-fronting buildings have a strong office or maybe retail presence and then do whatever housing you want in the back buildings that are not actually on the streets. So we were trying to employ that same principle that we used on Spring Street to this site to be consistent with the Specific Plan.

Commissioner Balch: So slightly different than the written staff report.

Weinstein: Again, this is a workshop and we're presenting the project that was proposed but we try to steer applicants to do projects that are consistent with the Specific Plan.

Commissioner Balch: Okay, thank you.

Commissioner Nagler: Just to follow up, and sort of come down to it, the conversation between staff and the applicant has really turned on the ground floor of Residence 1 which is the ground floor of the residence on the street on Old Bernal and the amount of parking. There is some discussion about the materials and architecture and such, but the discussion of whether it can sort of shoehorn into the current designation or with a slight change of policy is really about the ground floor and its proximity to the street.

Weinstein: Yes, that's right. That's the gist of our conversations with the applicant. I do want to add that on the staff level at least, there's a lot to like about this project. There are a lot of things we really like about it. The architecture is something we like and the applicant has worked really hard with his design team on adjusting the architecture and making it even better. We like the fact that there's a mixture of residential units on the site, really small studio units, plus single family is great. So I don't want to understate the good things about the project as well, but we're just sort of debating internally how much residential should be on this site.

Commissioner Nagler: It really comes down to that ground floor about one building, right? I mean, as far as where the conversation has at least gone between the staff and applicant.

Beaudin: So we're in a position now where all ground floor office is not practical. It hasn't happened and we're in a position now where we can get a strong office corner and the possibility of, as Commissioner Nagler was mentioning, that residential unit fronting the street, has the potential for flexible space on the ground floor, and not the entire ground floor of that unit. So that's interesting to us and we think it meets the intent of the Code. We're trying to keep that on the dash as we're looking ahead because we all recognize that the existing Downtown Specific Plan is not functioning the way it should for certain areas of the downtown.

Commissioner Balch: Can I just follow-up with you on that Gerry. I understand it comes back to the parking question. Given the site constraints, if the second residence did go as we're saying here, we'd be shy of potentially seven spaces or maybe less depending on the square footage of that, correct? Am I interpreting that correctly?

Beaudin: That's the parking discussion that we need to have. This is a Planned Unit Development application. The applicant has the ability to request different parking requirements relative to the Code. We can, again, go back to the base zoning district which would apply anywhere in town and talk about the amount of parking that would be required for a commercial use like this. There is some possibility you could share the parking behind the mixed use building for that second mixed use building in this diagram. There are ways that you can play with the parking requirement if there's a desire to do that and we could talk a little bit about that.

Chair Ritter: I think when we go through these, we might have questions. Is that okay?

Commissioner Allen: Could I ask one question that's not on here at this moment? It's regarding RHNA. Could you just recap the implications of RHNA to add residences at this point in time? Do we receive any credit?

Amos: It's not a part of our RHNA numbers because we've met all of the requirements for it. Rezoning this and adding these residential units on to it won't apply to it. They don't have to go through that process and it won't affect anything we have with those requirements.

Commissioner Allen: So it doesn't help us meet our RHNA requirements. If it's built we never get credit for it in terms of RHNA numbers.

Amos: Correct.

Chair Ritter: But it could help workforce housing because they're studios, correct?

Beaudin: Yes, and I think Natalie has answered your question pretty directly, but, I'll say that there's a regional need for housing. We have folks coming to the podium from time to time talking to us about the fact that they work at Workday and they cannot find a place to live in town. So the RHNA is certainly one component that we're looking at, but this project will come with affordable housing dollars that will go into other efforts in town to increase and diversify our housing stock. And you know that but I wanted to just put it out there for the conversation tonight.

Commissioner Allen: Thank you.

Chair Ritter: *(A) Does the Planning Commission support demolishing the home and any related accessory structures?*

Chair Ritter: If we all agree, it's an easy one.

All Commissioners: Yes.

Chair Ritter: *(B) Should the project be revised to conform to the existing Downtown Specific Plan Office designation (office on ground-floors and multi-family on the upper-levels)? And (C) If not, does the Planning Commission support site specific amendments to the General Plan and Downtown Specific Plan (and zoning district for this site)?*

Commissioner Allen: I'll go first. My answer is 'yes'. I believe this should be consistent with the spirit of the current General Plan and Specific Plan. I do recognize that long-term traditional office may not be appropriate, but there's an effort going on to look at that. I don't think it's appropriate for us to jump the gun and you might say overdo the residential side of this because it may be the answer is more retail belongs here. And the third point I want to make is that I think if we didn't support the spirit of the current zoning, it's very dangerous right now because we're setting a precedent for other properties around there. Mike mentioned the 10 unit apartment building that's right around the corner that's already approached staff about wanting to get away from Office and do something different. So I think we need to be very, very careful about jumping the gun and so that's why I think we need to follow the spirit.

Commissioner O'Connor: I'm conflicted. I don't understand why this one street is zoned Office when right next door it's not. And if we get away from the Office, and maybe I am jumping the gun, I think we're going to get away from Office down here if the City offices move, I don't think we're going to retain Office down here. So I'm concerned about having a project come through where we enforce a different parking regulation than something in a year or two or three from

now we're going to change it all when everyone else is going to be off the hook. So I'm conflicted on this one because I'm usually pretty tight on parking. I just don't understand why this one has the Office designation; I mean I understand it's zoned that way, but why.

Commissioner Allen: May I ask a process question to Commission O'Connor's answer? That would be, we're going to discuss parking later and not now. Is it fair for us—when I was answering this I was setting aside the parking question for a later discussion and I was just looking at the question asked about the intent of the zoning in terms of mixed use versus residence. So if we just stick with that purview of this question, we might be able to answer that and deal with parking later. That would be my suggestion on how this might be answered, and I'm wondering if that changes this.

Commissioner O'Connor: The conformity is on office on ground floor only for the two fronting buildings we're talking about?

Weinstein: Again, that's staff's interpretation. We felt like that's a reasonable compromise or reasonable interpretation of how the Office district should be implemented on this site. You might have a different opinion, but that's just our suggestion; getting a little more office space on just the ground floor and only the buildings that front the street. We think that will bring this project into conformance with the Office district, but you might have different opinions on that.

Commissioner Allen: And when you say office, you're talking office/retail, right?

Weinstein: Yes, office space with really good floor plates that can be used as retail in the future.

Commissioner Nagler: Without saying yes to this, Office cannot have residential on site, correct? That's the issue?

Amos: For the zoning district; strictly for zoning, but the Specific Plan and General Plan could allow it.

Commissioner Balch: But that's a Policy 15 question we were talking about earlier right?

Weinstein: Policy 15 is the height question.

Commissioner O'Connor: So when there's conflict between the General Plan and Specific Plan, the General Plan prevails. So, should they conform to the existing Downtown Specific Plan guidelines? I would be inclined to say yes, it should conform if you can put retail there.

Beaudin: Does the interpretation that Adam just gave resonate with you? Or, are you suggesting the entire ground floor of all structures on the property. I just want to make sure....

Commissioner O'Connor: Not all ground floor on the property, no. Where I'm conflicted with this obviously is that there are so many homes down there today that have been there for a long time and I don't see anybody at the prices you can get for a home, I can't see anybody tearing down a home and building something that's going to conform to this Office district. I don't see that happening. I think they are going to stay homes for a very long time which is why

I don't have a problem with this thing going either way. I mean, you know, I would probably rather see what was proposed by the applicant. I can get on board with retail on the two in the front but I really think long-term these homes are going to stay homes for a long time.

Chair Ritter: Okay, let's just keep going down, so I'll go next. I think the Downtown Specific Plan dated March 5, 2002 is 14 years old and a lot of things change in 14 years, so I'm not opposed to making an adjustment a little bit. My kids have changed a lot in 14 years and I think this town has changed a lot in 14 years. I don't like this permanent "office space for lease" sign. It's not a normal lease sign. It's permanently embedded in there and I've been looking at it for 8 years driving to the City Hall here coming to the Planning Commission and Parks and Recreation meetings and so that's got to be telling me something that maybe office is not a high need in that location. Also I think if the City Hall moves across to Bernal that opens up that whole opportunity and at that time we'll know if we do need office spaces and we could zone for that at that time. But I don't think it's fair to push off and have an applicant wait for 5 or 10 years when we finally do that, or even another year for the Downtown Specific Plan to get updated based on market needs. So, I'm okay with deviating a little from it, but I do like having that mixed use building in there. I don't mind just the one. I like that Ace Train is right there and it's workforce housing, we have a shortage of that. And I think there's a market need in Pleasanton for the people who come in and out and I want my kids to come back here and work and be able to afford to live in a little studio.

Commissioner O'Connor: Maybe I didn't understand the question on conformance, but I thought we were talking about whether the downstairs could be either retail or office.

Weinstein: That's right.

Commissioner O'Connor: Okay, because I really don't see office coming in here.

Chair Ritter: I agree. Those are my thoughts.

Commissioner Balch: I think I'm ditto of you. So I don't think the project necessarily needs to be revised. I think how staff has interpreted it is extremely practical in light of a lot of complex issues that it sounds like staff has gone through. So from my point of view, I think this office mixed use on the corner is a good mix. I think it also allows flexibility. Residence 1 converting—I could see that. I'm not sure I'm all the way there yet with it, and with that I'm reserving the parking element challenge that that would bring with it, but the premise of me being able to say "I could see it" is that when it doesn't work, he can flip it back to a residential project and I don't know how we would handle that. So maybe I'm throwing a little hat towards staff's recommendation or alternative.

Commissioner Nagler: I appreciate all of the comments that have been made because I'm viewing this project in the context of what I think is likely to occur in the general neighborhood because if we're able to find the funding for a new civic center and library, it's going to be on Bernal and if the civic center/library moved to Bernal, then we're going to have a terrific opportunity in many ways to redefine downtown Pleasanton by virtue of the property we're sitting on. That is an incredibly exciting prospect. If you look at what is a reasonable expectation for the outcome of that planning effort it's going to be a mixed use. There's going to be interesting residences, there's going to be some retail, there may be a small boutique

movie theater, presumably there will be a restaurant or two, and it's going to be an extension of what we know has become downtown Pleasanton and I think that's a reasonable expectation.

And so as a result, I support allowing the applicant to deviate from the office requirement because it isn't reasonable, therefore, and I'm agreeing, to hold this applicant accountable to decisions made in a completely different context because we're making decisions for the next 30, 40, 50 years not based upon criteria or circumstance of the past. So, if it's a reasonable expectation that the civic center site is going to become this new vital mixed use area, then the question becomes what's appropriate for right across the street? It strikes me as what's appropriate across the street is what the applicant is proposing or something very similar. So it turns it seems to me on the issue of what happens with this secondary building: Residence 1. To me, that's where if I were the applicant wanting guidance from the Planning Commission, I'd be asking, okay, let's just really focus on what we think about Residence 1. And on that point, I would ask the applicant and architect to put some creativity into what might be done with that building to both re-orient it more towards the street and also potentially use part of the first floor for mixed use and if it isn't feasible or if it somehow doesn't work in the context of what the applicant is attempting to do, I would vote for the project as presented..

Commissioner Brown: So, to me this is a cornerstone property in that I think all of the properties around are looking at this project and we are setting a precedent. My only concern is that we're getting ahead of the Specific Plan update. The specific planning process would take into account what should we do with the O space, and so the conservative approach would be staff's which is in the spirit of the O you could look at changing Residence 1 into mixed use which I think we all agree that there's probably not the demand there for office, so if you make it office/retail, you're more flexible and you're setting yourself up for whatever is the outcome of that Specific Plan redesign.

In summary, what I would say is if you're not willing to wait for the Specific Plan redesign, if you approve the project as it is, you're essentially setting a precedent and you're essentially pre-dating that Specific Plan redesign. My advice would be to wait for the Specific Plan, and one of my questions is what the timeline is for that in terms of whether that's fair or not. And if you're not willing to wait, my recommendation would be to David's point, put some architect time into considering making that other building more flexible.

In terms of the project itself, the look of the building, what it looks like now, it is miles ahead. I love the project, I love the architecture, love the mixed use, but that would be my advice.

Commissioner O'Connor: What's the timeline on the Specific Plan?

Beaudin: We're going to start this summer and it's a 12-24 month process, depending on our public outreach and scope of work that we felt for the effort.

Chair Ritter: The job of the Planning Commission is to do it in the spirit of what the need is at the time when applicants come forward, right? We have deviated from Specific Plans or General Plan amendments before, haven't we?

Weinstein: Yes, there have been General Plan Amendments and Specific Plan Amendments, including one from Mike Carey's project up on St. Mary and Peters. I'd probably characterize it a bit differently. It seems like the first priority should be staying true to the planning documents that we have, with amendments being allowed if there are extraordinary circumstances or there's a clear gap or missing tooth in the Specific Plan or General Plan.

Chair Ritter: All right. *(D) Does the Planning Commission support parking facilities that are shared by the office/retail space and upper apartment units?*

Commissioner Brown: Yes.

Commissioner Nagler: But what do you think about the number?

Commissioner Balch: Oh well, that's the next question.

Commissioner Brown: He's giving me only one word questions.

Chair Ritter: Are they shared by the office/retail and upper unit apartments?

Commissioner Nagler: It sort of doesn't matter what the principle is. The question is how many spaces do you need for all the use, right? And what's the right way to get to the number of spaces whether you define it as melding the two or not, it sort of doesn't matter to me.

Commissioner Balch: I would agree with Commissioner Nagler. It's an interesting way the question was put because I think by the nature of it, they are going to be shared. They're in the same building and they're accessing call it mixed use building 1. I don't have a problem with it. I don't think it has to be designated similar to the Knuppe project where I believe there was a handicapped stall that could be used for anyone, even though it would say resident only. Now that I think about it, we did have that in at the end, right? So I don't have a problem with it.

Chair Ritter: Yes.

Commissioner O'Connor: Yes.

Commissioner Allen: I'm torn on this and the reason I'm torn is for this specific project on this site with a 300-square-foot apartment building I think one car is fine. I always worry about precedent. The Knuppe project we did not allow sharing. We absolutely did not and so I always worry when we start bending rules because of the issue of precedent. So to the degree that we did agree to this, I think we should be very, very clear in the staff report and everything else about why we are doing it so that it doesn't set a precedent just to be done loosely everywhere else. I worry about that.

Chair Ritter: *(E) If not, would the Planning Commission support having the applicant/developer pay in-lieu fees or would the Planning Commission prefer that the parking requirements be met on-site?*

Commissioner Allen: Well, again I said I would be open to that for this so then the in-lieu fee would be okay or maybe even not required.

Commissioner O'Connor: They're not required.

Commissioner Allen: The last thing I want to mention about this parking is that I'd like to see it be a little bit of a trade-off. If we're giving on the parking, then I think we ought to get to something closer to that second building; the residence on Old Bernal being office/retail because that will create more office/retail parking. Then I'm willing to give up some of this as a trade-off to that benefit. I'm willing to give up some of the residential studio parking, so to me it's a little bit of a give and take that makes me feel better about that decision.

Commissioner O'Connor: So I always like to see the parking met on site as opposed to in-lieu. If we're getting something different I could see a variation if we're actually getting something extra. I'd rather it be met on site. That of course brings up what's required and say this whole Office designation is changing some of what would otherwise be required for studio.

Chair Ritter: I tend to agree with Commissioner Allen and O'Connor that I'm not in favor of in-lieu fees but I'm in favor of working the site to make it make sense for the parking requirements.

Commissioner Balch: Same here; on-site is definitely better and the number's obviously the driver, but I'd prefer it better than in-lieu.

Commissioner Nagler: I completely agree with that because I don't think in-lieu fees give us much bang for the dollar. As far as the actual number, I'm not sure why we wouldn't use the apartment requirement number of one and maximize the number of parking spaces we can get for the mixed use/retail portion, and if it turns out to be six and six, I don't know that that's the wrong number. But I would start with the application of the apartment requirement.

Commissioner Brown: So I think it's unlikely that Pleasanton's going to adopt the New York style of stacking cars on top of each other. Given that, I agree with the other comments in terms where I think an apartment ratio is fine.

Chair Ritter: Great.

Commissioner Balch: Can I just mention something? I do want to acknowledge that I personally foresee that we've created a balancing act between this second building, Residence 1, what is it going to be, if it is going to change or not, the parking need for it plus the fact that what we have done is, it's not like we're getting a seventh spot on the lot right now. So if we have two in-garage parking spots for Residence 1 in their garage right now and if we refigure that in some manner and now we have an office that has a 3:1 or some other ratio and we need three more spots, we're not getting three more spots. The only way you get out of an in-lieu fee then—and I'm not proposing it—but the only way is to say the residence is a mixed use building which only requires 1:1 and therefore there's enough on site. Therefore, you're virtually back to this same question of possibly three or possibly more in-lieu being asked. So I want to acknowledge it. I don't think we have the answer.

Commissioner O'Connor: Well, certainly if we do a second mixed use building where the requirements change and now you have a problem with parking.

Commissioner Balch: The reason I mention it is because I've talked with applicants that have done workshop and then walked away and we've said something and then we've said something later and it is completely contradictory to what we said before. I'm just saying, I remember we've said, or at least a few of us said, this Residence 1 possibly having a different use on the ground floor does create the parking issue that we're talking about now and I acknowledge it and I just want to say we know we're contradicting...I know I'm contradicting myself.

Chair Ritter: Good point, until we know the plan.

Commissioner Balch: Until we know the final plan.

Commissioner Allen: May I ask just a follow-up to Commissioner Balch's question that I think would be helpful for us to clarify. So to your point, if we do create the Old Bernal building, we're creating an additional gap we know of three more commercial/retail spots, right?

Commissioner Balch: Well, that's where my question came up because if you have a mixed use, two per residence, and it all depends on how they would redesign Residence 1...

Commissioner Nagler: It's one space per 300 square feet so it depends on how many square feet we're talking about.

Commissioner O'Connor: But how many units go upstairs?

Commissioner Allen: Let's just pretend it's duplicated and it creates more parking demand, and this also prompts the question of guest parking because there's now going to be six potential studios. So it does prompt the question to us then of should we ask the developer to therefore consider changing the footprint of the other two residences such that they can meet the parking requirement while still allowing one car per studio. And my answer to that is yes, I think we should at least have a proposal to show how they would meet the commercial aspect as well as our give of one resident car per studio.

Commissioner Balch: I'm actually going to go to where Commissioner Nagler said earlier. Personally I would not redesign. I think the exercise, and that's why I say I only toss my hat in a little bit because for me to get Residence 1 converted to mixed use in any manner, it can be an exercise that can be had on the back of a cocktail napkin, but if it gets to where it's infeasible.....I'm out and I'm back to the original project that was proposed.

Commissioner Nagler: Me too. And also Commissioner Allen, you said something that went way beyond at least what I was suggesting which is, if by chance there is mixed use created in Residence 1 that by implication the rest of the building would be studio apartments and I don't know if that's true. Just to be clear about what we're saying. It could be a residence. It could be a live/work.

Commissioner Allen: Right.

Chair Ritter: I think we have some really good conversations for the staff and applicant on this. Did you get enough on that bullet?

Beaudin: Can I just ask a clarifying question. So, on page A-4 in your plans; if you look at the lower floor plan in the top right corner of that page.

Amos: Just to clarify, there's two exhibits—Exhibit B and Exhibit B-1. I think Gerry is referring to Exhibit B.

Beaudin: Okay, I'm going to talk a little bit more about what staff had in mind when we talked about live/work or at least some commercial/office space fronting Old Bernal. So this building—what you're seeing as the large square on that; this is the floor plan in the upper right corner. It's the lower floor plan. You can see that the garage is dimensioned here at 434 square feet. That's the largest box in the floor plan. The smaller box in the front is what would be the room that faces the street and that's the space I was contemplating as a live/work office space that would front Bernal. You would still come in the home from the driveway or paseo proposed between the existing development on the new site. If you look at the amount of square footage that would be dedicated to this office space, it's almost a home office kind of environment and the garage is 434 square feet, so this is going to be a lot less than 300 square feet, which would kick to the one parking space.

If we use the plan that's in front of us tonight, we're probably talking about one additional space. If you think about the context of this environment and the kind of office user that might be here, you may or may not want to consider an additional parking space requirement for something like this. The idea wasn't to try and get the entire ground floor in this particular site plan to work as office. It was still going to be an entrance to a home, maybe a bathroom or some other kind of space on the ground floor and then stairs leading to the living space.

Commissioner Balch: So I apologize because I grabbed onto that thinking that you would have the exterior architecture change to almost match your mixed use on the corner because you had talked about it.

Beaudin: And I think that was the direction staff was going with; more of a commercial presence at least at the street level, so maybe there are some different windows for that office space for example. Maybe there's room to hang a shingle for a stay at home office space, so you could make it look and feel a little more oriented to the street, a little more like an office but still on the back side be a residential unit.

Commissioner Balch: I think I'm still aligned with the initial comment. I like that idea but I wasn't necessarily supportive of the redesigned mixed use repeated on Residence 1 site because of the parking and other challenges.

Commissioner O'Connor: I don't think I would be supportive of the home office concept because I don't think we're there. I think we're creating something that isn't going to be very viable for the developer. I think I would want to leave it as presented.

Chair Ritter: I kind of agree too.

Commissioner Balch: I can go that way.

Chair Ritter: Okay, this is a good workshop. *F) Are the proposed building designs, area, massing, number of stories, heights, and colors and materials acceptable and compatible with the Downtown and surrounding area?*

Amos: Before the Commission goes into this question just in case, I would look at Exhibit B-1 for the elevation drawings. They're better than what is proposed as Exhibit B and there are some minor changes in that the standing seam metal roof is proposed on the lower gables of the residential units. So before you dive into this question, I would suggest you look at B-1 for reference.

Commissioner Nagler: And the siding has been changed too.

Amos: Yes; they're using the horizontal and vertical siding and the standing seam metal roof on the residence.

Commissioner Nagler: In response to staff's comments, right?

Amos: Yes.

Commissioner Allen: Do you have anything you could put on the screen on this one?

Amos: The elevation drawings in the staff report or the presentation reflect B-1. So if you want to start with any particular building, what's presented in the presentation is what is reflective of B-1.

Chair Ritter: Any thoughts on the massing?

Commissioner Nagler: The massing is fine. The height is 30 feet. I'm fine with it being three stories mostly because the square footage of the upper floor is so much less square footage than on the ground floor so it doesn't, to me, having a massing challenge. And I think that the architecture is terrific; that it's pushing us in the downtown area to go beyond what is currently sort of our comfort zone but within the same general parameters of form or whatever you call it, but the point is, I think the architecture is great and I would hope that the applicant is not pushed further to make it less interesting.

Commissioner Balch: I'm actually the same. The design I think is excellent. Massing, I have no problems with it. I think they've done a great job with addressing that. I think the number of stories works here in a practical sense as well as in the fact that it is a mezzanine level that creates a unique space for, call them micro-units, right? So I think it's really a top-notch design. I really like it, so I'm fine all the way.

Chair Ritter: I agree. Tim Ward, the architect did the Starbucks and he understands our downtown. You studied that I remember pretty hard, so I kind of agree with the other commissioners.

Commissioner O'Connor: So former Commissioner Phil Blank would have a problem with the "Pleasanton look" but I like it. I like it. I believe David's right. You're pushing us a bit into some

of the older farm style look and it's a little different and I like it. I like the roofing that goes along with the siding of the homes. I don't have a problem at all with the design.

Commissioner Allen: I like the design too. The only little thing—this is a nice-to-have but it's not a requirement would be, is there a little bit more we could do at the south elevation of the mixed use building to make it feel just a little more retail/business? That would be the only thing. I think it's gone a long ways, but is there anything else we could do just to enhance it a tiny bit more?

Commissioner Brown: Being a man of few words tonight, regarding the design, I think it's a good one.

Chair Ritter: All right, we're onto the last item. *G.)What other information would assist the Planning Commission in its decision on the proposal?*

Commissioner O'Connor: I just wish we knew what was going to be going on the civic center site, which would help a lot, but other than that, I don't have anything.

Commissioner Allen: Nothing to add.

Commissioner Brown: May I ask one question of staff? Outside of the Specific Plan redesign which you said would start in the summer and take 12-24 months, my overriding concern is not with the project as it is. I like the project and notwithstanding discussion about possibly the other residence as an option there. What I really would like to see is resolution of O space on this part of the City and the fact that it's mostly residential today. Is there any option to resolve that and take into account the properties together and establish what that should be as guidance in approving this? Because if we were to approve it the way it is right now which like I said is a good design, I think it's going to create a domino for the neighboring properties and that's the number one concern I have, not the project itself.

Beaudin: There's always an option to take on a rezoning effort on a smaller scale. The City Council work plan is really the right place to address policy changes that aren't project-specific. What Council did when they put the Downtown Specific Plan on the work plan is they really prioritized this. As Adam mentioned, when we were getting going, it is in the top five concerns that people have about the downtown and the dysfunction relative to the lack of performance for the Office district. So the short answer to your question is, it's not an effort that we would undertake without that Council direction and in light of the fact that we're going to start in a couple of months, we wouldn't necessarily get through an Office review or rezone effort any faster at this time. It would still take us the time to do the necessary environmental review, public consultation, and so it's pretty much going to happen as part of that Downtown Specific Plan at this stage. And, if other people come forward in the meantime, then we'll be using some of the discussion that we've had here tonight, but we're also being really mindful of the fact that this is a really interesting opportunity site here at the civic center and we want to make sure that anything that happens is going to be as attractive and as exciting as what the applicant has shown us tonight.

Commissioner Brown: Okay, fair, thank you.

Weinstein: If I could just add to that really quickly too, I think it also makes sense to tackle the district as part of the Downtown Specific Plan because the downtown is really a complete organism. Its districts sort of work in conjunction with each other and it's possible as well that there might be tweaks to the Central-Commercial district as well and that could also affect how we treat the Office district, so it seems to make sense to do everything together just to make sure that the land uses are compatible and sort of work off each other.

Commissioner Brown: My preference was that it be addressed as part of the Downtown Specific Plan. In fairness to the applicant, I wanted to ask the question in terms of are the timelines coincidental, which you explained they are. So if the recommendation was to wait until the Downtown Specific Plan, then that's the time I'm looking at versus approving this as a one-off, knowing that it may trigger additional properties that would potentially have to be resolved before that Specific Plan came about. Thank you.

Commissioner Nagler: So there's nothing else specifically other than responses that we came up with today other than the big question that's unanswered.

Commissioner Balch: For me, maybe it would just be for staff is how we would handle this Residence 1 as Gerry put forth a very good plan to do it, and I don't want my comments tonight to give it more weight to go that route, but I think that's got to be addressed.

Chair Ritter: Okay, the only other thing I would like to see is that they do analysis of office/commercial; a projection like a normal real estate analysis that is probably out there already just in case there's any proposal so we know what the current and future needs are based on the market studies they've done for office, residential, and retail in Pleasanton. Can they do that for a segment of the town?

Commissioner Brown: The PDA does it.

Beaudin: And we also have the civic center task force analysis which is across the street. We can make sure that it gets around to the commission.

Chair Ritter: But even when the proposal comes, just have that be part of the analysis so we can understand why we might have to change it based on market needs of our residents. Okay, we're good? Okay, staff, did you get enough feedback?

Amos: Yes, thank you.

Commissioner Balch: Are we at least more consistent for staff now? Are we a more unified message?

Amos: I can say yes.
No action was taken.

PUD-118
RECEIVED

MAR 23 2016

CITY OF PLEASANTON
PLANNING DIVISION

P A S T
CONSULTANTS LLC

Seth A. Bergstein
415.515.6224
seth@pastconsultants.com

January 26, 2016

Mike Carey
Investment Real Estate Company
327 St. Mary Street
Pleasanton, CA 94566

Re: Historic Resource Evaluation for 4791 Augustine St., Pleasanton, CA
APN. 094-0155-000

Dear Mr. Carey:

This letter states the findings of historic significance, based on our research and conditions assessment of the commercial building located at 4791 Augustine Street, in Pleasanton, California. PAST Consultants, LLC (PAST) attended a site visit to the subject property on January 20, 2016 to photograph the building and assess its existing condition. Research in local repositories was conducted in January 2016 to determine the historic significance of the building on the subject property.

Summary of Findings

The property at 4791 Augustine Street, Pleasanton, California is not historically significant under National Register (NR) Criteria or California Register (CR) Criteria. The property site is not the location of a significant event in national, State of California or City of Pleasanton history (NR Criterion A/CR Criterion 1). The property changed ownership on a regular basis throughout the historic period (circa-1895 to 1966). The longest occupancy of the property was by the Zaro family (1926 - 1997), who owned the Americo C. Zaro Gravel Company near Pleasanton. While the family worked in the Pleasanton area, they were not significant persons in national, State of California, or City of Pleasanton history (NR Criterion B/CR Criterion 2). The circa-1895 residence on the property was constructed in a Vernacular Queen Anne Style that has been highly modified and is in very poor condition. The circa-1895 residence on the subject property is not designed by a master architect. Because of substantial additions to the front, right side and rear elevations, the building has been highly altered and has lost most of its historic integrity. For these reasons, the residence is no longer a distinctive example of a type, period, or method of construction (NR Criterion C/CR Criterion 3).

PAST Consultants, LLC Qualifications

Founded in 2004, PAST Consultants, LLC (PAST) is a historic preservation consulting firm specializing in preservation planning, documentation, and conservation for historic and cultural resources. The California Department of General Services has certified PAST as both a Small Business and a Microbusiness. PAST's clients include the State of California, public agencies, architectural and engineering firms, museums, nonprofit organizations, preservation advocates and private property owners. PAST is represented on the California Historical Resources Information System (CHRIS) list of qualified historic consultants sponsored by the California Office of Historic Preservation.

Principal Seth A. Bergstein meets the *Secretary of the Interior's Professional Qualifications Standards in Architectural History and History*. Mr. Bergstein has documented, analyzed and written about numerous building types including, residences, commercial buildings, agricultural properties, military buildings and housing, bridges, lighthouses, adobe buildings, train depots, hotels, industrial buildings, and other structures. Mr. Bergstein has written articles on historic contexts and the preparation of historic context statements, spoken at preservation conferences, led architectural tours and has been continuously involved with the statewide nonprofit California Preservation Foundation (CPF).

Project Methodology

Principal Seth A. Bergstein attended a site visit to the subject property on January 20, 2016, in which the property was photographed and surveyed to determine the existing condition of the building's remaining historic character-defining features and presence or absence of historic integrity. A records search was conducted in December 2015 and January 2016 at the City of Pleasanton's Planning and Building departments. The records search did not reveal any architect's drawings, nor did it reveal any permits that would date the various changes to the building. Based on the conditions assessment, it appears that the circa-1895 building has undergone changes to the front elevation, with the addition of a full-width front porch; and additions to the rear and right side elevations.

Research for the project was conducted in January 2016 and included historic documents, genealogy research, clippings files, city directories and Sanborn maps located at the Museum on Main and the Pleasanton Public Library, in Pleasanton, California.

Project Location

The subject property contains two lots (Lot 94 and Lot 95) located at the corner of Old Bernal Avenue and Augustine Street, as shown below on the location map (**Figure 1**).

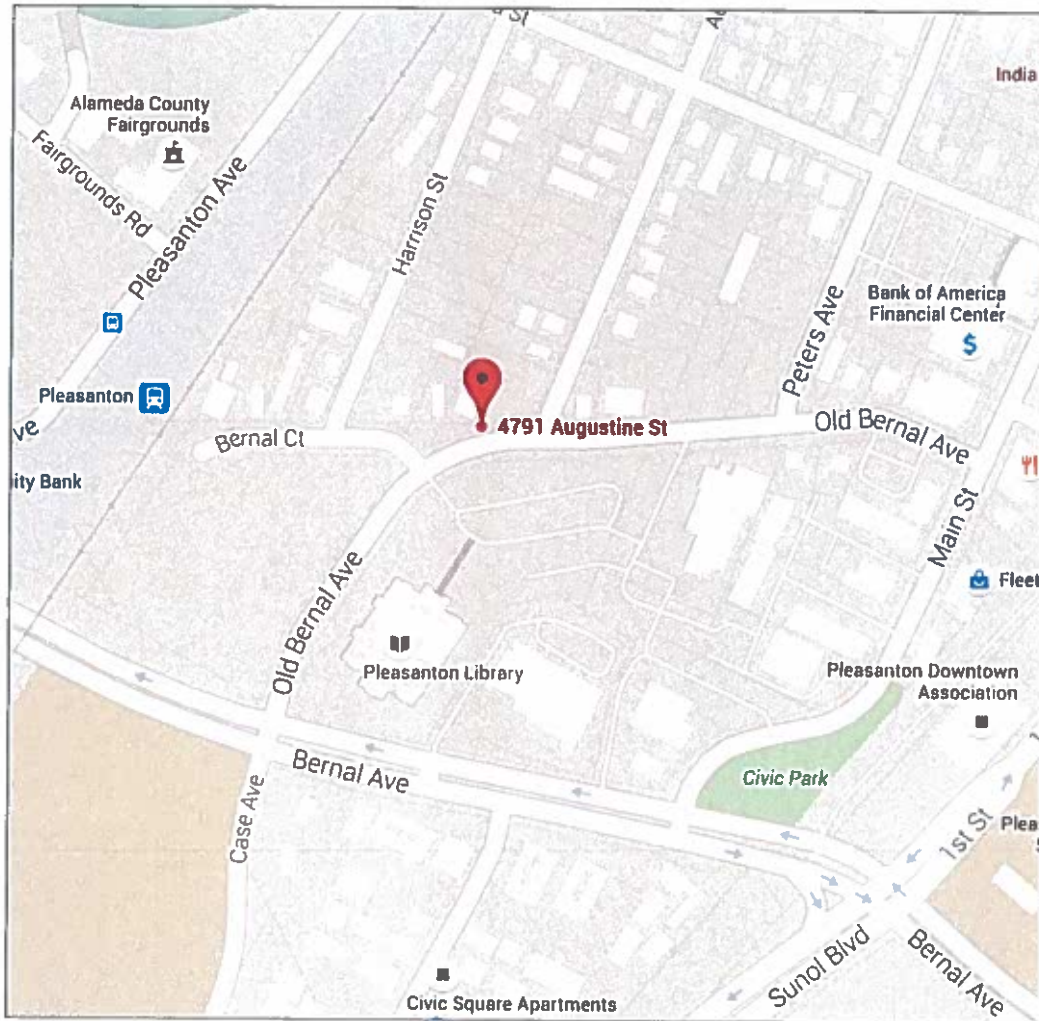


Figure 1. Project location map (Courtesy: Google Maps)

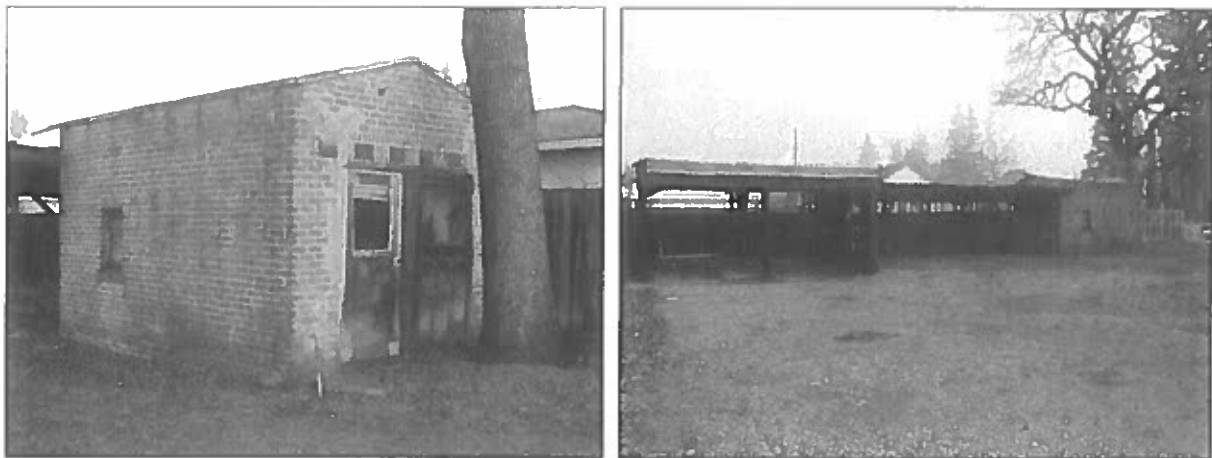
4791 Augustine Street: Property Description

The property includes a residence (circa-1895) constructed in the Vernacular Queen Anne Style, a small brick outbuilding and a wood-framed carport structure. The site occupies two lots (Lots 94 and 95) at the intersection of Old Bernal Avenue and Augustine Street (**Figure 1 – previous page**). The original residence has a gable roof, wood sash windows, Novelty wood siding, and a single brick chimney (**Figures 2 and 3**). Alterations to the residence include a full-width front porch with a shed roof added (circa-1950s) to the front elevation; and a large, shed-roofed rear addition (circa-1940s) in poor condition (**Figure 3**).



Figures 2 and 3. Left image shows the front and left side elevations of the residence. Right image shows the residence's rear elevation, with a poorly built and full-width rear addition.

Two structures are present on the site. A small brick storage shed occupies the northeast property corner (**Figure 4**), and a wood-framed carport structure adjacent to the brick shed on the north property line (**Figure 5**).



Figures 4 and 5. Left image shows the brick storage shed. Right image shows the carport structure located adjacent to the brick storage shed.

4791 Augustine Street: Property Alterations

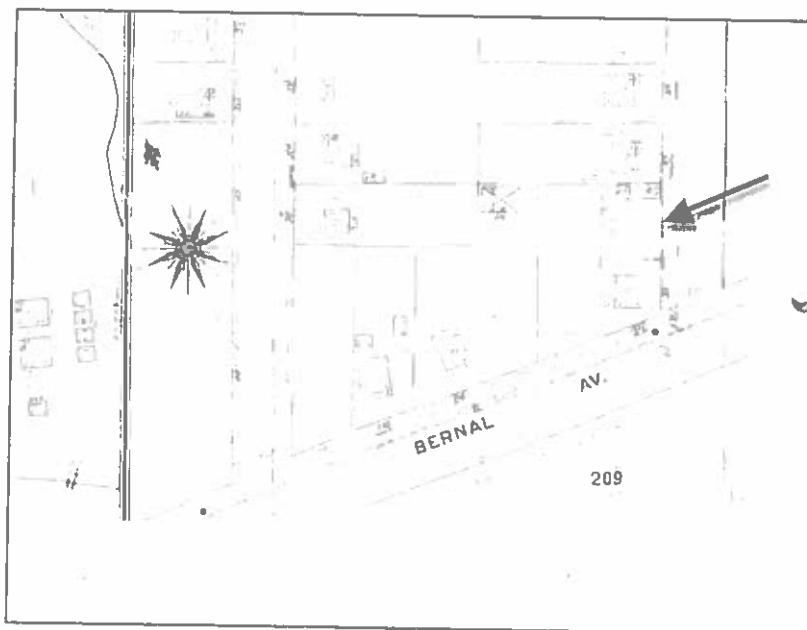
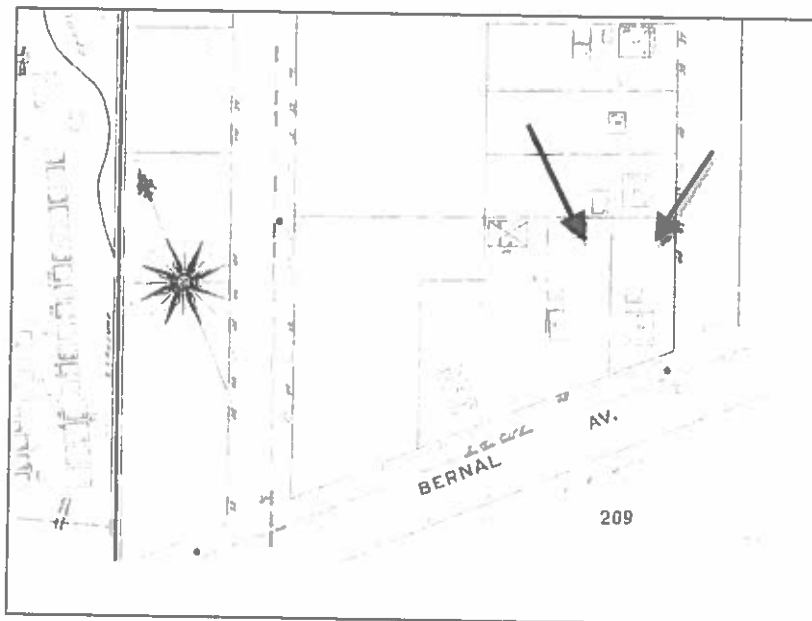
The circa-1895 residence has undergone substantial alterations. With no permits to date the various additions, the dates given below are approximate and are based on the fabric evidence found on the building. The primary addition is a full-width porch placed onto the residence's front elevation (Figure 6). The porch has a shed roof, squared columns and a tinted concrete porch slab, which is pulling away from the building. Based on the porch's construction materials, it appears that the porch was installed in the 1950s. A substantial shed roofed addition was placed onto the rear elevation at an unknown date (Figure 3 – previous page). The addition is poorly constructed and uses construction materials dating to the 1940s. Lastly, a small gable-roofed addition was added to the right side elevation of the residence (Figure 7).



Figures 6 and 7. Left image shows the full width, front porch addition. Note the change in roof pitch that indicates where the porch's shed roof was connected to the main house roof (arrow). Right image shows the right side elevation, with an addition to the right side elevation shown with an arrow.

4791 Augustine Street: Property History

The below Sanborn Map images show the block containing the subject parcel in 1907 and 1943.



Figures 8 and 9. Top image shows the 1907 Sanborn Map with the two lots and the residence shown with arrows. Bottom image shows the same block from the 1907, updated-1943 map. Note the removal of all buildings on the left hand lot (Lot 94) and the orientation of outbuildings on the right hand lot (Lot 95 - arrow).

Originally part of the Nevis Tract, the property was subdivided into residential lots prior to construction of the circa-1895 residence. Presently the subject property encompasses two lots: Lot 94 (empty), facing Old Bernal Avenue; and the adjacent Lot 95 at the corner of Old Bernal Avenue and Augustine Street, which contains the subject residence and outbuildings.

Based on a review of the Sanborn maps from 1907 and 1943 (updated from 1907), the two subject lots – lots 94 and 95 – contained residences and outbuildings constructed by 1907 (**Figure 8 – previous page**). By 1943 when the Sanborn maps were updated, the residence and outbuilding shown on lot 94 have been removed and the lot was empty at this time. The subject residence is shown on Lot 95 (**Figure 9 – previous page**), with the shed-roofed rear addition installed on the building. The three accessory buildings are in slightly different configurations than as exists presently, indicating that they were either demolished or moved near to the north property line.

The property was passed onto Augustine Bernal (descendent of Joseph and Juana Nevis) in 1902, who passed the property to Philip Kolb almost immediately in 1903. The property changed ownership continuously each year until being purchased by Giacomo Zaro in 1926. The property remained in the possession of descendants of the Zaro family until 1997. Based on an examination of local records and city directories it appears that the Zaro children – Americo and Grace Zaro, lived in the house in the 1940s. The Zaro family is the only residents to have occupied the subject residence for a significant period of time. The family owned and operated Americo Zaro Gravel Company in the Pleasanton area and likely rented the residence at 4791 Augustine Street to company workers.

4791 Augustine Street: Historic Resource Evaluation

The following evaluates the subject building for eligibility under the National Register of Historic Places and the California Register of Historical Resources.

National Register of Historic Places Evaluation:

The National Register Criteria appear below, with an evaluation of the subject property:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

The subject property is not eligible under this criterion because it is not associated with any events that have made a significant contribution to national, State of California, or City of Pleasanton history. While the subject building was constructed during the City of Pleasanton's post-railroad expansion, this event is not significant enough to qualify the subject property under Criterion A.

B. That are associated with the lives of persons significant in our past; or

The subject property contained a continuously changing list of occupants, none of whom owned or lived in the residence for more than one year. The exception is the Zaro family, who owned the property from 1926 to 1997. The Zaro family owned and operated the Americo Zaro Gravel Company. However, none of the Zaro family or descendants have proven to be significant in national, State of California, or City of Pleasanton history. The property is not eligible under this Criterion.

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
The subject residence is a highly altered, Vernacular building that has suffered from additions to all primary elevations. Because of the full-width front porch addition, the poorly constructed rear addition, and the right side addition, the subject residence is no longer a distinctive type, period, or method of construction, as a Vernacular Queen Anne-style residence and has lost substantial historic integrity. The architect for the building is not known; however, the building clearly is not the work of a master architect. For these reasons, the building is not eligible under this Criterion.

D. That have yielded, or may be likely to yield, information important in prehistory or history.
The property does not contain any archaeological sites, or other site characteristics that would potentially yield information important to prehistory or history.

California Register of Historical Resources Evaluation:

The California Register Criteria appear below, with an evaluation of the subject property:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

The subject property is not eligible under this criterion because it is not associated with any events that have made a significant contribution to State of California, or City of Pleasanton history. While the subject building was constructed during the City of Pleasanton's post-railroad expansion, this event is not significant enough to qualify the subject property under Criterion 1.

2. Is associated with the lives of persons important in our past.

The subject property contained a continuously changing list of occupants, none of whom owned or lived in the residence for more than one year. The exception is the Zaro family, who owned the property from 1926 to 1997. The Zaro family owned and operated the Americo Zaro Gravel Company. However, none of Zaro family or descendants have proven to be significant in State of California, or City of Pleasanton history. The property is not eligible under this Criterion.

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

The subject residence is a highly altered, Vernacular building that has suffered from additions to all primary elevations. Because of the full-width front porch addition, the poorly constructed rear addition, and the right side addition, the subject residence is no longer a distinctive type, period, or method of construction, as a Vernacular Queen Anne-style residence and has lost substantial historic integrity. The architect for the building is not known; however, the building clearly is not the work of a master architect. For these reasons, the building is not eligible under this Criterion.

4. Has yielded, or may be likely to yield, information important in prehistory or history.

The property does not contain any archaeological sites, or other site characteristics that would potentially yield information important to prehistory or history.

Historic Integrity

The building has undergone substantial additions and alterations impacting its historic integrity. An evaluation of the seven aspects of integrity appears below:

- **Location.** The residence remains in its original location on the site and has integrity of location.
- **Setting.** The residence is in its original setting among residences on the western edge of downtown Pleasanton. New construction in the vicinity, including the City of Pleasanton's administrative buildings, have altered the property's original setting somewhat. But, the building retains integrity of setting.
- **Design.** The building has lost nearly all integrity of original design as a Vernacular Queen Ann-style residence due to the front porch addition, rear addition and right side addition. The residence no longer retains integrity of design.
- **Materials.** The residence retains minimal integrity of materials because of the poorly constructed additions to its primary elevations.
- **Workmanship.** The building retains minimal integrity of workmanship, given the alterations made to the Vernacular residence that have obscured the original design.
- **Feeling.** The building retains minimal integrity of feeling as a Vernacular residence because of the building modifications.
- **Association.** The building retains minimal integrity of association as a Vernacular residence because of the building modifications.

Conclusion

In conclusion, the property at 4791 Augustine Street is not eligible for individual listing on the National Register of Historic Places or California Register of Historical Resources because it does not have any associations with significant events or significant persons. The substantial alterations to the residence have removed considerable historic integrity from the residence making the property ineligible for inclusion on either the National or California registers as a distinctive example of a type, method or period of construction.

Please contact me if you have any questions about this evaluation.

Sincerely,



Seth A. Bergstein, Principal

cc: City of Pleasanton Planning Department

P A S T
CONSULTANTS LLC

Seth A. Bergstein
415.515.6224
seth@pastconsultants.com

May 2, 2016

Mike Carey
Investment Real Estate Company
327 St. Mary Street
Pleasanton, CA 94566

Re: Supplemental Letter for 4791 Augustine St., Pleasanton, CA
APN. 094-0155-000

Dear Mr. Carey:

This supplemental letter addresses questions from the City of Pleasanton Planning Department regarding the Historic Resource Evaluation (HRE) submitted by me, as Principal of PAST Consultants, LLC (PAST), on January 26, 2016. Based on conversations with you, two questions have arisen about the evaluation: 1. Have the changes made to the circa-1895 residence achieved historic significance, as they appear to be more than 50 years old; and 2. Is the brick storage structure historically significant individually, as it appears to be over 50 years old?

First, as described in the January 26, 2016 HRE, the circa-1895 residence has received a full-width front porch addition, a full-width rear addition and a gable-roofed addition to the right side elevation. While no permits exist to date the additions, the rear shed-roofed addition appears on the 1943 Sanborn map. The front porch addition was dated based on the age and type of porch construction materials to the 1940s – 1950s. While these additions are more than 50 years of age, they have obscured and removed much of the earlier fabric of the circa-1895 residence for purposes of constructing the additions. The additions have removed the historic integrity of design, materials, workmanship, feeling and association from the circa-1895 building and it no longer can communicate its historic significance under National Register Criterion C (California Register Criterion 3) as a Vernacular Queen Anne-style residence. While the additions are likely more than 50 years old, they would not qualify as outstanding examples of design, materials or construction method under National Register Criterion C (California Register Criterion 3). The additions do not have historic significance.

Regarding the brick outbuilding on the subject property, the structure was likely constructed as an equipment storage building. As stated in the HRE, the property housed family members and workers for the Americo Zaro Gravel Company in the 1940s and 1950s. The associates of the Zaro Gravel Company likely used the brick structure for equipment storage for their gravel business; and

P.O. Box 721
Pacific Grove, CA 93950
www.pastconsultants.com

the open wood-framed structure for large vehicle storage. Since no associative historic significance has been found for the Zaro family under National Register Criteria A and B (California Register Criteria 1 and 2), the brick storage building is not significant under these criteria. As an individual building, the brick storage building is not a distinctive or an outstanding example of design, use of materials or construction method. This building is not individually eligible under National Register Criterion C (California Register Criterion 3).

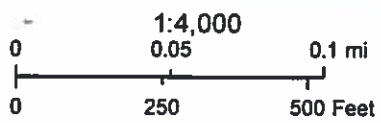
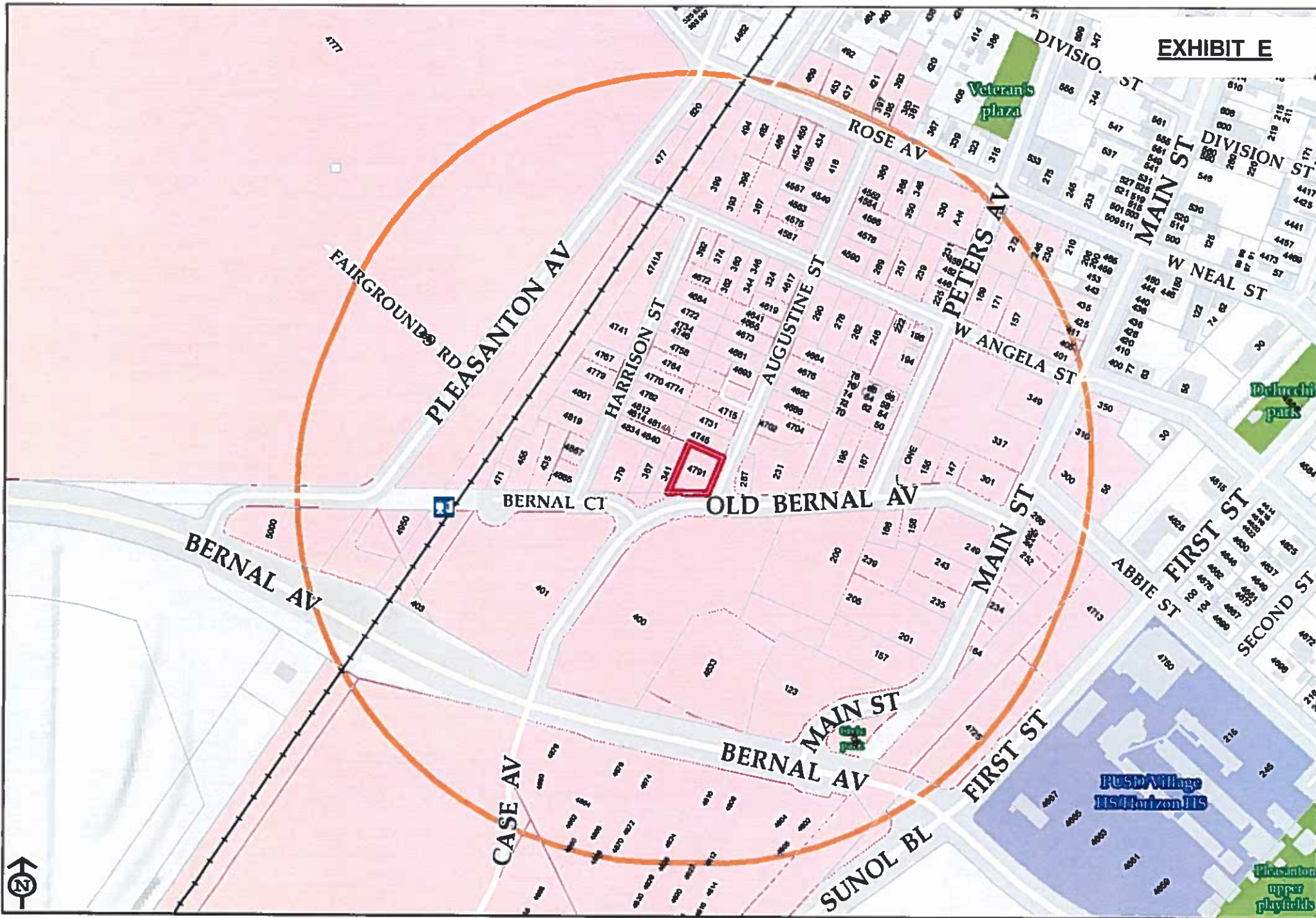
Please contact me if you have any questions about this supplemental letter.

Sincerely,

A handwritten signature in cursive script that reads "Seth Bergstein".

Seth A. Bergstein, Principal

cc: City of Pleasanton Planning Department



PUD-118, 4791 Augustine Street, Mike Carey