

**EXHIBIT A
RECOMMENDED CONDITIONS OF APPROVAL**

**PUD-103
Summerhill Apartment Communities
February 26, 2014**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The permitted uses for the Planned Unit Development – Mixed Use (PUD-MU) zoned portion of the property shall include multi-family residential and a leasing office for the apartment complex.
2. The PUD development plan shall expire two years from the effective date of this ordinance or later as approved by a development agreement unless a building permit is issued and construction has commenced and is diligently pursued. In the event of a conflict between any of these PUD conditions of approval and a development agreement for the project, the terms and conditions of the project development agreement shall govern.
3. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits or as provided for in a development agreement. The type and amount of the fees shall be those in effect at the time the permit is issued unless otherwise provided in a development agreement covering the project.
4. Prior to issuance of a building permit, the applicant/developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters, applicable to the portion or phase of the project covered by the permit. Additionally, the developer shall pay any applicable Dublin-San Ramon Services District (DSRSD) sewer permit fee.
5. Prior to issuance of a building permit, the applicant/developer shall pay the applicable City and Tri-Valley regional traffic impact fees for the project as determined by the City Traffic Engineer, or as identified in a project development agreement.
6. The applicant/developer shall pay the applicable in-lieu park dedication fees.
7. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to the recordation of a Final Map, issuance of a grading permit, issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant/developer 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/developer may need to offset the project's water demand.

8. The terms for the affordable housing proposed by applicant shall be reviewed by the Housing Commission which shall make a recommendation to the City Council whether to accept, reject, or modify the terms. As a condition of approval, the City Council may require that terms of affordability be included in an Affordable Housing Agreement.
9. The project shall meet all requirements of the City's Growth Management Ordinance, as described in a Growth Management Agreement for the project and the project Development Agreement.
10. The parking/storing of boats, campers, recreational vehicles, and/or trailers on site or in any parking space (i.e., carport, garage, or uncovered space) shall be prohibited. The garages shall not be modified or used for storage in a manner that would interfere with the ability to park cars within the garage. In addition, the storage of materials in the carports or uncovered parking spaces shall be prohibited. The applicant/property manager shall be responsible for enforcing these restrictions, which shall be stated clearly in all leases.
11. All parking spaces shall be striped. Wheel stops shall be provided for the surface parking spaces unless the spaces are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
12. The apartment windows shall be "punched" in from the exterior building wall or defined by well-designed trims subject to the satisfaction of the Director of Community Development. Window specifications and typical installation details shall be included with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
13. The carport locations along the westerly property line shall be mutually agreed by the applicant and the adjoining property owner to the west. The specific locations and design shall be shown on the plans submitted for issuance of building permit and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
14. The carport design shall be shown on the plans submitted for issuance of building permit and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
15. A low wall and landscaping shall be provided to help screen parking at the northwest corner of the site from view along West Las Positas Boulevard. This revision shall be included in plans submitted for building permit and is subject to

review and approval by the Director of Community Development prior to issuance of building permit.

16. Prior to issuance of a building or grading permit, the applicant/developer shall work with staff to incorporate all the applicable measures of the Climate Action Plan checklist. The incorporated measures are subject to the satisfaction of the Director of Community Development.
17. A total of seven (7) bike racks for public use shall be installed within the project, consistent with the Housing Site Development Standards and Design Guidelines requirements. The location and typical installation details of said bike racks shall be included 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.
18. The applicant/developer shall detail the above-ground balconies with framed-out arches. The detailing shall be noted on 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.
19. The applicant/developer shall use relatively smooth hand-troweled stucco finish, such as the Santa Barbara style texture to Building A and Building B. The stucco texture shall be noted on 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.
20. The applicant/developer shall install STC rated 30 windows and doors in all units that are located in Building A and Buildings along West Las Positas Boulevard. The applicant shall install STC rated 28 windows and doors in other locations. The STC rating for all windows and doors shall be noted on 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.
21. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
22. Prior to the issuance of building permit, the applicant shall provide the details of the stucco material and color to be applied to the block wall surface for review and approval by the Director of Community Development.
23. The developer and/or property management shall use reclaimed water for landscape irrigation when available. Details and/or plans shall be provided for review and approval by the Director of Community Development before use of the reclaimed water.

24. Prior to installation of any apartment project identification signs, a comprehensive sign program shall be submitted for review approval by the Director of Community Development.
25. Developer acknowledges and has demonstrated to the City that the affordable units provided for in the Affordable Housing Agreement are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code section 1954.50 and based upon the parties negotiating and entering into an Affordable Housing Agreement. Through this Affordable Housing Agreement and City's concurrent approval of Developer's project, Developer is receiving valuable consideration from City, namely the rights and entitlements conferred by such project approval and the Affordable Housing Agreement.
26. The applicant/developer shall provide garage door design and material details 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.
27. The outdoor dog wash station shall be relocated away from the southern portion of the site to near the recreation facility at Building B. The site plan submitted for plan check shall specifically indicate the location of the dog wash station and is subject to review and approval by the Director of Community Development.
28. The outdoor dog wash station shall be roofed and drain to the sanitary sewer system. The design of the dog wash station shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.
29. The applicant/developer shall not install hose bibs at the project site which could be used by residents to wash vehicles. Should the applicant/developer wish to have a designated area to wash vehicles on-site, the applicant/developer and/or responsible party shall submit improvement and design plans of the wash area to the Planning Division for review and approval prior to designating, constructing, and/or allowing vehicles to be washed on-site.
30. The project developer shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
31. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. The

project/building developer shall submit a final lighting plan including photometrics and drawings and/or manufacturer's specification sheets showing the size and types of light fixtures. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.

32. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
33. All trash and refuse shall be contained completely within the approved trash enclosures. Trash containers shall be stored within the trash enclosures at all times, except when being unloaded. The trash enclosures shall be sized to accommodate trash, recycling, and green waste containers. Elevation drawings and plan details, including color and material of the enclosures noted, shall be included in 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 building permit issuance.
34. The applicant and/or apartment management office shall use its best effort to coordinate garbage pickup route with Pleasanton Garbage Service so that pickup trucks would use the internal streets not alleys during pickups.
35. The final location of pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping to the satisfaction of the Director of Community Development. All transformers shall be shown on the plans submitted for issuance of building permits.
36. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structures.
37. All excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. Unless otherwise approved by the Director of Community Development, no stockpiling of dirt on this site shall occur.
38. Prior to the issuance of a grading or building permit, whichever is sooner, the project applicant/developer shall submit an air quality construction plan detailing the proposed air quality construction measures related to the project such as construction phasing, construction equipment, and dust control measures, and such plan shall be approved by the Director of Community Development. Air quality construction measures shall include Basic Construction Mitigation Measures (BAAQMD, May 2011) and, where construction-related emissions would exceed the applicable thresholds, additional Construction Mitigation

Measures (BAAQMD, May 2011) shall be instituted. The air quality construction plan shall be included on all grading, utility, building, landscaping, and improvement plans during all phases of construction, access roads, parking areas, and staging areas at construction sites.

39. Pre-construction Breeding Bird Surveys: Prior to development of the subject site and each phase of project activities that have the potential to result in impacts on breeding birds, the project applicant/developer shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:
- a) If grading or construction activities occur only during the nonbreeding season, between August 31 and February 1, no surveys shall be required.
 - b) Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31).
 - c) During the breeding bird season (February 1 through August 31) a qualified biologist shall survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys shall include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.
 - d) Based on the results of the surveys, avoidance procedures shall be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.
 - e) Bird nests initiated during construction are presumed to be unaffected, and no buffer is necessary except to avoid direct destruction of a nest or mortality of nestlings.
 - f) If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed.
40. Pre-construction Bat Surveys: Prior to issuance of a building or grading permit, a qualified biologist shall conduct a pre-construction special status bat survey when large trees are to be removed or underutilized or vacant buildings are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary.
41. No new grading or development shall be allowed within 20 feet of the edge of riparian vegetation or top of bank of Arroyo Mocho, whichever is further from the creek centerline, as delineated by a qualified, City-approved biologist that shall be

hired by the applicant/developer. Prior to issuance of a building or grading permit, the biologist shall certify in writing to the Director of Community Development that the project is in compliance with this condition.

42. In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated and approved by the City of Pleasanton. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources. These requirements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development.
43. In the event that human remains are discovered during grading or construction, work shall stop immediately. There shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. These requirements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development.
44. The applicant/developer shall implement construction best management practices to reduce construction noise, including:
 - a) Locate stationary construction equipment as far from adjacent occupied buildings as possible.
 - b) Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
 - c) All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and federal holidays. If complaints are received regarding the Saturday construction hours, the Community Development Director may modify or revoke the Saturday construction hours. The Community Development Director may allow earlier "start times" for specific construction activities (e.g., concrete foundation/floor pouring), if it can be demonstrated to the satisfaction of the Community Development Director that the construction and construction traffic noise will not affect nearby residents.

Prior to construction, the hours of construction shall be posted on site.

- d) All construction equipment must meet DMV and City noise standards and shall be equipped with muffling devices.
- e) Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise sensitive areas.
- f) Construction activities conducted on the subject property shall not exceed 86 dBA at any point outside of the property plane of the subject property (Pleasanton Municipal Code Section 9.04.100.B.).

These requirements shall be printed on the construction plans to the satisfaction of the Director of Community Development.

- 45. Prior to issuance of a building or grading permit, the applicant/developer shall provide a vibration study prepared by a qualified vibration consultant acceptable to the Director of Community Development which estimates vibration levels at neighboring sensitive uses. If the applicable vibration level limits established in Table 4.J-4 of the Supplemental Environmental Impact Report for the "City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings" are exceeded, mitigation shall be required to reduce vibration levels so they do not exceed the applicable limits, subject the satisfaction of the Director of Community Development.
- 46. Prior to issuance of a building permit, the applicant's noise consultant shall certify in writing to the Director of Community Development that the construction drawings comply with the applicable City and State interior noise standards.
- 47. Prior to issuance of a building permit, the applicant's noise consultant shall review the manufacturer's specification sheets for the HVAC units to ensure compliance with the applicable City noise standards.
- 48. The leases for the apartment units shall include a disclosure of possible noise sources in the project vicinity. In addition, the applicant/developer shall establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints. The disclosure and procedures shall be submitted to the City Attorney for review and approval before leasing the first apartment unit.
- 49. Prior to issuance of a grading or building permit, whichever is sooner, the project applicant/developer shall submit verification from the FAA, or other verification to

the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460) review for construction on the project site.

50. The applicant and/or project developer shall provide two (2) electric vehicle charging stations. The location of the electric vehicle charging stations 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 building permit issuance.
51. The applicant and/or project developer shall incorporate solar tubes, skylights, and/or other daylighting systems, subject to the satisfaction of the Director of Community Development, within the design of the community/leasing buildings. The method used and plan details shall be incorporated into 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 building permit issuance.
52. The applicant and/or project developer shall incorporate distributed generation, especially PV, solar thermal, solar hot water, and solar cooling, and/or provide bloom box or other fuel cell technologies (ER2-3) in the plans submitted for plan review prior to the issuance of building permit and is subject to review and approval by the Director of Community Development.
53. The applicant and/or project developer shall develop and implement a program for reclaimed water, grey water, and/or rainwater harvesting systems for the subject site or as otherwise approved by the Director of Community Development. The program shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
54. Rain gutters shall discharge into landscaping planter 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.
55. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. A licensed landscape architect shall verify the project's compliance with the ordinance and checklist: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
56. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior to issuance of a building permit. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought-tolerant nature and the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.

57. Unless otherwise shown on the approved PUD landscape plan, all trees used in landscaping be a minimum of fifteen (15) gallons in size and all shrubs a minimum of five (5) gallons.
58. The apartment buildings shall be constructed to allow for future installation of a Photovoltaic (PV) system and solar water heating systems. The project applicant/developer shall comply with the following requirements for making all apartment buildings 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 a 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.

59. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.
60. Energy Star appliances shall be installed in each apartment unit if available. The proposed appliances shall be stated on the plans submitted for the issuance of a building permit.

Engineering Division

61. The developer shall abandon all utility services (water, sewer, and storm) stubbed to the site which will not be used to serve this development.

Traffic Division

62. The applicant shall design and install all needed modifications to the traffic signal system at the intersection of West Las Positas Boulevard at Hacienda Drive to provide full eight phase operation with protected left turns. This includes:
- modifying the south leg of the intersection to provide one left turn and one shared through/right turn lane

- modifying the north leg of the intersection to provide one left turn lane, one through lane, and one right turn lane and modification to the roadway median to reduce the through lane offset.
 - all needed changes to signal heads and equipment
 - upgrade of vehicle detection system to current standards including bicycle detection
 - provide accessible pedestrian push buttons
 - intersection striping and signing
 - any additional modifications needed to upgrade traffic signal system to current standards
63. 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.
64. The applicant shall install the following modifications to the traffic signal system at the intersection of West Las Positas Boulevard at Willow Road:
- install accessible pedestrian push buttons
 - upgrade of vehicle detection system to current standards including bicycle detection
 - any additional modifications needed to upgrade traffic signal system to current standards

Livermore-Pleasanton Fire Department

65. The buildings covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted for review and approval by the Livermore-Pleasanton Fire Department prior to installation. The fire alarm system, including water flow and valve tamper, shall have shop drawings submitted for review and approval by the Livermore-Pleasanton Fire Department prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).
66. Valve tamper and water flow shall be monitored by an approved supervising station in accordance with NFPA 72 and the California Fire Code. Fire alarm control panel and remote annunciation panel(s) shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device, monitored, and annunciated by device type and point.
67. Access for this project is acceptable by the Fire Marshal as currently shown on the PUD development plan. Unless otherwise approved by the Fire Marshal, the applicant/developer shall not modify the site access that deviates from the following requirements: 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. The Access way proposed is acceptable. Provide auto turn exhibit to ensure 13-6" vertical clearance is maintained at the corners of the overhang of new Duplex Buildings A and B.

Building and Safety Division

68. Unless otherwise approved by the Director of Community Development, all required adaptable dwelling units shall provide the following features:
- a. Audible & visual doorbell within unit.
 - b. Balcony/patio at same floor level as unit.
 - c. Windows for viewing shall have a 36" maximum sill height.
 - d. 44" minimum hallway width and 32" minimum clear door opening width for all doorways within units.
 - e. Lever type handles on all doors.
 - f. An 18" minimum clear floor space beside door on pull side at latch jamb.
 - g. All receptacle or other outlets, 18" minimum height above finished floor.
 - h. Rocker type light switches 44"- 48" above finish floor, and thermostats 48" maximum height.
 - i. Variable height (28"- 42") work surfaces such as cutting boards, countertops, sinks, and/or cooktops.
 - j. Loop handle pulls on drawers and cabinet doors or touch hardware - no knobs.
 - k. Full-extension, pull-out drawers, shelves and racks in base cabinets.
 - l. Full height pantry storage with easy access pull-out and/or adjustable height shelves.
 - m. Front-mounted controls on all appliances.
 - n. Adjustable height closet rods and shelves.
 - o. Single-lever water controls at all plumbing fixtures and faucets.
 - p. Hand-held adjustable shower head.
 - q. Blocking in walls around toilet, tub, and shower for future placement and relocation of grab bars.
69. All ground-floor dwelling units and all dwelling units served by an elevator shall be adaptable and on an accessible route, as defined by the California Building Code Chapter 11A.

Police Department

70. On site security shall be provided during all phases of construction to avoid thefts of materials.

STANDARD CONDITIONS

Planning Division

71. Development shall be substantially as shown on the development plans, color/material board, Multifamily GreenPoint Checklist, and related materials such as the noise analysis and tree report, Exhibit B, dated "Received January 24, 2014," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
72. 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.
73. 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.
74. 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 of providing these funds and/or facilities to PUSD by the applicant shall be approved by PUSD and in place prior to building permit issuance. Written proof of compliance with this condition shall be provided by the applicant to the City, on a form generated by PUSD, prior to building permit issuance.

If required by PUSD, as part of the program developed to offset this project's long term effect on school facility needs in Pleasanton, the applicant shall pay to PUSD the school impact fees and supplemental mitigation amounts that PUSD has in place at the time the applicant files an application for a building permit for this project.

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

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

A special inspection by 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 applicant/developer shall provide written verification by the project engineer, architect, landscape architect, or designer.

76. 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.
77. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.
78. 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/developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant/developer 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.
79. Before project final, all landscaping shall be installed and reviewed and approved by the Planning Division.

80. 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.
81. The developer and/or property management shall use reclaimed gray water, rain water, etc., for landscape irrigation when available. Details and/or plans shall be provided for review and approval by the Director of Community Development before use of the reclaimed gray water, rain water, etc.
82. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
83. The height of the structures shall be surveyed and verified as being in conformance to the approved building heights 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.
84. The project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc., dated "May 24, 2013." All existing trees located along the perimeter of the subject site shall be preserved. 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.
85. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.
86. 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.
87. 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.
88. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.

89. 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.

Landscaping

90. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas included in this project will be maintained at all times in a manner consistent with the approved landscape plan for this development. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.
91. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
92. The project developer shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.
93. The following statements shall be printed on 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 to be saved.
 - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
 - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.
94. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) generally outside of the driplines of the existing trees to be saved that are located near construction. The final location of said fencing shall be subject to the review and approval of the Director of Community Development. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a “stop work order.”

Bicycle Parking

95. The public bicycle racks shall:
 - a. Be visible and accessible.
 - b. Support the frame of the bicycle and not just one wheel.
 - c. Allow the frame and one wheel to be locked to the rack.
 - d. Allow the use of either a cable or U-shaped lock.
 - e. Be securely anchored.
 - f. Be usable by bikes with no kickstand.
 - g. Be usable by a wide variety of sizes and types of bicycles.

Prior to the installation, the applicant/developer shall submit the design and location of the bicycle racks to the Director of Community Development for review and approval.

Building and Safety Division

96. 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.
97. 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.
98. Prior to issuance of building permits, the applicant/developer 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

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

100. 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 project design. 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 for the project.
101. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydromodification worksheets, all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow, etc., shall be submitted as part of the building permit plans. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit by Engineering Division.
102. 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. This 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.
103. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
104. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
105. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
106. The project developer shall submit detailed landscape and irrigation plans as part of the building permit plans. The irrigation plan shall provide for automatic controls.

107. The building permit plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
108. 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.
109. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.
110. The encroachment permit for haul route for all materials and equipment to and from this development shall be approved by the City Engineer prior to the issuance of any permit by City Building Division or Engineering Division.
111. 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.
112. The project developer shall deposit a bond with the City's Engineering Division to ensure completion of any required improvements, if any. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer.
113. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.

Livermore-Pleasanton Fire Department

114. All commercial and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company UL certificate.
115. Fire alarm control panel and remote annunciation shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device and annunciated by device type and point.
116. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.

117. 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.
118. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.
119. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPFD prior to commencing operations. Please contact the Hazardous Materials Coordinator at (925) 454-2361.
120. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:
- Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.
 - Backflow prevention or connections to the public water mains.
121. 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.
122. Hydrant spacing shall be at 400 feet.
123. 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. For buildings located greater than 50 feet from street frontage, the character size shall be 16" high by 1 ½" stroke minimum. Where multiple access is provided, address or tenant space numbers shall be provided on each access door and the character size shall be no less than 4" high by ¾" stroke. 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.
124. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.

- a. Emergency vehicle access shall be provided to the site, including the area where construction is occurring. If Public Works improvements are part of the project to access the site, an emergency vehicle access plan shall be submitted for review and approval.
- b. Multi-family residential developments: Projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
- c. 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.
- 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.
- g. On-site fire hydrants shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.
- h. Where a project is phased as part of the development approved by the City, specific access, water supply and fire hydrant installations will be required as part of each phase. As needed a phasing plan with these improvements will be required.
- i. Where on-site grading/utility plans are submitted for review and approval prior to building construction drawings, emergency vehicle access routes, fire hydrant locations, material staging areas, etc. shall be provided.

Community Development Department

125. 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.
126. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
127. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of Appendix K of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any

on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.

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

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

129. 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.
130. 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.
131. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
132. 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

133. All construction 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. All required permits shall be obtained.
134. 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.
135. Fire alarm systems 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.
136. 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/developer is responsible for obtaining approval for the location and the number of boxes from the Fire Prevention Bureau. Information and application for the Knox Box is available through their website or the Fire Prevention Bureau. The applicant/developer and/or responsible party 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.
137. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection."
- The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type and license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
 - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
 - All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
138. 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.

139. 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.
140. 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.

URBAN STORMWATER CONDITIONS

141. The project shall comply with the City of Pleasanton's Stormwater NPDES Permit #CAS612008, dated October 14, 2009 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/storm_water/Municipal/index.shtml

A. Design Requirements

1. 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 commercial, industrial, residential subdivision, mixed use, or public project) creates and/or replaces 10,000 square feet or more of impervious surface (5,000 square feet for auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots), 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.

2. The following requirements shall be incorporated into the project:

- a. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and 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. Trash dumpsters and recycling containers shall be in an enclosed and roofed area to minimize water flowing in and from the area and to contain litter and trash to minimize disbursement by the wind or runoff. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area with a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin San Ramon Services District of the sanitary sewer connection and provide written verification of such notification to the City Engineer/Chief Building Official prior to the installation of the connection.
- g. All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building.
- h. All metal roofs, gutters, and downspouts shall be finished with rust-inhibitive finish/paint as determined by the Chief Building Official.
- i. All projects using architectural copper roofing, gutters, downspouts, etc., shall utilize the following Best Management Practices for the use and maintenance:
- a. During installation, copper material shall be pre-patinated at the factory, if available. 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), the rinse water may be collected in a tank and discharged to the sanitary sewer. 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.
 - b. During maintenance (e.g., washing or re-patination), the following applies:
 - i. Minimize washing of architectural copper as it damages the patina and any protective coating.
 - ii. Block storm drain inlets as needed to prevent runoff from entering storm drains.

- iii. Collect the wash or rinse water in a tank and dispose off-site or (with prior authorization from DSRSD), discharge the wash or rinse water to the sanitary sewer.
- j. Roof drains shall drain away from the building foundation. Ten percent of the stormwater flow shall drain to a landscaped area or to an unpaved area wherever practicable as determined by the City Engineer/Chief Building Official.

B. Construction Requirements

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.shtml

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

1. The Construction General Permit’s requirements include, but are not limited to, the following:
 - a. 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.
 - b. 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.
 - c. 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 the City.

- i. 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.
- ii. 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.
- iii. Gather all sorted construction debris on a regular basis and place them 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.
- iv. 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.
- v. 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.

- vi. 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 in the event of a material spill.
 - vii. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
 - viii. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into a street, gutter, or storm drain.
 - ix. Equipment fueling area: 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 rags and absorbent materials promptly and properly. Use of an off-site fueling station is strongly encouraged.
 - x. 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.
 - xi. Equipment and vehicle maintenance area: use a designated area away from the storm drainage facility; always use secondary containment and keep stockpile of cleanup materials nearby; regularly inspect vehicles and equipment for leaks and repair quickly or remove from them project site; and train employees on spill cleanup procedures. Use of an off-site repair shop is strongly encouraged.
2. 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.

C. Operation and Maintenance Requirements

The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as 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.

The Operation and Maintenance Agreement shall clarify that the property owner(s) of the site shall be responsible for the following in perpetuity:

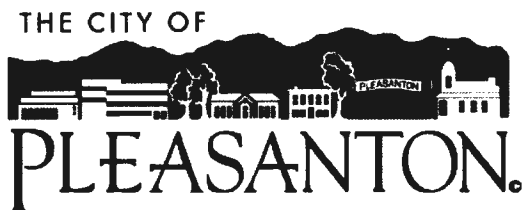
- a. Maintaining all private stormwater treatment measures on the project site.
- b. Annually submitting a maintenance report to the City Operations Services Department, Utilities Division, addressing the implementation of the Operation and Maintenance Agreement requirements.

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

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 wastewater from industrial, commercial, and covered vehicle wash areas and equipment washing operations is not discharged to the storm drain system.
- d. Ensuring no one is disposing of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
- e. 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.
- f. Sweeping regularly but not less than once a month, driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.
- g. Mowing and removing clippings from vegetated swales with grasses on a regular basis.

{end}



**Planning Commission
Staff Report**

September 11, 2013
Item 6.a.

SUBJECT: Work Session for P13-2078

APPLICANTS: SummerHill Apartment Communities

PROPERTY OWNER: Las Positas Property, LLC

PURPOSE: Work Session to review and receive comments on a Preliminary Review application to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site

GENERAL PLAN: Mixed Use/Business Park

ZONING: Planned Unit Development – Mixed Use (PUD-MU)

LOCATION: 5850 West Las Positas Boulevard

EXHIBITS:

- A. Planning Commission Work Session Discussion Points
- B. Preliminary Development Plans and Applicant's Project Summary
- C. Ordinance No. 2030, Rezoning the Subject Site
- D. Public Comment
- E. Location Map and Noticing Map

I. BACKGROUND

In January 2012, the City Council approved rezoning of nine sites throughout the City for high-density multifamily development in order to meet the City's share of the regional housing needs (Ordinance No. 2030). One of the approved sites is the CM Capital Properties site located at 5850 and 5758 West Las Positas Boulevard. The CM Capital Properties site consists of two parcels: a 5.9-acre parcel located at 5850 West Las Positas Boulevard and a 6.7-acre parcel located at 5758 West Las Positas Boulevard. These two parcels are not required to be developed together.

SummerHill Apartment Communities have submitted a Preliminary Review application for the development of a multifamily housing project on the 5.9-acre site located at 5850 West Las Positas Boulevard.

The purpose of the work session is to receive comments from the Commission and public regarding the project and discuss how the project would meet, or require exceptions from, the *Housing Site Development Standards and Design Guidelines* (hereafter referred to as *Design Guidelines*), adopted by City Council on August 21, 2012. The site is identified as Site #9 in the *Design Guidelines*, and has a density requirement of 30 units per acre, which results in 378 units on the entire 12.6-acre site. The proposed project is to construct 177 residential units on an approximately 5.9-acre portion of the site, meeting the density requirement of 30 dwelling units per acre. No action on the project will be taken at the work session. If an affordable housing agreement is part of the project, the agreement will be scheduled for a recommendation by the Housing Commission. The development of the project will require Planned Unit Development (PUD) Development Plan approval, which is subject to review and approval by the City Council, following review and recommendation by the Planning Commission.

II. SITE DESCRIPTION AND SURROUNDING AREA

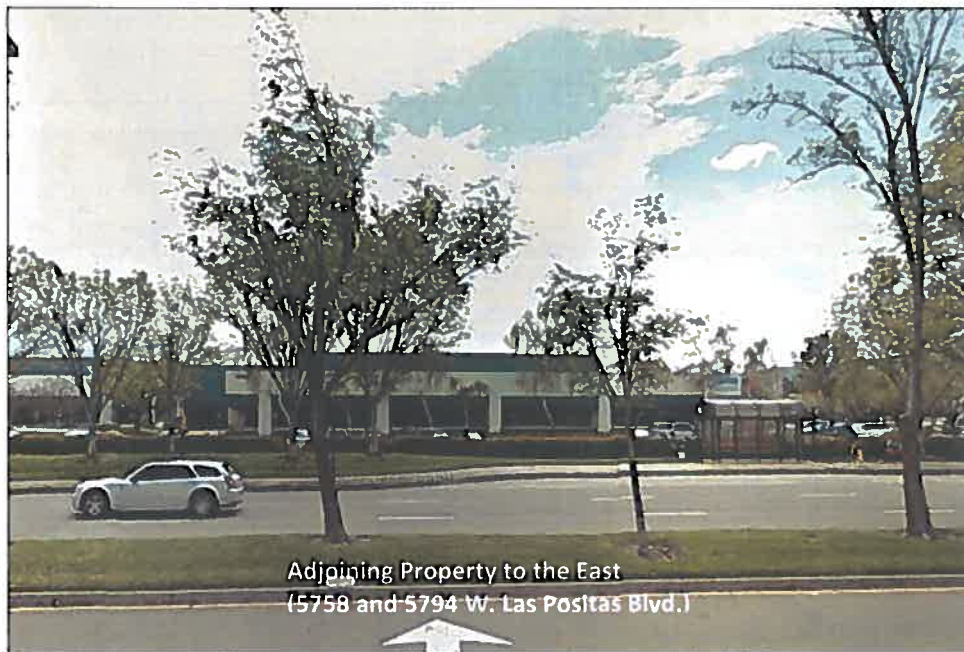
The subject site is located on the south side of West Las Positas Boulevard, across from Thomas Hart Middle School, within the Hacienda Business Park. The subject 5.9-acre site and the adjoining 6.7 acre site to the east are collectively referred as the 12.6-acre Site #9 of the Design Guidelines. Please see aerial map below.



Project Location Map

The project site fronts on West Las Positas Boulevard and backs up to Arroyo Mocho (south). The site was initially developed in 1984 for AT&T and later was clinical laboratories for SmithKline Beecham. The building is a one-story building, approximately 88,512 square feet in floor area. It is currently vacant.

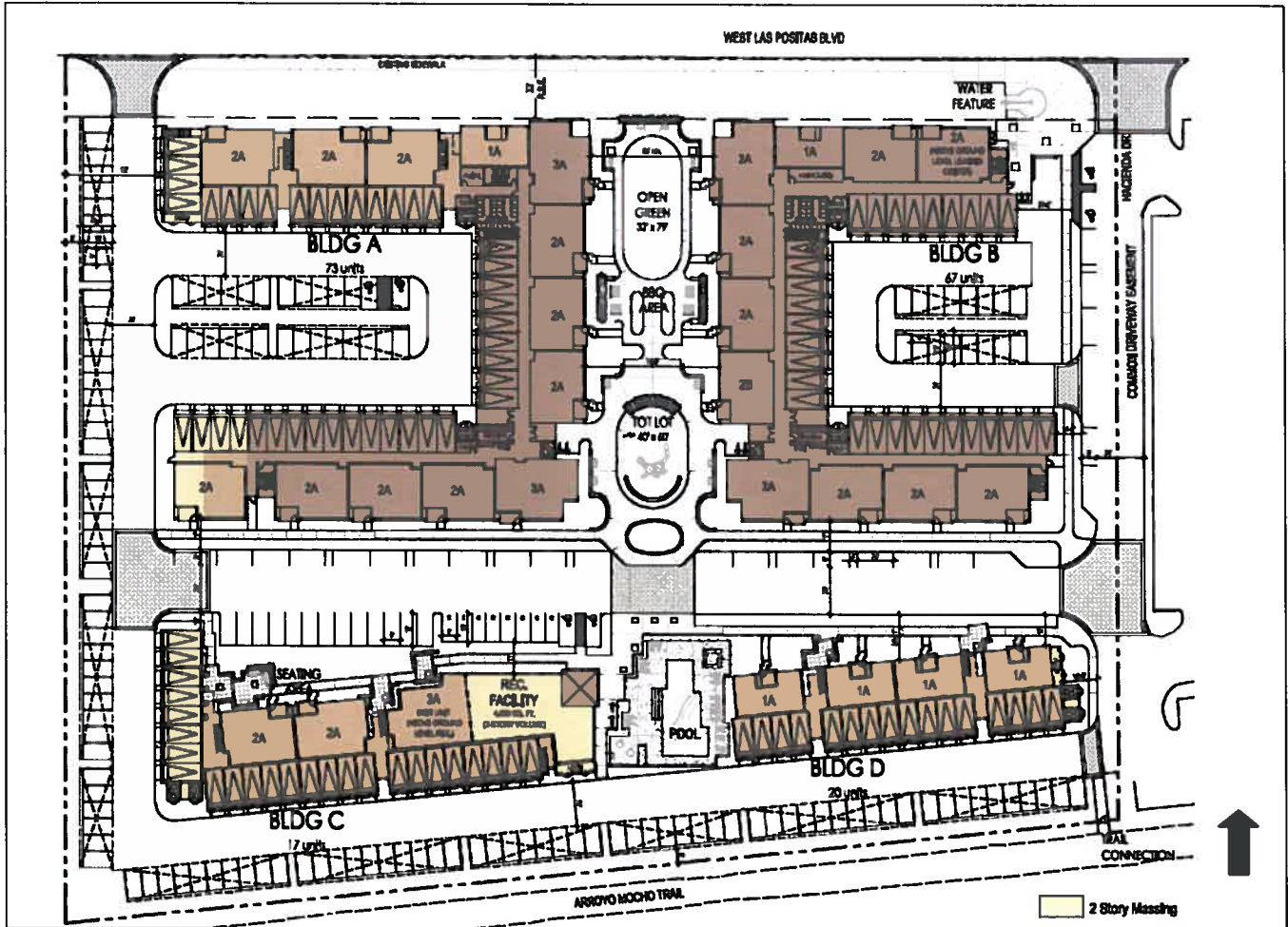
The site is generally flat. A bus stop within a shelter served by Livermore Amador Valley Transit Authority (LAVTA) is located in front of the building to the east, and also across West Las Positas Boulevard at the middle school.



Adjacent properties include one-story office buildings to the east and west, Thomas Hart Middle School to the north, and Arroyo Mocho lies to the south. Further beyond the arroyo to the south are single-family residential developments.

III. PROJECT DESCRIPTION

The proposed development is summarized below:



Proposed Site Plan

Site Layout

- The proposed development would utilize the two existing entrances/exits off West Las Positas Boulevard. One entrance/exit is located near the western edge of the site and the other one is located near the eastern edge of the site. The project's main entrance would be from the eastern edge of the site at the existing signalized intersection at West Las Positas Boulevard and Hacienda Drive. The main internal street would be located between Building B and the eastern property line. It would wrap around Building B then continue west. The proposed Buildings A and B would be located on the north side of the main internal street and Buildings C and D would be located on the south side. Secondary internal streets are located along the site perimeter and between the buildings and carports.
- An open space area and tot lot would be located between Buildings A and B; a pool/spa would be located between Buildings C and D.

- Pedestrian paths within the complex are proposed between residential buildings, the open space area, and recreation uses.

Buildings

- The project would include four residential buildings housing a total of 177 residential units. Buildings A and B would be U shaped buildings located on the northern portion of the site fronting West Las Positas Boulevard. Buildings C and D would be rectangular shaped buildings located in the southern portion of the parcel having a view to Arroyo Mocho. The following table provides a summary of the proposed residences and building heights.

Building	Residential Units	Stories
A	73	2-4
B	67	4
C	17	2-4
D	20	3
Total	177	--

- The proposed elevations present a Spanish influenced architectural style. The materials that are proposed include stucco exterior finish, stone veneer, wood-like trim for the windows, tile roof, wrought iron patio and balcony railings, and awnings.



Conceptual Building Elevations on West Las Positas Boulevard



Conceptual Elevation of Buildings A & B

Floor Plans

- A combination of one- to three-bedroom units are proposed. The proposed project includes:
 - 88 one-bedroom units, ranging from 718 square feet to 785 square feet;
 - 72 two-bedroom units, ranging from 1,054 square feet to 1,069 square feet; and
 - 17 three-bedroom units approximately 1,298 square feet.

All residential units would include either a private patio (for ground-floor units) or a deck (for upper floor units) ranging from 56 square feet to 143 square feet.

Parking

- The proposed development would provide a total of 301 parking spaces in private garage spaces, covered parking spaces (carports), and surface parking spaces. The majority of parking spaces are standard-size parking stalls; nine of the parking stalls are compact-sized parking stalls.

Pleasanton Municipal Code (PMC) Section 18.88.030 requires a minimum of 2 spaces for each of the first 4 units and 1.5 spaces for each additional unit for apartments with 2 bedrooms or less, and a minimum of two spaces per unit for apartments with three or more bedrooms. At least one of the required spaces per unit is required to be located in a garage or carport. One visitor space is required for each 7 units. A total of 156 units have 2 or fewer bedrooms and thus the parking requirement for these units is 242 spaces. A total of 17 units are 3-bedroom units and thus 34 parking spaces are required, yielding a total parking requirement of 276 parking spaces (252 of these spaces are in a carport or garage). Since 177 units are proposed, 25 visitor spaces are required and 25 are proposed. The project meets the parking requirements of the PMC for the total number of required spaces,

the number of required covered spaces, and the number of guest parking spaces. Please refer to the follow table for parking requirements.

	Required	Proposed
Parking for Residents	276 spaces	276 spaces
Parking for Guests	25 spaces	25 spaces
Total	301 spaces	301 spaces

Open Space

- The Design Guidelines require private open space be provided at each residential unit as well as a common open space be provided for the entire complex. As proposed, private open space is provided by patios and balconies, and group open space is distributed throughout the site. A community gathering area is proposed in the center of the site. The open space area includes picnic tables, outdoor grill, seat-walls, and shade trellises. A tot lot with play structures, a lap pool and a spa are also proposed. In addition to open space area, a club room with a gourmet kitchen and a fully equipped fitness center would be located in Building C with easy access to the pool/spa area.

Landscaping

- A variety of species of trees, shrubs, and groundcover are proposed throughout the residential complex. The preliminary landscape plan provides general information on the plantings for the open space areas and the development in general. The proposed project will result in the removal of several ornamental trees that are currently planted in the existing parking lot area and landscaped areas on the site.

Bus Shelter

- There are two existing Livermore Amador Valley Transit Authority (LAVTA) bus stops near the project site – one is located to the east of the project site, and the other one is located across W. Las Positas Boulevard at the middle school. No additional stops are requested by LAVTA for this project.

Trail Access

- There is an existing trail along the south side of the arroyo; no trail currently is located on the north side of the arroyo except for a short segment between Hopyard Road and the Chabot Canal. Traffic Engineering Division recommends an access to the arroyo providing access to a future trail. The applicant will be working with Zone 7 to provide an access gate to the future trail along the north side of Arroyo Mocho.

IV. CONSIDERATIONS FOR THE WORK SESSION

Staff is presenting the Commission with the preliminary plans for consideration and comments. This work session will allow the Planning Commission to provide direction to the applicant and staff regarding any issues it wishes to be addressed prior to the project formally returning to the Planning Commission for a recommendation to the City Council. The areas noted below are where staff would find the Commission's input most helpful. A list of these discussion

topics and specific questions regarding the proposal is attached to this report as Exhibit A for the Planning Commission's consideration and discussion.

Housing Site Development Standards and Design Guidelines

The following comments were provided to the applicant regarding consistency with the Standards. The applicant has indicated the items will be met or a request for exceptions to the Standards will be made. For the Commission's reference, the page and section number for each item in *italics* is also included.

Plans will be Modified by Applicant to Comply

1. Provide building entries for Buildings A and B that face West Las Positas Boulevard.

Development Standard C.1.b, page 37.

2. Enhance the building entries so that they become a prominent feature of the front façade and identify access to individual units.

Development Standard C.1.c, page 37.

3. Provide both landscape screening and fencing between the subject development and the adjacent commercial development to the west.

Development Standards, page 55.

4. Provide low walls and landscaping to screen parking at the northwest corner of the site.

Development Standard A., page 24.

Exceptions Requested by the Applicant

1. The carports would be located eight feet from the western property line. The applicant could remove carport parking along the western property line and still conform to the requirement of providing one covered parking space per residential unit. The applicant prefers to keep the carports. Staff suggested that the applicant discuss the proposed carport location with the adjacent property owners to the west to determine if they would object and/or request alternative mitigation.

Special Design Standards and Guidelines, page 55: No structure (not including light fixtures) shall be located within 50 feet of the western property line.

2. The existing western entrance would serve as one of the two entrances to the proposed development. It should, like the eastern entrance, be designed as an internal street. Sheet A1.2 shows it is designed as an alley.

Development Standards, page 13, requires a distinct hierarchy of circulation including public streets, internal streets, alleys, etc. Section A1.b states that alleys should not be used for primary circulation.

Discussion Point

- A. *Would the Planning Commission support the exceptions noted above if the project were to move forward as proposed?*

Site Plan. As proposed, the buildings meet the setback requirements. The site plan shows a feathering of densities with the lowest densities by the Arroyo Mocho and adjacent one-story commercial development and that stories above the second story on the west elevation are stepped back. The project's main entrance would be from the eastern edge of the site at the existing signalized intersection at West Las Positas Boulevard and Hacienda Drive. The applicant will provide building entries for Buildings A and B that face West Las Positas Boulevard to meet the Design Guidelines requirements. Staff believes that a pedestrian connection needs to be provided between West Las Positas Boulevard to the proposed open space area.

Discussion Point

- B. *Are the on-site circulation, parking layout, feathering of densities, stepping back stories above the second story, and positioning of the buildings acceptable?*
- C. *Should a pedestrian access be provided directly from West Las Positas Boulevard to the proposed open space area?*
- D. *Are the proposed on-site recreation facilities and amenities acceptable?*

Building Design. Given the high visibility of the site directly on a major thoroughfare, staff feels that the buildings will need to be designed with a high quality visual image. Staff believes that the proposed buildings are generally well designed. Staff has made the following suggestions to the applicant:

- Provide additional details such as exposed rafter tails, window planter boxes, wrought-iron detailing, etc.
- Modify and enhance the individual unit entries on the ground level so that they would be a prominent feature of the building.
- "Punched in" the windows from the exterior building wall.
- Provide an enhanced stucco finish such as Santa Barbara finish (Santa Barbara finish is a smooth, stucco finish with minor relief textures and a subtle, variegated color.)

Discussion Point

- E. *Are the residential building designs, colors and materials, and heights acceptable?*

V. PUBLIC COMMENT

Notice of the Planning Commission's public work session on this item was sent to property owners within 1,000 feet of the subject property. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*.

Mr. Don Brennen, 3291 Curtis Circle, emailed staff expressing opposition and concerns regarding the proposed development (see Exhibit D). Mr. Brennen stated that he is very concerned about the impacts relating to noise, traffic, crime, and other components of our city infrastructure.

Staff has also received an email from a resident; expressing concerns regarding the proposed development (see Exhibit D). This resident wishes to remain anonymous.

VI. ENVIRONMENTAL ASSESSMENT

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

VII. STAFF RECOMMENDATION

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

Staff Planner: Jenny Soo, Associate Planner, 925.931.5615 / jsoo@cityofpleasantonca.gov

P13-2078, Summerhill Apartment Communities

Work Session to review and receive comments on a Preliminary Review application to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site located at 5850 West Las Positas Boulevard in Hacienda Business Park. Zoning for the property is PUD-MU (Planned Unit Development – Mixed Use) District.

Jenny Soo presented the staff report and described the scope, layout, and key elements of the proposal. She noted that staff has received emails from Chamberlin Associates, the adjacent property owner to the west, expressing concern about the first exception requested to locate the carports eight feet rather than 50 feet from the western property line; and from the commercial tenants of the property expressing concern about residents throwing trash onto the commercial site during move-out time, and overflow parking in the sense that even if the project meets the parking requirements, there could be extra vehicles for each unit. She added that the commercial tenants questioned how management would handle both concerns and proposed that a fencing and landscaping barrier be installed to separate the development from the adjacent commercial property.

Ms. Soo stated that staff also received a considerable number of email and phone calls from the neighbors on the south side, the Parkside community, expressing concerns about density and its link to crime; low-income housing and the income level of the tenants; construction hours and the management of the construction; noise, dust, and traffic; impact on existing services and schools; and impact on the environment and wildlife. She added that some proposed that the project be moved closer to the BART station and that the residential project be replaced with commercial buildings as the City is losing commercial building stock.

Ms. Soo stated that the developer held an Open House meeting on Wednesday, September 4th, which a few neighbors attended, including four couples from the Parkside neighborhood and two residents from another development. She noted that no specific questions, concerns, or objections were raised and that most of the inquiries were about the building height, density, construction time, the type of project and the need for it, and schools.

Commissioner Olson asked where the four-story buildings would be located.

Ms. Soo displayed that site plan, pointing to the sections colored the darkest as the four-story buildings.

Commissioner Olson inquired if the buildings across the open space are also four stories.

Ms. Soo said yes. She indicated that Sheet A1.2 of Exhibit B includes a color chart that shows the number of stories of the different buildings.

Commissioner Olson inquired if there were any four-story buildings along the Arroyo.

Ms. Soo said no.

Commissioner Ritter inquired how many outreach sessions the applicant had with the community.

Ms. Soo replied that there was one Open House meeting held on the previous Wednesday.

Ms. Stern added that as part of the Housing Element Update process and the rezoning of the sites, staff held several meetings related to this project.

Commissioner Ritter inquired if there is a trail from West Las Positas Boulevard to the Arroyo where a cut-through on this property is being proposed.

Ms. Soo replied that there is an existing trail along the south side of the Arroyo and a little segment between Hopyard Road and the Chabot Canal on the north side of the Arroyo.

Ms. Stern stated that there is a gravel area along that area that is used as a service road, and the applicant would need to work with Zone 7 to get permission to extend that. She added that the existing trail along the south side of the Arroyo runs all the way to Hopyard Road.

With respect to the required setback for the carports, Commissioner O'Connor inquired what a 50-foot setback would do to this development. He noted that there are quite a few parking spaces along the west side and inquired if there is another place on the site to locate those parking spaces.

Ms. Soo replied that the applicant would have to change the carport to uncovered surface parking spaces with no structure.

Commissioner O'Connor inquired if all the parking spaces would be accommodated with the 50-foot setback if the spaces were uncovered.

Ms. Soo said yes. She added that it is the covered parking structure that would encroach within the 50-foot setback.

Commissioner O'Connor inquired if staff has had any preliminary discussions with the applicant about trying to take some of the lower units in the front on West Las Positas Boulevard and changing those to put lower structures on the back. He noted that there is a mix of unit heights up front and that Buildings A and B are not all four-story.

Ms. Stern replied that was correct; Building A has some three stories.

Commissioner O'Connor stated that if the developer took five units and made Building A all four-story, the developer could take those five units from the rear building which has seven units above two-stories tall.

Ms. Stern explained that there is a restriction related to the neighbor on the west side where the Design Guidelines talks about stepping back some of the stories on that side. She added that it is potentially possible to relocate some of those three stories to get more two stories in the back.

Brian Dolan stated that staff will look into that to address Commissioner O'Connor's concern to try and help the neighbors in the rear. He noted that staff has two concerns: (1) the reference made by Ms. Stern regarding the commercial neighbor next door, who was very pro-active during the rezoning and attended a lot of meetings and made sure that the restrictions be built into the standards for the specific site. (2) This is a more general concern that if the front is loaded with four stories, that has a certain presentation to the street that would be of concern if the entire frontage was four stories. He reiterated that staff will definitely look at this and see if there is a better balance.

Commissioner Allen inquired if there is a possibility of doing any underground-type parking to reduce the height of the buildings. She indicated that she is not sure if there are any creative things that have been done in other developments that might be possible here.

Ms. Stern replied that underground parking is usually an economic question in terms of being able to make that pencil out. She added that so far, there is no development that has gone into Pleasanton that has been able to achieve that.

THE PUBLIC HEARING WAS OPENED.

Kevin Ebrahimi, Vice-President of Development, Summerhill Apartment Communities, and Applicant, stated that Summerhill Apartment Communities is a privately-owned company headquartered out of San Ramon, under the Summerhill Housing Group that has been building apartments and for-sale housing in the Bay Area since 1976. He indicated that Summerhill is somewhat familiar with Pleasanton and its requirements, having built two for-sale communities in Pleasanton in the past ten years, the first being Nolan Farms off of Rose Avenue in 2001, and Sycamore Heights off of Sycamore Creek Way in 2005. He thanked staff, particularly Ms. Stern and Ms. Soo, who have been very helpful in coordinating and helping them put the application together to meet all the guidelines and to understand what the community is looking for.

Mr. Ebrahimi stated that staff has covered the project well in its presentation and that he just wanted to outline some of the reasoning why the site was developed in the way it is being presented to the Commission tonight. He indicated that the proposed community fronts West Las Positas Boulevard, with existing commercial buildings to the east and west, and existing residential communities to the south. He noted that due to the location of the Arroyo, the site layout allows only a minimum distance of 244 feet from

the residential neighboring fence line on the south side of the Arroyo to the proposed buildings, although the distance actually goes much farther from some houses on the south side.

Mr. Ebrahimi then presented a slide showing the current view of the proposed apartment community taken from the closest neighbor in the existing residential development on the south side, with the proposed landscaping shown at a five-year maturity. He indicated that in reviewing the Design Guidelines and meeting with staff and the neighbors, they developed the site layout by adhering to the required setbacks and stepping the buildings for better interface with the surrounding uses. He noted that Buildings C and D were designed with two- and three-story elements, with all three-story components in Building D and the recreation building on Building C's two-story stepping up to a three-story on the three units to its left. He explained that the reason they did that was to try and reduce the height of the buildings on the south side, based on their meeting with staff and the neighborhood. He stated that they were asked to lower the units on the south side at one point so they could take it away from West Las Positas Boulevard, but the ultimate direction that they received was to step the site and have more two and three stories on the south side, which is what they have done, and then step it up to four stories. He noted that the center of the community is all four stories, including the four-story element turns on Buildings A and B going up the paseo area, which are all internal; and to try and do three stories with four-story elements as it gets to West Las Positas Boulevard. He noted that it was kind of a mixed decision as nobody wanted to see it be all four stories; however, as they ultimately had to have the 177 units minimum/maximum required for this site, they had to see what the best positioning was, and this is what they came up with.

Mr. Ebrahimi stated that while the Design Guidelines required a minimum of 177 covered parking spaces, they have provided 75 additional carports. He stated that they believe both carports on the west side of the community will be well designed, will provide an added visual screen as opposed to looking at a row of cars, and will provide added value to the community. He indicated that he has been in contact with Doug Giffin of Chamberlin Associates, the owner of the commercial building to the west. He noted that Mr. Giffin wants to look at the ultimate design of the carports to determine if that is something Chamberlin can find acceptable, and he stated that they will continue working with Mr. Giffin towards that end. He added that there will be a row of six-foot tall shrubs installed on the west side behind the carports, in addition to the fencing to be located along that property line. He indicated that they will be providing more detail on this as the project moves forward.

Mr. Ebrahimi then showed a slide of the main entrance to the project being served at the intersection of West Las Positas Boulevard and Hacienda Drive. He pointed out Building B where the plaza with a fountain is located, as well as the leasing office located right behind the fountain area. He indicated that in addition to the main entrance, they have also provided an access route from West Las Positas Boulevard into the project at the westerly end. He indicated that they had originally proposed this as an emergency vehicle access (EVA), but staff had asked that this roadway be

opened up and a sidewalk connection be provided all the way along West Las Positas Boulevard. He stated that they have looked into this and can accommodate the sidewalk for connectivity.

Mr. Ebrahimi stated that what is really difficult is trying to provide parallel parking. He indicated that with a very constrained site at 5.9 acres and the requirement to have 177 units, there is just no way of putting parallel parking without losing the required parking for the site. He noted that for marketing reasons, they are comfortable with having the intersection of West Las Positas Boulevard and Hacienda Drive as the main entry; however, staff has indicated that the Design Guidelines require a secondary access that also needs to serve the community.

Mr. Ebrahimi stated that their goal is to keep all the existing trees along West Las Positas Boulevard. He noted that the existing grown, mature trees will be retained and would provide screening. He then presented a slide showing a perspective of how much of the buildings will actually be visible from the street with the trees in place.

Lastly, Mr. Ebrahimi stated that, as Ms. Soo pointed out, they held an outreach meeting with the community this past week, and five people showed up to that meeting. He noted that they were primarily interested in architecture, construction timing, and when the project would move forward. He indicated that they are committed to working with the neighbors and are looking forward to future dialogue with all the residents who have put in their comments. He added that he thinks there is a lot that they can do with respect to landscaping, noting that all the way along the back property line, they will be adding trees that would grow up to 35 feet tall and will continuously provide more screening for the project.

Commissioner O'Connor asked Mr. Ebrahimi if he knows the species of the trees that would be planted in that area.

Mr. Ebrahimi deferred to the project's Landscape Architect to respond to that question.

Zachy Abed, Project Landscape Architect from Van Dorn Abed Landscape Architects, Inc., stated that along the Arroyo on the south side of the property are some mature *prunus*, purple leaf plum trees that are spaced apart about fifteen feet on center. He noted that a couple of them have died out, but they will replace those as well as plant trees in between the existing trees, either *prunus caroliniana*, a low water-use species hedge that can grow up to six or eight feet tall and provide good evergreen screening along that edge, or the *ligustrum*, a pretty and hearty evergreen privet that would provide adequate screening. He added that this would also be done on the other sides of the property.

Commissioner O'Connor inquired if the existing trees are evergreen or deciduous and how tall they will get.

Mr. Abed replied that the purple leaf plum tree is deciduous. He indicated that they are mature right now with about 15- to 25-foot canopies. He noted that what they have about 15 to 20 trees along that edge that are about 15 feet on center and have about a 12- to 15-foot canopy. He added that some of them are in average shape, and about 90 percent are pretty good. He reiterated that they plan to plant trees of the same species in between the existing trees and then infill with ground plants to provide screening for the residents across the way.

Commissioner O'Connor inquired if this would be looking directly across the four-story or three- story building.

Mr. Abed said yes and noted that the view will taper up. He added that they also have fingers in the parking, and they will have large evergreen canopy trees in those fingers.

O'Connor noted that if the trees are all deciduous, then six months out of the year, they would have no leaves.

Mr. Abed replied that that is absolutely correct as the current plum trees are deciduous. He noted that there will be a screen there, but it will not be fifteen feet tall in the wintertime.

Commissioner O'Connor suggested that if they have to replace some of the existing trees that are not in good shape, they plant evergreen trees rather than using the same deciduous trees.

Mr. Ebrahimi replied that they are would do that. He then referred the Commission to Sheet L1.0 of Exhibit B, which shows a row of six- to eight-feet tall shrubs at the bottom all the way to the fence line; infill trees right at the fence line all the way along the property line; and additional trees where the parking lot is located. He noted that there are seven trees at the end of the parking bay, and they can plant an additional line of trees about 15 feet in front of the trees that are on the property line.

Mr. Abed stated that Summerhill's original intent is to preserve as many trees as possible on-site. He noted, however, that if staff prefers to see evergreen trees along that edge, planting new evergreen trees would be definitely more advantageous as far as screening then dealing with and preserving the existing trees. He indicated that none of the existing trees are heritage trees so they are rather insignificant; they are in average to good shape and definitely could be replaced.

Commissioner O'Connor clarified that he is not advocating taking the trees out but only that if they are not in good shape or have died out, they be replaced with evergreen trees rather than the same deciduous trees.

Mr. Abed agreed.

Mr. Ebrahimi stated that what they can do is plant evergreen trees in the second layer of trees they are putting in to provide screening.

Commissioner Posson referred to the slide showing proposed heights versus existing heights and inquired what the relative heights are of the existing buildings and those proposed.

Mr. Ebrahimi replied that he believes the existing building is 22 feet high and the proposed buildings are from 24 to 53 feet high, 53 feet being the four-story in the center of the community and West Las Positas Boulevard.

Commissioner Posson commented that the difference would be from two feet to 28 feet.

Mr. Ebrahimi replied that was correct.

Commissioner Posson asked Mr. Ebrahimi what their plan was for community outreach and for having continued dialogue with the residents.

Mr. Ebrahimi stated that he received a lot of email from the residents since their neighborhood meeting, as well as those received by staff which Ms. Soo forwarded to him. He indicated that he will be contacting all of them to see if they want to meet with them for additional input, such as the type and location of trees to be installed. He added that they would be more than willing to listen to other suggestions the neighbors may have and would be more than happy to incorporate those suggestions into their project if feasible. He noted that they will have other community meetings as they move forward into the project.

Robert Natsch stated that he lives in a two-story house behind the Arroyo and that they have an unobstructed view from their master bedroom of the Arroyo and the building behind them. He noted that the proposed Summerhill complex will be directly across their house and would be less than 100 yards away. He expressed numerous concerns about what might occur with the new development, not only about traffic and noise that they have heard from a lot of people, but also about trees, specifically the two existing 150-foot tall eucalyptus trees right at the corner that is a roosting area for raptors like hawks and falcons. He added that the other morning they saw from their bedroom window, a family of fox who live in the Arroyo, chasing one another on the parking lot of the existing building. He stated that the Arroyo is partially a wild area and they would like to do as much as they can to keep it that way.

Mr. Natsch expressed concern about the view, as presented on a slide, of the existing building versus what it will look like with a four-story building there. He noted that they were virtually the same size on the rendering but that he seriously doubts they will be the same size in reality when that building is constructed. He indicated that he is not trying to hold back public housing as he knows that is important, but he would like to limit how it is going to affect his property, his neighbors, and the wild nature of the Arroyo. He suggested that they seriously consider limiting the size of the apartments in

the back to one story all the way across as anything above that would certainly change what they see. With respect to the existing trees, he stated that the purple plum trees there look pretty scrawny and do not get very high. He noted that he would like to see the eucalyptus trees saved, not only because they offer somewhat of a screen, but also because they are a habitat for some of the wildlife that is back there. He also expressed concern about the number of cars and traffic involved right behind his master bedroom, noting that in the summertime with the windows open, they can hear the cars driving in and a door slam, they can see the headlights shining up into their windows as the security guard drives through the parking lot. He questioned what would it be like if that is multiplied by several hundred. He stated that he is not looking forward to this development at all as far as how it will affect his quality of life.

Joan Natsch stated that just two or three years ago, they went to the Planning Commission and got permits to put in a sizable renovation, an addition to their property, and can't believe that the City is doing this to them now. She indicated that they are original residents of Parkside and bought their property before the Sports Park was even completed. She noted that they had no idea what the impact the Sports Park would have on their way of life: their kids have enjoyed it, and they have enjoyed the other parks and the wildlife right behind them. She stated that the City has changed that somewhat a few years ago when it made that an open thoroughfare, and now they have strangers right behind their fence. She indicated that not only do they have parking problems in front from tournaments and soccer games, they also have strangers right behind their fence. She added that if the Arroyo behind them is opened up to several hundred people, the people will be right behind their fence as well. She noted that they have neighbors and relatives who have had things stolen out of their yard, and the drag marks go down to the Arroyo. She expressed concern that the crime in their area will increase because of that.

Ms. Natsch stated that the trees shown on the slide did not provide any kind of screening for the residents of Parkside. She indicated that they do not they do not care about an eight- to ten-foot hedge; they want tall trees. She added that the ones on the slide were sparse; they want a screen, one every five to ten feet, as they need to preserve their quality of life. She indicated that they have been really proud of the City's Planning Department with the way they have parks in every subdivision, and they would like to preserve that.

Ingrid Wetmore stated that she has lived in this neighborhood for 28 years and has enjoyed living there. She indicated that if she had to purchase her home again knowing what was going to happen to her in her backyard, she would not purchase it anymore. She stated that she realizes the need for low-cost housing but questioned why it has to be so many apartments right in her backyard. She noted that this will affect the value of her home. She stated that she was really proud of the Pleasanton Planning Department and how Pleasanton was laid out as a charming city. She noted how most of the buildings on West Las Positas Boulevard are now one or two stories, and there is not a single four-story building there. She indicated that she thinks this project will definitely

change the character of their neighborhood and will make it look much more like Dublin than Pleasanton.

Ms. Wetmore stated that her main concern is the height of the apartments. She indicated her strong objection to four-story buildings there and thinks they should not be more than two stories as they presently have only one or two story buildings there. She stated that she is not too happy with the development and wishes it would not happen, but she realizes it is probably going to happen and that there will be more down that road on West Las Positas Boulevard because there are several other buildings that the Commission has already recently considered.

Karen Ellgas stated that she took some pictures of the area and would like to share it to bring a little more focus on the project. She indicated that she objects to the number of low-density, reduced-rate, low-income residential units that are being proposed, not just for this particular property but also along the entire West Las Positas Boulevard in the near future. She indicated that she understands that the State requires Pleasanton to rezone some properties and wants to put in on record that she was at all those meetings. She noted that many of her neighbors were also at all those meetings, and being Pleasanton residents, they all support Pleasanton and want to make it as easy or as painless as possible for the City to appease the State. She added that she understands from Ms. Stern and Ms. Soo that these properties have to have 30 units per acre, regardless of whether or not they are zoned for low-income residential. She stated, however, that they do not have to be low-income, and that the City probably has to give a developer a reason if it does not approve its application.

Ms. Ellgas noted that the 177 units include 88 one-bedroom, 72 two-bedroom, and 17 three-bedroom units, but she thinks a unit is a unit, and it does not matter if they are one-, two-, or three-bedroom units. She stated that it might not be that great for the developer but she believes that there is no need for three bedrooms and that they probably need to all be one bedrooms or two bedrooms. She indicated that she did some rough calculations, and eliminating the three bedrooms would save 13,000 square feet in the overall development, which might help get some of the units down from three and four stories to two stories. She noted on page 5 of the staff report that Building C would be two to four stories, but she is hearing that they are three stories. She added that because of the fast rate on that one street, which was originally a business park, she is reminded of what Dublin has done on its street near BART where there is a massive high-density housing. She stated that with respect to traffic circulation, she understands that it complies with the park as a whole, but questioned if this is the right thing to do. She indicated that she has been educated that a traffic flow could theoretically be all put on one street, and this one street passes a middle school. She noted that when the middle school was proposed, her way of life was changed. She further noted that she was sitting in her backyard and heard her son's name announced to go to the office. She indicated that she went over to the school and asked them to turn down their speakers so it does not project to her backyard. She noted, however, that this is different, and now they have businesses there, Monday through Friday, from 8:00 a.m. to 5:00 p.m., and residential which is 24/7. She added that they have the

sports park in their front yard, which is just wonderful and they love it, but the business park and the trail have changed the dynamics of their neighborhood. She strongly encouraged, if the project goes through, that they be kept down to two stories. She added that she is hoping the berm is part of it and that she is not happy with staff's suggestion to put another intersection there.

Chair Pearce informed Ms. Ellgas that there is no more time to go through all the pictures but that if there is a way to give them to staff, she would request staff to forward them to the Commissioners.

John Lange thanked the Commission for hearing from all the residents who live along the Arroyo. He stated that he is an original owner in Parkside, having bought their house in 1980 and living there ever since. He indicated that the Parkside development had been a real draw to them and that they originally bought that house because of the park on one side and the business park on the other. He noted that the business park is quiet and is a good neighbor, and usually when they are home, no one is there. He added that the problem he now sees is putting all that high-density housing in there, four-story buildings probably the equivalent of two tennis courts away from their home. He indicated that he does not know of anywhere else in Pleasanton that people would put up with having an apartment complex that close to a residential area. He stated that this has never happened and does not happen in Pleasanton, where apartment complexes are usually built away from residential areas. He indicated that if there were any way possible to move that facility into the business park, it would be a boon to all the residents. He noted that the problem he sees is that it is being treated as a business park redevelopment, but it really is partially in a neighborhood that backs their homes; it is really close to them and will affect them quite a bit. He indicated that he agrees with a lot of the speakers who spoke before him, noting that the Arroyo is very nice because there is a nice trail there and they do see a lot of wild animals and birds that are there all the time. He stated that he would appreciate anything the Commission can do to change the proposal.

Jane Bowen stated that, like many of the residents, she is also an original owner, moving into the area in 1985. She indicated that she also back up to the Arroyo and is also bearing the brunt of the impact of what is being proposed here. She noted that as they have lived here, they knew the sports park was there, which has had a lot of impact on the residents in the neighborhood, as they get a lot of cars parking on their streets on the weekend and even during the week with the practices, and the lots of traffic and noise that come with that. She stated that as has been mentioned earlier by another resident, the trail behind them was opened not that long ago and has brought a lot of noise and who knows what. She noted that they find alcohol bottles behind their fence; they hear joggers back there at 1:00 in the morning, people walking and talking. She stated that another resident mentioned things being stolen out of their yards, and indicated that they did have someone jump their back fence and run through their yard one night, followed by the police, so there is already quite an impact on them and this neighborhood by what is happening in the Arroyo behind their houses with that trail being opened.

Ms. Bowen stated that when they purchased their homes, they were told that the trail would never be opened up to the public, that it was a Zone 7 service road, and that there was water in the canal which seemed obvious was a hazard to children. She added that then the whole trail thing came up, and suddenly that was not a consideration any more. She noted that the middle school and the business park have also had their impact on the residents. She stated that she also went over to the middle school and talked to the principal about the loud speaker. She then read a quote from the Hart Middle School website: *“Rush hour traffic in the city has nothing on the traffic around Hart before and after school. Wow, what a mess! But if we all follow the rules and treat each other nicely, we can make the situation much more bearable.”* She stated that she often drives down those streets, and there is a lot of traffic there with carpools all lined up down West Las Positas Boulevard to pick up children, driving in and out, everybody in a hurry to get their child dropped off and get off to work. She noted that the school itself is acknowledging that. She added that there are just over a thousand students at that school, and with the faculty, administration, and parent volunteers, the number of people on that campus every day would probably be well over 1200.

Looking at the site plan, Ms. Bowen suggested that the proposed pool be moved farther forward and not close to the fence at the back of the project as that is a noise producer. She stated that she agrees with the suggestions of having lower-story buildings at the back if the project were to go forward and that she disagrees with the exception for setbacks, which are designed from experience to mitigate noise and congestion as well as for aesthetic reasons. She added that, as was mentioned earlier, there is already low-income housing on West Las Positas Boulevard, and it seems that a concentration of this type of housing is being put in this one area. She noted that there are already some down the street and that this lot and the lot adjacent to it have been rezoned. She expressed concerned that there may be an idea of putting two of these types of buildings right next to each other. She pointed out that as was already mentioned, they are a residential neighborhood right behind this project, and a better consideration would be a kind of unique scenario where these projects could be put farther into the business park or one of the other areas that had already been rezoned for this type of a project in the City. She thanked Commission O'Connor for his suggestion of putting the lower stories in the back. She indicated that a six- to eight-foot tall hedge is not very tall, especially compared to the height of the buildings, and that bigger trees such as redwood trees would be a better idea. She added that they do appreciate the wildlife that is back there, the raptors, foxes, and coyotes; the geese, ducks, and red-winged black birds.

Anthony Ghio stated that if anyone asks residents in the Parkside neighborhood if they want this, the answer would be *“no.”* He stated that he bought his house in 2006, and if this proposed project had been there then, he would not have bought his house. He noted that he does not think those pictures of what the view is from the neighborhood looking at those buildings is accurate, as those buildings are much closer. He added that the noise carries and recalled how a few years back, there was an accident on

West Las Positas Boulevard and the power went out; then the generator for a storage building that stores data turned on, and he felt the vibration from that generator coming off of his son's window. He stated that he complained to the City about it and can only imagine what this is going to be like with noise traveling down from those upper levels.

Mr. Ghio stated that he thinks there should be strict guidelines on the number of people living per unit because otherwise, there could be three families living in one unit. He indicated that if his property value goes down, he will go to people in the same situation and they will testify that their property values went down. He noted that Parkside used to be much more expensive than the surrounding neighborhoods, and now it has come down this much. He added that if there is a class action lawsuit, the City is going to pay and this proposal affects Parkside mostly, but it also affects all of Pleasanton, all of the parents who have students at Hart Middle School and Donlon Elementary, which has the most students of any elementary school.

Mr. Ghio stated that he was in Hayward yesterday to serve for jury duty, and as he walked from BART over to the courthouse, he hit this kind of a complex that looks very nice from the outside but smelt of marijuana as soon as he got within its range. He stated that he used to work in San Francisco and now works in Oakland, and anywhere there is high-density population like that, there will be a lot of marijuana smoking. He noted that one does not smell that in Pleasanton right now and questioned if anyone has asked the police what they think of this proposal and if they think this is going to be a good thing. He added that he thinks it would be really interesting if someone went door to door or found some way to go to people in the Parkside neighborhood, and asked them what they think. He stated that he does not see how this is good for Pleasanton or for anybody, with the height of these buildings being two and a half times taller than the existing building. He noted that when he goes to Lake Tahoe and watches the fireworks from the pier, there is a guy in a condo that must be twice as far as this proposed complex is from his house who cranks up the music before the fireworks start, and everybody on the pier can barely hear the fireworks because of that. He indicated that he cannot even imagine what this is going to be like with 177 people living in the complex.

Mr. Ghio stated that he is in law enforcement; he deals with the sheriff's office and works a lot of identity theft cases and things like that. He indicated that he knows a lot about low-income housing, and one time, they did a search warrant out in Brentwood on a house where two individuals were living; neither one had a job and they supported themselves off of welfare and identity theft and things like that. He stated that there is good that can come with low-income housing, there are a lot of good people out there who want to rise above their current environment, but there is also an element that comes with that. He noted that Dublin is a perfect example of what you get with that. He stated that he thinks this proposal could be placed in a much better place than where it is because there is a whole neighborhood that, if asked, probably would not have bought their houses if they knew that was going to be there.

James Paxson, General Manager of Hacienda Business Park, stated that he appreciated the opportunity to work with the applicant and his design team, the same team that worked on the St. Anton project right up the street. He indicated that he believes that for at least the preliminary design, they have done a good job of trying to address the many issues that were brought up tonight and other things that are part of the Design Guidelines that have to be realized with any site plan. He stated that Hacienda has not had a chance to formally review the project and that they are waiting to hear the comments that were brought forth this evening and the direction that the Commission provides, and they will then go back and do their full review.

Mr. Paxson stated that based on the receptivity that they have had, some of the initial issues that have been raised, they feel that the applicants have made a very good start. He indicated that they are very sensitive to one primary issue with all of this, and from what the Commission has heard this evening, it is the issue of adjacency and how a project like this fits in with the existing neighborhood and within the existing commercial/office context in the Park. He noted that simultaneously meeting all the different guidelines on this project is a very challenging thing to do, especially on a site of this size, and he thinks the applicants have done a good job in starting to address those things. He added that they would be very open to changes in direction in terms of where the density is feathered or how the buildings are arranged. He further added that they could certainly work on accommodating any desire to move more of the density up front to West Las Positas Boulevard.

With respect to the issue of the carports, Mr. Paxson stated that this is something they will want to work with the adjacent property owner, and if the property owner is in agreement to that, they certainly would have no objection to doing something along that edge there. He indicated that they would also want to take a look at some of the other things that were brought up with regard to the circulation and traffic flow, especially with regard to the driveway along the west side of the project. He added that they also had some issues they wanted to make sure were addressed with regard to traffic circulation as well as pedestrian circulation on the site. He reiterated that he feels very confident that with the design expertise and with the work that has been done so far, these design issues can be addressed.

Mr. Paxson stated that one thing he really wanted to emphasize is that Hacienda's Design Guidelines actually changed with regard to the landscaping that gets installed along flood control channels, including the Arroyo back there. He indicated that he thinks everybody will be very relieved to hear that Hacienda has a much more robust program back there for both trees and shrubs. He added that between the desire for screening and the types of evergreen trees that they have in the palette, they will be able to establish a very nice screen, especially with some of the quick-growing shrubs that they are suggesting, such as the "*prunus*" and the "*ligustrum*."

Mr. Paxson stated that will help with some of the visual issues that were raised, he hopes that at some point, either staff or the applicant addresses the issue of affordability. He indicated that he thinks there is a misnomer that these units are going

to be entirely for low-income, as these are primarily and predominantly for market-rate and very high-end units, with a portion for affordable housing. He noted that this is true for all the housing projects that have been brought into the Park recently. He stated that he recognizes the concerns about this issue but also wants to make sure there is a full discussion about what types of units are being built and what they are going to be able to accommodate.

Kevin Ebrahimi stated that to clarify some of the things that have come up and following Mr. Paxson's statements, this apartment community is a Type A community, which is a very high-end community design. He noted that everything is going to be market-rate with monthly rents anticipated to be anywhere from \$2,000 to \$3,000, depending on the type of unit. He added that the people who will be living in this residence will not be low-income.

With regard to another point that was talked about, Mr. Ebrahimi stated that there will be a continuous line of six to eight feet tall shrubs all the way along the property line, with an additional planting of evergreen trees along the same location. He pointed out that the trees that will be planted there will be 14 to 16 feet tall at maximum height at their five-year growth, and once fully mature, will grow up to 35 feet tall.

Mr. Ebrahimi stated that all the buildings at the back will be two story to three story. He noted that the pamphlet that was distributed stated that one of the buildings could be a four story, and that would be a tower element on the community building; however, that tower element will be a three-story, so nothing will be over three-story in that area.

Mr. Ebrahimi stated that there is a map on the Hacienda Business Park website that shows the community, and he pulled out one that said a little bit about the height of the buildings along the Arroyo. He noted that that there is a varying height of commercial buildings in the area, some in the same range as the proposed buildings at 22 feet to 26 feet tall, and others that are much taller. He pointed out that that the building right next the project to the left on West Las Positas Boulevard, the Arroyo Center, is up to 40 feet in height, which is also the height seen in the back and backing up to the arroyo; the two buildings to the west of the project site, Simpson Manufacturing, are also up to 40 feet tall, and an existing commercial building across the street, Hacienda West, is up to 50 feet tall.

Commissioner Olson inquired what the distance is from the back of the existing building on the site to the edge of the Arroyo, and what the distance will be with the new building, and if it will be reduced, by how much.

Ms. Stern stated that staff looked into that and indicated that the current building is 60 feet back from the rear property line, and the closest proposed building would be between 54 and 55 feet, approximately five feet closer to the rear property line.

Commissioner Allen asked what the height of the three-story building on the backside would be, compared to a thirty-five foot tall tree.

Mr. Ebrahimi replied that it would be approximately 38 feet high at three stories. He added that the two-story component would be 24 feet high.

Commissioner Ritter inquired if the buildings along the Arroyo Mocho would have balconies that face out on the Arroyo or back towards the poolside.

Mr. Ebrahimi replied that they have not gotten to the actual design component and that they have not even designed that building yet.

Commissioner Ritter suggested that might be something to consider when they get there.

Commissioner Posson noted that they have talked a lot about the design standards for the external portions of the building and inquired how they would approach the inside for the tenants as it relates to energy efficiency and energy self-sufficiency for the project.

Mr. Ebrahimi replied that they have an internal task force that looks at what features can be incorporated into each community they build. He indicated that the task force starts its work once a site layout is designated. He added that hopefully, with the comments that they have receive from the Commission tonight, they will know the site plan that is going to work for this site, after which they will engage with that task force. He indicated that they can come back to the Commission with all the recommendations of the things they can provide for this community.

Commissioner Posson inquired if they have a sense of a kind of general philosophy as to how they approach energy efficiency.

Mr. Ebrahimi replied that as a rule for when it comes to the Build it Green requirements, they try to far exceed the requirements of the jurisdiction they are in. He noted that they are typically over 100 points and that a lot of jurisdictions they have worked in are about 50 to 75 points, with the highest being at 80 points. He indicated that they have gone over the maximum required in almost all the communities they have done, and the individual aspects of it really depend on the design of the project that they wind up with. He added that based on that, they look to see which features they can incorporate into the community. He indicated that they are really excited to look at that and will bring that before the Commission at their next hearing.

THE PUBLIC HEARING WAS CLOSED.

Chair Pearce reminded the public that this is a Work Session and that no decision would be made. She then advised that the Commission would now go through the Work Session Discussion Points.

Commissioner O'Connor stated that he had a question of staff before the Commission starts the Discussion Points. He noted that there were a lot of comments tonight about this affordability that nobody wants in their backyard. He indicated that Mr. Paxson started to explain it, and he thinks it would be helpful if staff could either re-explain or he could walk through his understanding and staff could correct him. He stated that with the lawsuit and asked what it meant, what the City had to rezone, and what that means. He asked what affordability means if the City has to build affordable, and if it will actually be low-cost housing.

Chair Pearce added that she would like staff to also address why there is a mix of apartments and why they cannot all be one-bedroom apartments.

Mr. Dolan stated that the City did get in trouble with the State for not providing the City's fair share of the regional need for affordable housing, in general. He explained that for cities the size of Pleasanton, the city gets this assignment every eight years or so, and the city will have to provide the zoning for it, although the State does not necessarily dictate exactly what the rents will be but it does say that it will assume the city is meeting its obligations if it provides zoning at 30 units per acre for the two categories of very-low income and low-income. He continued that the city's obligation is to zone for that, and two years ago, Pleasanton went through the two-year process of the Housing Element Update, and after many, many meetings and lots of discussions, the City selected the sites, and this site happened to be one of them.

With respect to how that affects this particular project, Mr. Dolan stated that the zoning is set at 30 units per acre, and the develop has an obligation to the City or the City will be talking to them about providing some affordable units, based on Pleasanton's own, self-created, Inclusionary Zoning Ordinance (IZO). He added that the City collectively decided that when it does development, it wants to have a certain percentage offered at a lower rent, and that is something that every development has an obligation to do, including this one. He noted that this project has not yet begun the dialogue for it Housing Agreement, but the IZO, portions of which have been challenged in court, really becomes a negotiation. He indicated that the City's current goal is to have 15-percent affordable, and that can be at various levels of subsidy. He explained that there are really three levels: very-low-, low-, and moderate-income, and the 15 percent is split between those various levels. He then referred to Ms. Stern for information on the rent.

Ms. Stern stated that the median income for the area is around \$80,000, and the very-low income level would be about 50 percent of that or around \$40,000; the rental rates would be about 30 percent of the income level.

Mr. Dolan stated that staff will provide more data on that as the project comes forward. With respect to the terms of the unit sizes, he indicated that the other thing that the City has to do as part of the process is that when the City had the State review and certify its Housing Element, the City had to do a housing needs analysis and determine what is not being provided to the community. He noted that this is a fairly extensive analysis,

and part of the conclusion was that Pleasanton does not have larger apartment units that would serve a family. He explained that this would be a family that is not in a position to purchase a home, but there are a couple of children and the family really needs a three-bedroom unit. He indicated that there is plenty of need for one-bedroom units, and if this project were entirely one-bedroom, it would rent quickly but it would not necessarily serve a need for the community that has been identified in the City's Housing Element.

Discussion Points:

A: *Would the Planning Commission support the exceptions noted above if the project were to move forward as proposed?*

Commissioner Allen stated that with respect to parking, if the adjacent property owner does support the plan, she is fine with the plan for the carports; however, if the adjacent property owner does not support it, then she would not be fine with it and the Commission would need to go over the parking issue.

Commissioner Allen stated that she is fine with the roadway without knowing much about what the traffic impact is and how busy it is. She indicated that on the surface, it seems okay to have a narrower alley.

Commissioner Olson indicated that he agreed with Commissioner Allen on both items.

Commissioner O'Connor stated that he also agrees with both items. He added that if the property owner to the west would agree, he really does think that the carports would take up the same space as open parking but would certainly enhance the project and make it more desirable, which, in turn, would help or alleviate the concern of the neighbors regarding affordability, what the development is going to look like, and what kind of people are going to be attracted. He added that covered parking does enhance projects so he would like to see that.

With respect to the alleyway, Commissioner O'Connor stated that he does not really have a problem with that. He indicated that there is one lighted intersection to get in and out and a main drive in and out, and he is fine with it.

Commissioner Ritter stated that he agrees and is fine too.

Commissioner Posson stated that he would prefer carports to open parking but that he would want to see agreement by both the adjacent property owner and through Hacienda's approval process.

On the primary street design versus the alleyway, Commissioner Posson stated that his preference would be for the primary street design, but if there are some constraints on the development of the property that they can demonstrate as they get on the design, he would be fine with an alleyway.

Chair Pearce stated that she agrees with Commissioner Posson. She indicated that she could support carports but would like to get the westerly neighbors' agreement to that exception. She added that she would like to understand the constraints a little better if the roadway will be an alley.

B: Are the on-site circulation, parking layout, feathering of densities, stepping-back stories above the second story, and positioning of the buildings acceptable?

Commissioner Posson stated that the Commission has heard a lot tonight from residents about heights as well as about on-site circulation and density, and step-back stories. He indicated that he thinks the applicant will be looking at the overall building heights and at those reductions, and when they come back, he would like to see a lot more representation, in addition to the one simulated view from Parkside, of what the views and what the project was going to look like from the backyards of the Parkside residents.

Chair Pearce noted that was a good point.

Commissioner Ritter stated that he thinks it is important to have the flow so that if the residents are coming in, the headlights do not get in the other residents across the alleyway, across the Arroyo Mocho. He noted that he does not necessarily like the pool position and can empathize with the neighbors living 244 feet from the building complex if a group of children are playing in the pool and it is loud. He added that he is comfortable with two stories along the Arroyo Mocho as long as they are not higher than 24 feet. He noted that he likes the idea of stepping-back for the higher buildings towards the West Las Positas Boulevard side.

Commissioner O'Connor stated that he is fine with the circulation and was trying to figure out where the headlights would go, but he thinks that for the most part the layout of the buildings is fine. He indicated that he was also looking for a two-story area for the pool versus the tot lot in the common area. He added that in larger developments that he knows, the pool is usually more central. He also expressed concern about putting the pool in the middle of four-story buildings as he does not know where the sun is going to be and where the shade would be. He stated that when he first looked at this, he thought that it would be fine if the pool were properly screened from the Arroyo, but he just thought if that was where the pool remained, he would like to see the one apartment building next to the pool, not on the recreational facility side but on the other side, brought down to a two-story in order to give more sun to the pool area. He indicated that he would not have a problem with moving it up to be more central, except that it would get into a shady area.

As regards the tot lot, Commissioner O'Connor stated that there would be three-bedroom units but how many children will actually be living in the complex will not be known until they get there. He noted that the tot lot looked very large compared to the

pool area and the open green area, and he believes more families will be using the open green and the barbecue area than just a tot lot. He added that tot lots are generally used only by younger children. He indicated that he would like to look a little bit more at the sizes of those three areas. He also noted that if the tot lot were moved to the back, then the noise the children will be making there could bother the neighbors.

Commissioner Olson stated he is fine on the circulation. He indicated that he is not really excited about four stories anywhere and that the buildings along the Arroyo should be limited to two stories. He noted that he was surprised when he drove over there about how wide the Arroyo is and is glad that there would be only a five-foot delta between the edge of the Arroyo and that of the new buildings versus the current building. He added that the pool should probably be moved to the middle or farther up and the open green to the back.

Commissioner Allen stated she is fine with the layout and agreed that the Arroyo side should be limited to two stories. With regard to the pool, she indicated that she would like the applicant to ideally look at an option with the pool more toward the middle, or alternatively keep it where it is but working with the neighborhood on the kind of screening as well as noise abatement through the right kind of wall. She agreed with Commissioner O'Connor that the tot lot could possibly be reduced in favor of more open space.

Chair Pearce agreed with what almost everyone has said. She stated that she is fine with the circulation and would prefer to see two stories along the Arroyo if at all possible. She indicated that densities absolutely need to be feathered. She added that she is not thrilled about four stories but does not know if there is any way to get the units needed for the site without that. She stated that she agreed with what has been said regarding the position of the pool and its impact on the neighbors. She reiterated the need for screening and mitigating what the proposal looks like from the Arroyo.

C. Should a pedestrian access be provided from West Las Positas Boulevard to the proposed Open Space area?

Commissioner Posson stated that he thinks the pedestrian access can be accommodated and should be required from West Las Positas Boulevard. He suggested that if the applicants have any specific security concerns or are not in favor of the access or want some type of locking system, they should bring those forward and give a good explanation for them.

Commissioner Ritter stated that he knows the Parks and Recreation Commission and the Bicycle, Pedestrian, and Trails Committee are trying to push very hard for inner connectivity. He noted that inner connectivity is important when laying out the plans as trails get people off the roads and on bikes and walking. He indicated that he does not know if it can be done through this property, but it is important for people to be able to walk along the Arroyo or somehow getting them to Hart Middle School across the street.

Commissioner O'Connor stated that he is not a big fan of having public access into what he considers a private area for the people who live here. He noted that there is a tot lot with little children playing, and he would not want strangers walking through the middle of the complex with the children out there. He added that there will also be children at the pool. He indicated that he does not have a problem with having an egress if it had an automatic closing gate as a way for the residents to come back through. He stated that if there were to be any kind of trail connectivity, he would prefer that it be at the property line or on some kind of easement or walkway that does not actually allow the public into the property where residents are living.

Commissioner Olson stated that he is on the Bicycle, Pedestrian, and Trails Committee and that he is not in favor of providing this pedestrian access at all. He indicated that he sees a security problem here and, as has been mentioned tonight, there is already a security problem on the other side of the Arroyo. He added that if there were to be one, it ought to be limited.

Commissioner Allen stated that she supports doing a pedestrian access on the side of the building and that would really be about it. She noted that for beaches, people usually provide access to the public at the corner of a property.

Chair Pearce agreed. She stated that she was on the committee that put together the Housing Element Design Guidelines and remembers having some of these conversations. She indicated that this is a private open space and that she does not want to create a *de facto* public open space by making a pathway right to it. She added that if connectivity to West Las Positas Boulevard is needed, it must be done in a way that does not make it look like this is public open space.

D. Are the proposed on-site recreation facilities and amenities acceptable?

Commissioner Allen said yes.

Commissioner Olson indicated that he is fine with them.

Commissioner O'Connor stated that he is fine with the amount of space that has been provided but that it may need to be tweaked in terms of the sizes of the pool, the tot lot, and the open space.

Commissioner Ritter stated that he agreed with Commissioner O'Connor.

Commissioner Posson stated that he would like to see a little bit more detail on what the recreation facilities would include. He added that he is in favor of looking at moving the pool more toward the center of the complex.

Chair Pearce stated that the facilities and amenities as proposed look good to her.

E. Are the residential building designs, colors and materials, and heights acceptable?

Commissioner Posson said yes.

Commissioner Ritter stated that he just wants to make sure that they match the other buildings in that vicinity so it has that Hacienda feel and does not stand out. He noted that he talked to Mr. Paxson about it a little earlier today, and he agreed that it made good sense in this area.

Commissioner O'Connor stated that he is not a big fan of stark white as it does not seem as warm to him as the "Pleasanton look," but he is fine with it and does not like to impose his own feelings of color on someone else. He added that he does not have a problem with a mix of colors so white has a place.

Commissioner Olson stated that other than height, he is fine with this.

Commissioner Allen stated that she was fine with it and that she does fully support staff's recommendation on the four items on this discussion item. She indicated that the buildings look a little plain, especially for being in such a prominent location, and would like to see extra detail. She added that she would also like the applicant to look at what looks like a little two-story boxy area on the northwest corner where there are several garages. She noted that coming down West Las Positas Boulevard, it looked almost like a utility area because there was sort of white stucco with four plain garages. She stated that she did not think that was quite the right look for this building and would suggest possibly enhancing the garage doors, adding some additional trim, so it looks punched up right in that corner, at the northwest driveway into the complex.

Chair Pearce stated that she agreed with Commissioner Allen. She noted that she also agreed with the four suggestions from staff, as well as with Commissioner O'Connor about the colors. She indicated that what she would like to see come back to the Commission are actual color samples that the Commissioners can look at using their little white-light day lamps that they do not get to use a lot and get excited about when they do. She noted that this is a major thoroughfare and she wanted to ensure that the Commission gets not only the detail but also the color palette right.

Chair Pearce stated that she is taking her prerogative and adding a sixth question for the Commission's consideration.

F. What additional information do you need the applicant to come back with?

Chair Pearce noted that Commissioner Posson wanted a visual analysis and she asked for a color palette.

Commissioner O'Connor stated that he sees the challenge here is, if the Commission wants to get everything on the Arroyo down to two stories, there are seven units back there that have to go somewhere. He added that he is not sure the City wants to have all four stories up front, but even if that were done, there is room for only five in the current design, and he does not know if there is a way to shrink all seven of those that are back there and how much redesign would be required. He indicated that he would like to see whatever options the applicants can get in, maybe get a different roof design to bring the height down somewhat, or sink the back row a little bit.

Commissioner Ritter stated that he would like to see a little more outreach with the residents. He indicated that the City Council passed Ordinance 2030 that basically rezoned this for an apartment complex, and so this is going to happen somewhere along the line. He added that this is a process, and the Commission wants to make sure it makes sense. He noted that all this feedback is good, and how they get implemented needs to be figured out. He suggested that the applicant talk to each of the City Councilmembers because that is important.

Commissioner Posson echoed Commissioner Ritter's statements. He suggested that the applicants have multiple input meetings with the residents as the design matures to make sure to get their comments and their buy-in, so the applicants clearly understand what the residents are saying and they clearly understand what the impacts are.

Commissioner Allen stated that she would like to see mature trees added to the visual analysis to show what it would look like, fully developed. She indicated that she agreed with the multiple meetings. She stated that the vision she has for the applicant might be like that of the applicant who came to the Commission recently who, two years ago, had many people in the audience like today complaining about the project; and by the time, the project came forward to the Commission, there was only one resident present, and that resident wanted to compliment the developer on what a fabulous job the developer did listening to the community and incorporating the feedback in a win-win design. She noted that it does involve negotiation and some good give-and-take, but it made it very easy for everyone.

Commissioner Olson echoed the requests that had been made and added that he would like to see the applicant specifically address the two areas of water and energy as the community enters a period where these are getting dear.

Chair Pearce stated that she would echo what everyone said. She indicated that she would like to see a tree report before she consents to knock down any trees. She noted that the conversation about the wildlife in the Arroyo was an interesting one and would like to figure out a way to mitigate the impact of construction on the wildlife out there as that is obviously so important to so many neighbors.

Commissioner O'Connor stated that he would like to add on to Commissioner Allen's desire to see some better photos with landscaping. He indicated that he would like the photos to show a realistic and accurate look with a time lapse of three, five, and ten years, rather than plan for 15 to 20 years.

Commissioner Posson noted that the Commission heard some comments tonight about some implied correlation between affordable housing and high-density housing and an increase in crime rate. He inquired if staff had any data about affordable housing or high-density residential areas and its impact on crime.

Mr. Dolan replied that the Police Department has compiled crime data and what it finds is that anywhere you put a collection of cars together in a parking lot, the percentage of break-ins into those cars increases and sort of skews the results. He noted that it has been focused on this one variable of parked car and is the pattern that has been observed. He added that staff will put together a report on this for the Commission.

Commissioner Posson stated that he is not just interested in what has happened in Pleasanton but also in other jurisdictions. He inquired if there have been any academic studies that looked at the impact of an increase in affordable or high-density housing. He indicated that this has not been the first hearing where the Commission has heard that discussion, and he thinks it would be helpful for both the Commission and the community to see any studies in this area.

Chair Pearce noted that this was a good idea.

Commissioner Ritter stated, for the record, that the Commission has talked about schools and that he knows staff has some data on how this project affects that schools and what it will do to them.

Ms. Stern stated that this is a timely question because of the discussion that went on with the Pleasanton Unified School District at a meeting last night. She indicated that they talked about how the City has been working with the District for many years and has informed it of what is coming up so it can plan accordingly for its facilities. She noted that City staff has done that all through the Housing Element Update process and with those changes to the General Plan. She added that there is also a Liaison Committee where members of the School Board and the City Council meet regularly to discuss these types of developments.

Ms. Stern stated that at last night's meeting, the School Board accepted a demographer's report that actually has a couple of recommendations related to two new schools, one of which would be in the northwestern area, potentially in the Hacienda Business Park area, and the other one, potentially long-term out there ten years, in the East Pleasanton area. She noted that the District is definitely looking at a long-term need for schools rather than at an immediate need at this point.

Commissioner O'Connor asked Ms. Stern, for the benefit of the audience, if she can touch on how many children are expected in this type of development which is a rental as opposed to an ownership and a single-family.

Ms. Stern replied that it would be less than for a single-family. She stated that the demographer's report may have made assumptions and scenarios based on different assumptions because the City has not built anything parallel to this development built in the last ten years. She indicated that she thinks the District has been using data from Dublin, and there is some discussion about whether that will be reflected in the Pleasanton case or not. She added that she believes the data that the District has used is something around .4 school child per unit. She stated that she can get some more accurate information on that if the Commission wants to do the study.

Commissioner O'Connor commented that he thought it .7 child per unit.

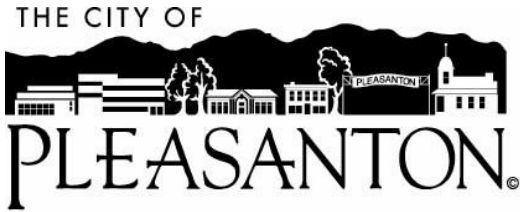
Chair Pearce stated that she would be interested in seeing that report when this application comes back to the Commission.

Mr. Dolan stated the Archstone apartment complex has also been considered as a source of data and that staff has some decent data on that.

Commissioner O'Connor noted that some people sometimes think that these projects are loading up the schools but there are probably only somewhere between 50 and 75 students.

Mr. Dolan indicated that staff has what it needs and will work with the applicant on the Commission's recommendations. He noted that there will be some challenges in moving the pool, but staff will certainly explore different locations and ways to screen it. He added that one of the biggest issues seems to be moving the bulk around from the back row but that he has some ideas for that.

No action was taken.



**Planning Commission
Staff Report**

January 22, 2014
Item 6.a.

- SUBJECT:** Work Session for P13-2078
- APPLICANT:** SummerHill Apartment Communities
- PROPERTY OWNER:** Las Positas Property, LLC
- PURPOSE:** Work Session to review and receive comments on a Preliminary Review application to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9 acre site
- GENERAL PLAN:** Mixed Use/Business Park
- ZONING:** Planned Unit Development – Mixed Use (PUD-MU)
- LOCATION:** 5850 West Las Positas Boulevard
- EXHIBITS:**
- A. Planning Commission Work Session Discussion Points
 - B. Preliminary Development Plan Sets
 - C. Staff Report for September 11, 2013 Planning Commission Work Session (without attachments)
 - D. September 11, 2013 Planning Commission Meeting Minutes (Excerpt)
 - E. List of Concerns from Parkside Residents
 - F. Photosimulation of Buildings A and C from the Adjoining Property to the West
 - G. Location Map and Noticing Map

I. BACKGROUND

In January 2012, the City Council approved rezoning of nine sites throughout the City for multifamily development in order to meet the City's share of the regional housing needs (Ordinance No. 2030). One of the approved locations is the CM Capital Properties site located at 5850 and 5758 West Las Positas Boulevard. The CM Capital Properties site consists of two parcels: a 5.9 acre parcel located at 5850 West Las Positas Boulevard and a 6.7 acre parcel located at 5758 West Las Positas Boulevard. These two parcels are not required to be developed together.

SummerHill Apartment Communities have submitted a Preliminary Review application for the development of a multifamily housing project on the 5.9 acre site located at 5850 West Las Positas Boulevard.

The purpose of the work session is to receive comments from the Commission and public regarding the project and discuss how the project would meet, or require exceptions from, the *Housing Site Development Standards and Design Guidelines* (hereafter referred to as *Design Guidelines*), adopted by City Council on August 21, 2012. The site is identified as Site #9 in the *Design Guidelines*, and has a density requirement of 30 units per acre, which results in 378 units on the entire 12.6-acre site. The proposed project is to construct 177 residential units on an approximately 5.9-acre portion of the site, meeting the density requirement of 30 dwelling units per acre. No action on the project will be taken at the work session. If an affordable housing agreement is part of the project, the agreement will be scheduled for a recommendation by the Housing Commission. The development of the project will require Planned Unit Development (PUD) Development Plan approval, which is subject to review and approval by the City Council, following review and recommendation by the Planning Commission.

September 11, 2013 Planning Commission Work Session

The Planning Commission held a work session on September 11, 2013 to review the proposed 177 unit apartment complex project. The Planning Commission provided the following comments on the work session discussion points (additional comments made by the Commission are in the attached minutes – Exhibit D):

- A. *Would the Planning Commission support the requested exceptions if the project were to move forward as proposed?*

The Commission would support the carport setback at the western property line if an agreement with the property owner to the west is reached. The majority of the Commission would support using an alley design instead of an interior street design for the second westerly access road for the project. Two commissioners indicated their support of the alley design if constraints on the development of the property can be demonstrated.

- B. *Are the on-site circulation, parking layout, feathering of densities, stepping back stories above the second story, and positioning of the buildings acceptable?*

The Commission found the proposed on-site circulation and parking layout to be acceptable. One commissioner commented to not let vehicles' headlights entering the site impact the existing residents located on the south side of the arroyo.

Two commissioners commented on the size of the proposed tot lot area and common open space area. They felt the size of the proposed tot lot area could be reduced as they did not believe it would be used as much as the common open space area, and recommended the square footage allocated to these two areas be reevaluated so that the common open space area would be adequately sized to support the development.

Some commissioners also suggested reevaluation of the pool location so that it would be more centrally located instead of being located near the southern property line. One commissioner commented that if the relocation of the pool is not feasible, screening of the pool as well as measures to mitigate noise from the pool to the Parkside residents need to be considered.

In respect to the proposed building height and feathering of density, the majority of the Commission felt that the buildings facing the arroyo should be two-story buildings. The Commission was not excited to see the proposed four-story building height, but understood that it may be needed in order to achieve the required density. Two commissioners requested that photosimulations of the buildings be provided from the existing Parkside neighborhood.

- C. *Should a pedestrian access be provided from West Las Positas Boulevard to the proposed Open Space area?*

The majority of the commissioners supported a pedestrian access. As the proposed common open space area within the development is for private use, some of the Commissioners did not want to create a de facto public open space. As the proposed development would also have a tot lot, some of the Commissioners did not support a public access through the development due to security concerns. The Commission stated that if pedestrian connectivity from the proposed development to West Las Positas is needed, it must be done in a way that does not make the private open space/tot lot area look like this is public open space/tot lot.

- D. *Are the proposed on-site recreation facilities and amenities acceptable?*

The Commission found that the proposed on-site recreation facilities and amenities are acceptable. One Commissioner wanted to make sure that the applicant reevaluates the square footage allocated to the common open space area, pool, and tot lot so that they are balanced; another Commissioner wanted the applicant to include details on what the recreation facility would include.

- E. *Are the residential building designs, colors and materials, and heights acceptable?*

The Commission, in general, found the proposed designs are acceptable. The Commission agreed with staff's recommendation that additional architectural elements, such as exposed rafter tails, window planter boxes, wrought-iron detailing, stucco finish, etc. be added. The Commission also commented that architectural details are needed around some of the garage areas and requested a color/material board.

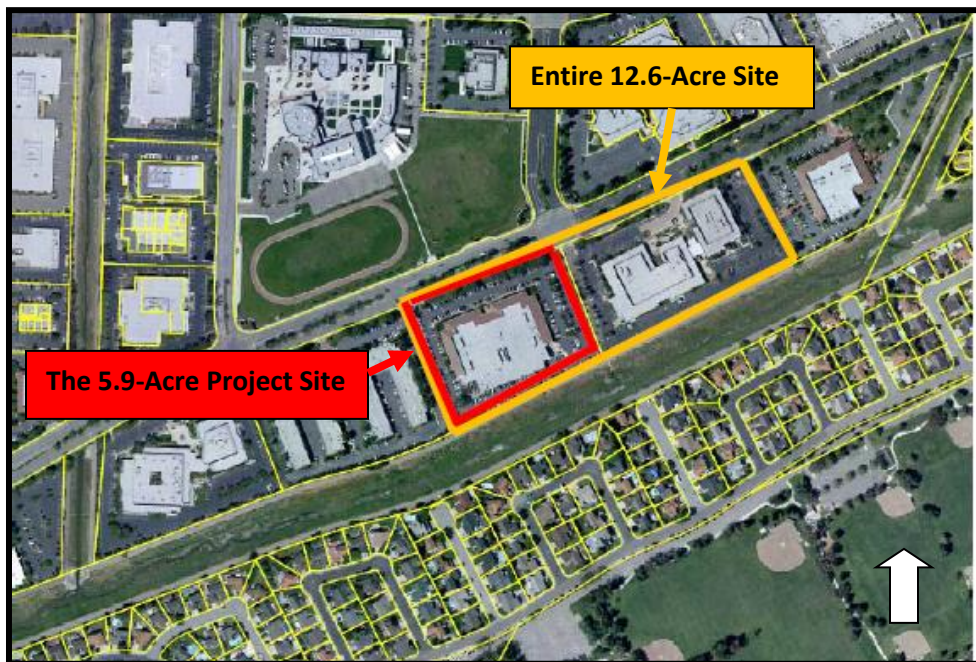
F. What additional information do you need the applicant to come back with?

The Planning Commission requested the following items be submitted and/or addressed in the formal application:

- A visual analysis and a color palette.
- More outreach with the residents to get their comments.
- Mature trees should be added to the visual analysis to show what it would look like fully developed. In addition, provide growth intervals of three years, five years and 10 years.
- If there have been any academic studies that looked at the correlation of an increase in affordable or high-density housing and an increase in crime rate.
- School district's projection report on number of students that may be enrolled in schools from the proposed development.

II. SITE DESCRIPTION AND SURROUNDING AREA

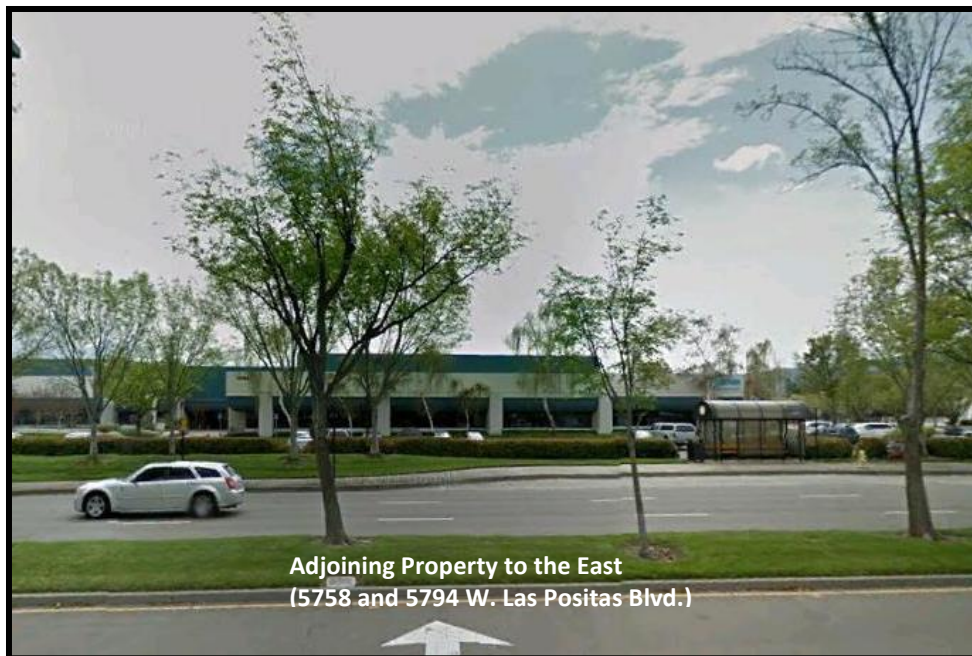
The subject site is located on the south side of West Las Positas Boulevard, across from Thomas Hart Middle School, within the Hacienda Business Park. The subject 5.9 acre site and the adjoining 6.7 acre site to the east are collectively referred as the 12.6 acre Site #9 of the Design Guidelines. Please see aerial map below.



Project Location Map

The project site fronts on West Las Positas Boulevard and backs up to Arroyo Mocho (south). The site was initially developed in 1984 for AT&T and later was clinical laboratories for SmithKline Beecham. The existing building is a one-story building, approximately 88,512 square feet in floor area. It is currently vacant.

The site is generally flat. A bus stop within a shelter served by Livermore Amador Valley Transit Authority (LAVTA) is located in front of the building to the east, and also across West Las Positas Boulevard at the middle school.

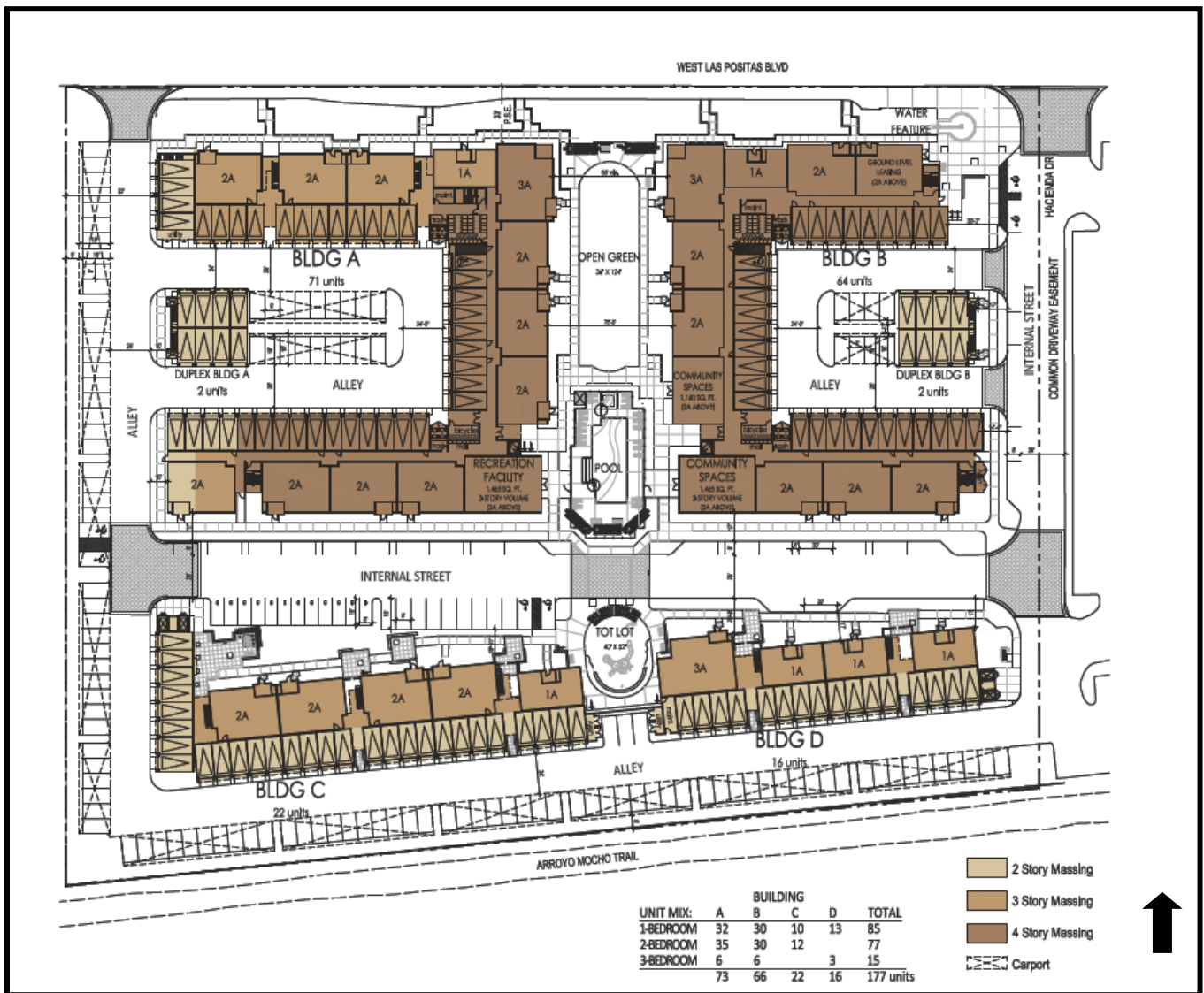


Adjacent properties include one-story office buildings to the east and west, Thomas Hart Middle School to the north, and Arroyo Mocho to the south. Further across the arroyo to the south are single-family homes.

III. PROJECT DESCRIPTION

The project would include four residential buildings housing a total of 177 residential units. Buildings A and B would be U shaped buildings located in the northern portion of the site fronting West Las Positas Boulevard. Buildings C and D would be rectangular shaped buildings located in the southern portion of the site. A combination of one- to three-bedroom units is proposed.

The proposed development would utilize the two existing entrances/exits off of West Las Positas Boulevard. One entrance/exit is located near the western edge of the site and the other one is located near the eastern edge of the site. The project's main entrance would be from the eastern edge of the site at the existing signalized intersection at West Las Positas Boulevard and Hacienda Drive. Please see site layout below.



Revised Site Plan

The proposed elevations present a Spanish influenced architectural style. The materials that are proposed include stucco exterior finish, stone veneer, wood-like trim for the windows, tile roof, wrought iron patio and balcony railings, and awnings.



Conceptual Building Elevation on West Las Positas Boulevard

The proposed development would provide a total of 304 parking spaces in private garage spaces, covered parking spaces (carports), and surface parking spaces. An open space area, a tot lot, a pool/spa, and a recreation facility would be provided within the complex. Pedestrian paths within the complex are proposed between residential buildings, the open space area, and recreation uses. A six-foot tall sound wall is proposed along the southern property line.

No changes were made to the number of units. There were minor changes made to the size of the bedrooms and the mix of bedrooms per building. Please refer to the following table for comparison.

Bedroom Sizes

	Original Submittal	Revised Submittal
One bedroom	718 sq. ft. to 785 sq.ft.	702 sq.ft. – 881 sq.ft.
Two bedrooms	1,054 sq.ft. to 1,069 sq.ft.	No change
Three bedrooms	1,298 sq.ft.	1,298 sq.ft. – 1,309 sq.ft.

Bedroom Mix per Building

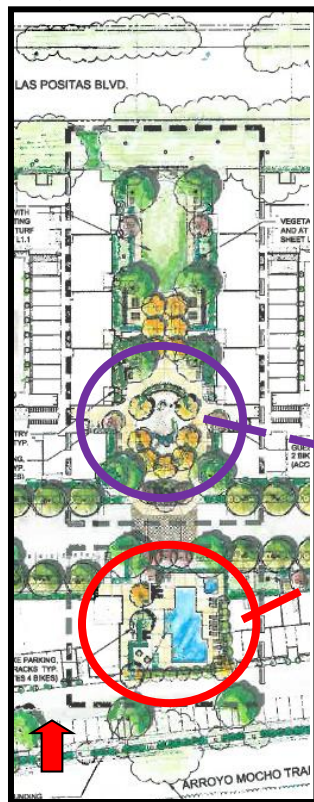
Original Submittal						Revised Submittal					
UNIT MIX:	BUILDING				TOTAL	UNIT MIX:	BUILDING				TOTAL
	A	B	C	D		A	B	C	D		
1-BEDROOM	30	28	10	20	88	1-BEDROOM	32	30	10	13	85
2-BEDROOM	35	31	6		72	2-BEDROOM	35	30	12		77
3-BEDROOM	8	8	1		17	3-BEDROOM	6	6		3	15
	73	67	17	20	177 units		73	66	22	16	177 units

IV. CONSIDERATIONS FOR THE WORK SESSION

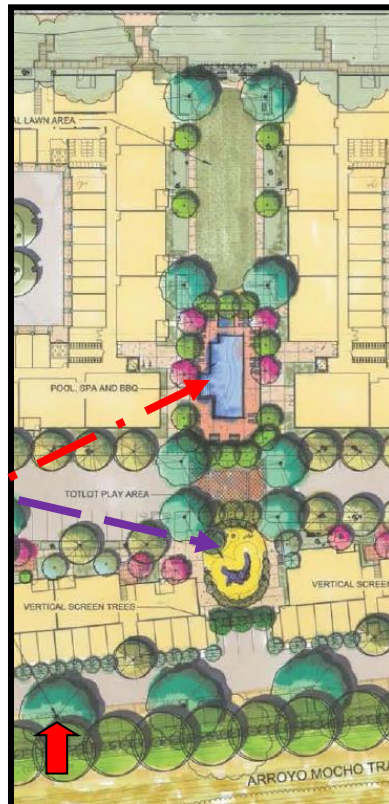
The applicant has revised the plans per comments received from the Planning Commission work session on September 11, 2013. Staff is seeking comments and direction from the Commission whether the applicant has responded satisfactorily. The additional information the Commission requested would be included in the formal application submittal.

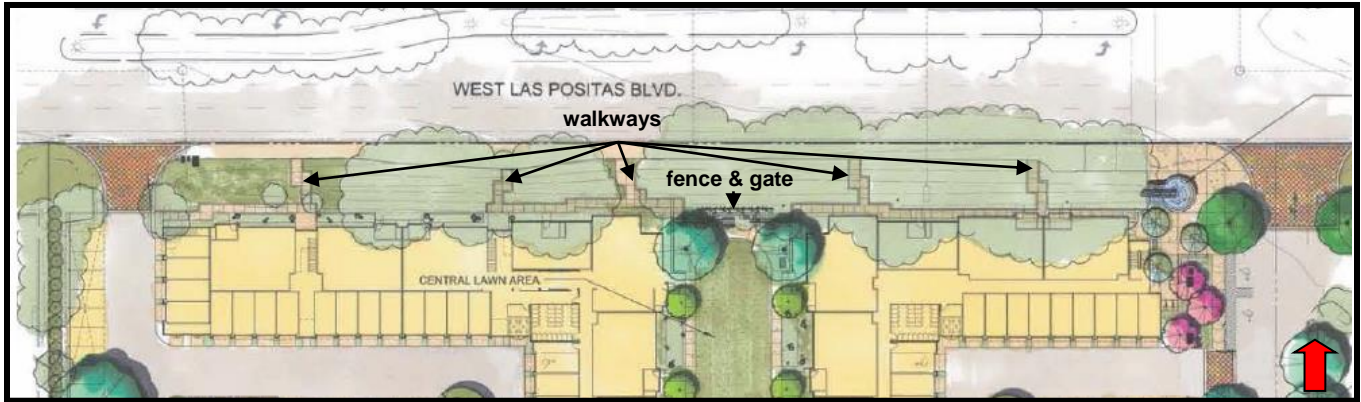
- 1. Site Layout.** In response to Commission’s comments regarding the pool location, size of the common open space area, and size of the tot lot, the applicant has revised the site layout to: 1) relocate the pool to the north between Buildings A and B; 2) relocate the tot lot to the south and reduce its size from 2,400 sq. ft. to 2,080 sq. ft.; and 3) increase the square footage of the common open space area from 2,528 sq. ft. to 4,464 sq. ft. In addition, walkways have been added to connect the sidewalk along W. Las Positas Boulevard to the proposed residential development. In consideration of security of the private open space area, a fence and a gate are proposed at the northern entrance of the open space. Please refer to the exhibits below and the following page for the revisions.

Original Plan



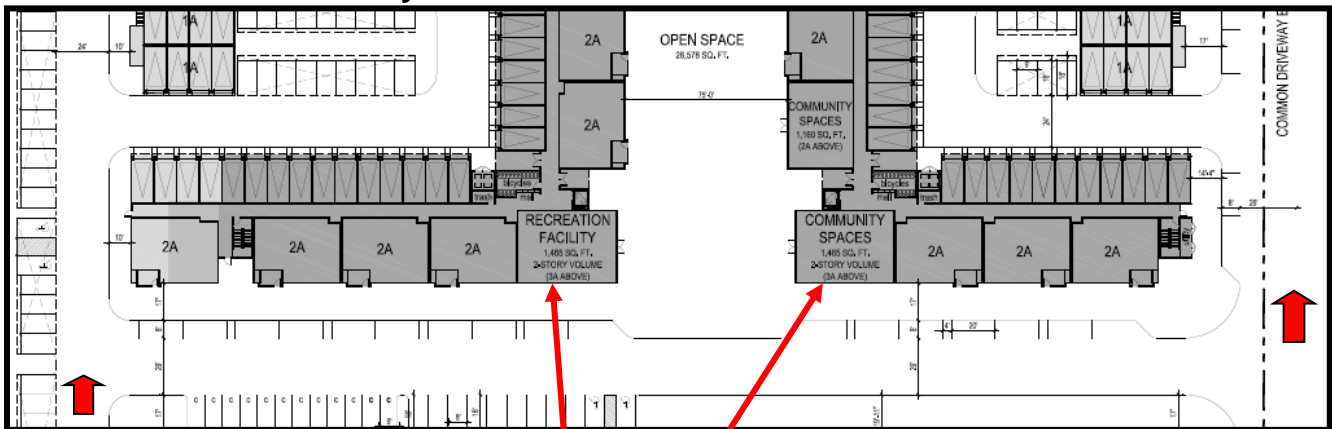
Revised Plan



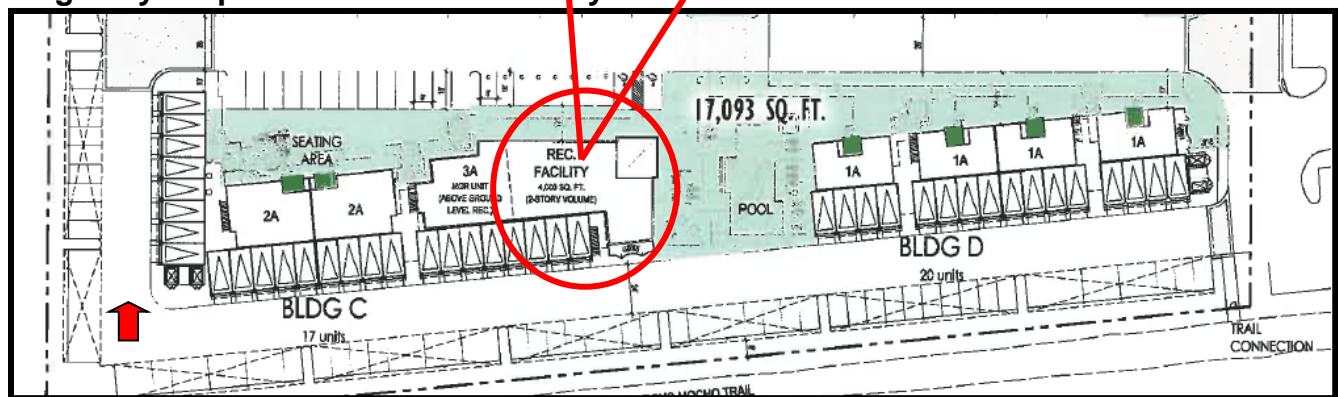


To accommodate to the pool and tot-lot location swap, the applicant has relocated the recreation facility. The recreation facility was originally proposed to be located in the eastern end of Building C. The applicant now proposes to locate the facility in both Buildings A and B. Building A would have the fitness facility and Building B would have a lounge area. Please see exhibits on the following page.

Revised Recreation Facility Locations

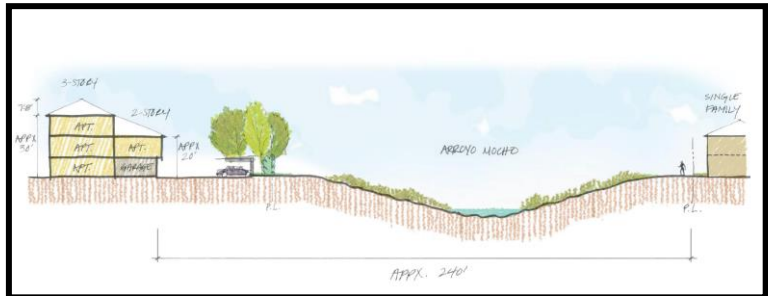
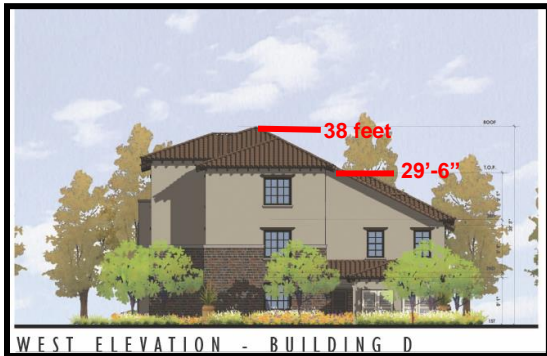


Originally Proposed Recreation Facility Location



Discussion Point No. 1: Is the new location of the pool and other amenities, and access from W. Las Positas acceptable?

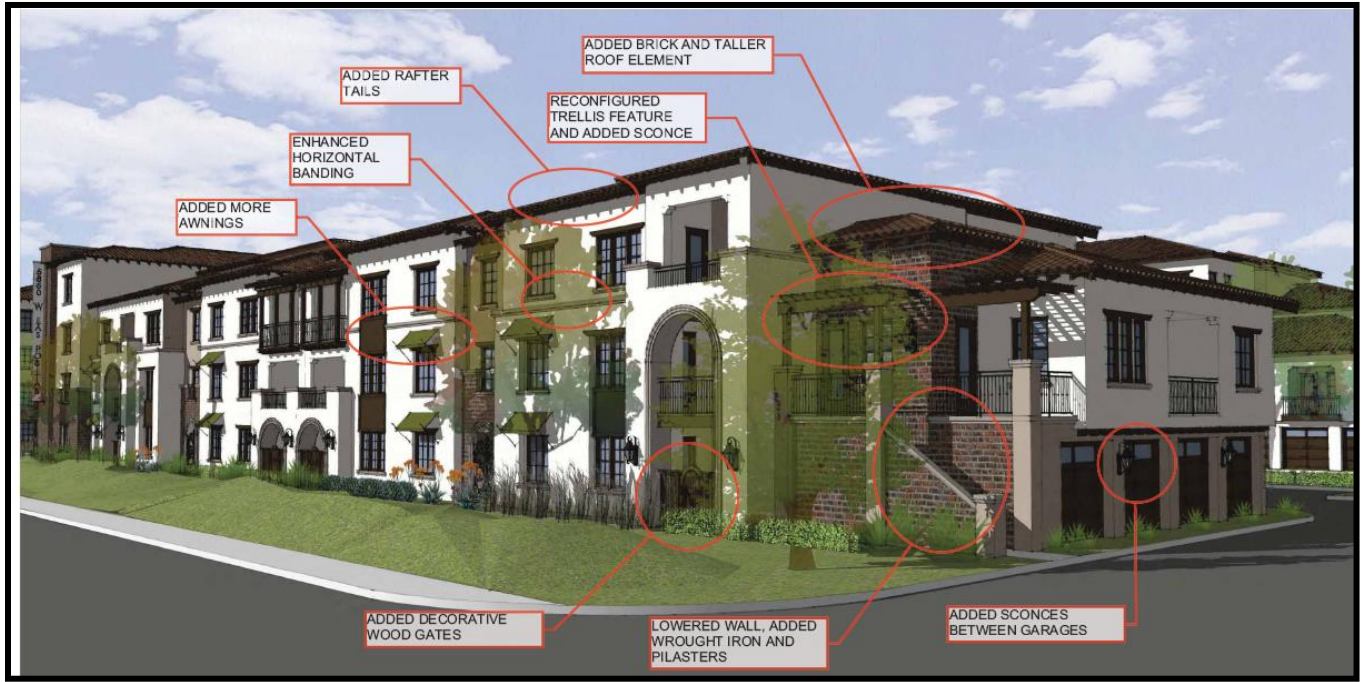
2. Building Height. Instead of two three-story buildings facing Arroyo Mocho, the applicant proposes two buildings which have a three-story component facing north and a two-story component facing south (the arroyo) to reduce the building mass and to reduce visual impacts to the existing residential community to the south. The two-story portion would measure approximately 29'-6" to the top of a sloping roof, and the height of the three-story portion would measure approximately 38 feet to the ridge of the roof. Please see the cross-section and the south elevations of Buildings C and D below. The cross-section also shows the distance to an existing two-story home on the south side of the arroyo.



Discussion Point No. 2: Is the revised proposal for massing at the rear of the site with two and three story building combinations acceptable?

3. Building Details. Additional architectural elements, such as rafter tails, awnings, horizontal bands, sconces, wrought iron railings, wooden gates, etc. were added to the buildings. In addition, a lowered wall and columns have been added to the otherwise plain wall on the northwest elevation of Building A near the garage. Please see the elevations on the following pages showing additional architectural elements/details to address the Commission’s comments.

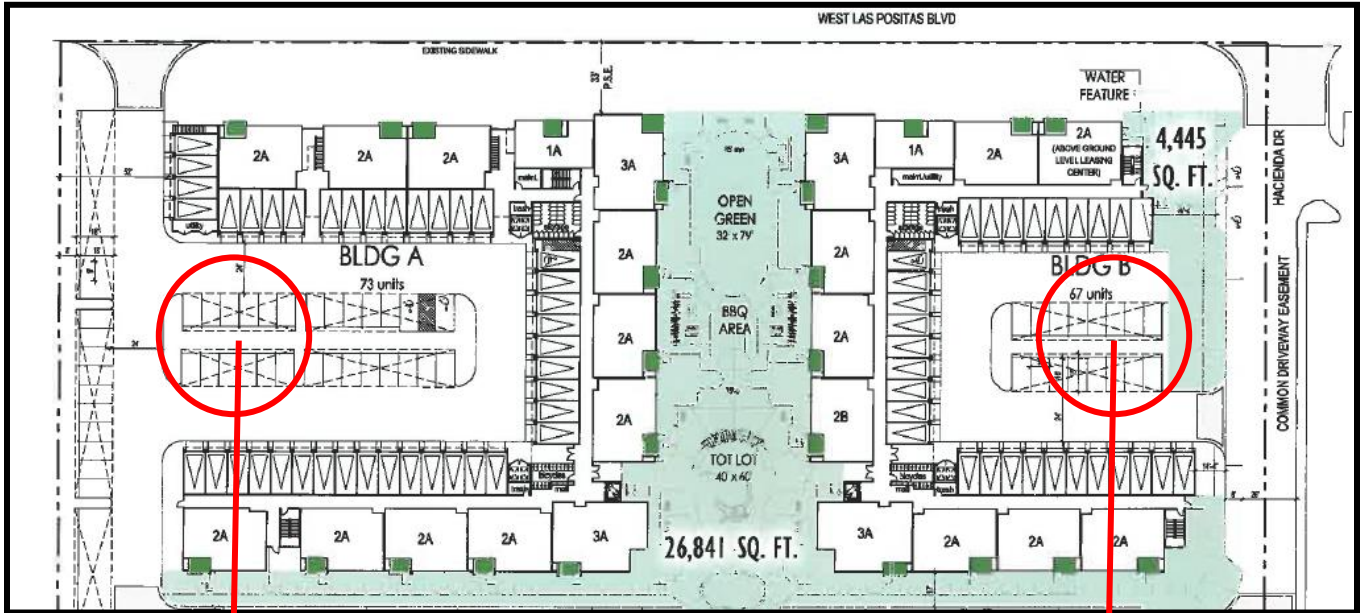




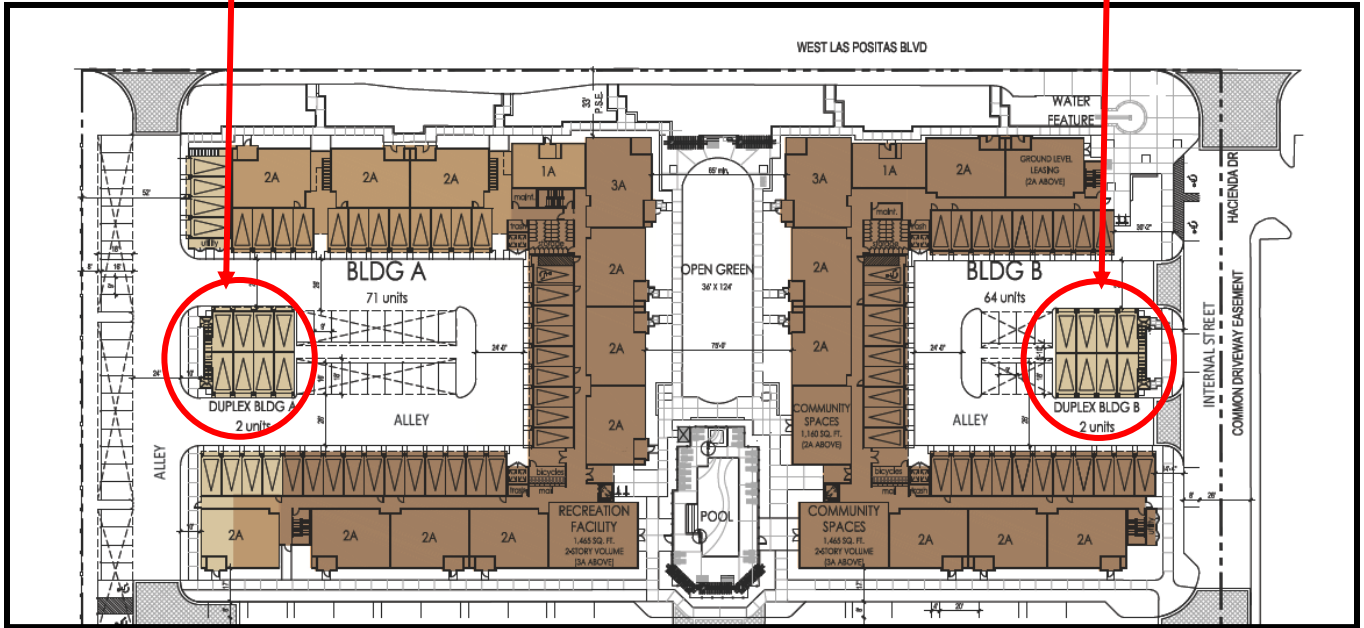
Discussion Point No. 3: Is the revised building design acceptable?

4. Redistribution of Dwelling Units. As a result of lowering the building height of the buildings located in the southern portion of the site (Buildings C and D), the applicant has relocated four units (referred to as duplex units) in the middle of Buildings A and B, changing the middle carport area to a combination of carport and two-story building (one living floor above garage) to meet the required density.

Original Plan

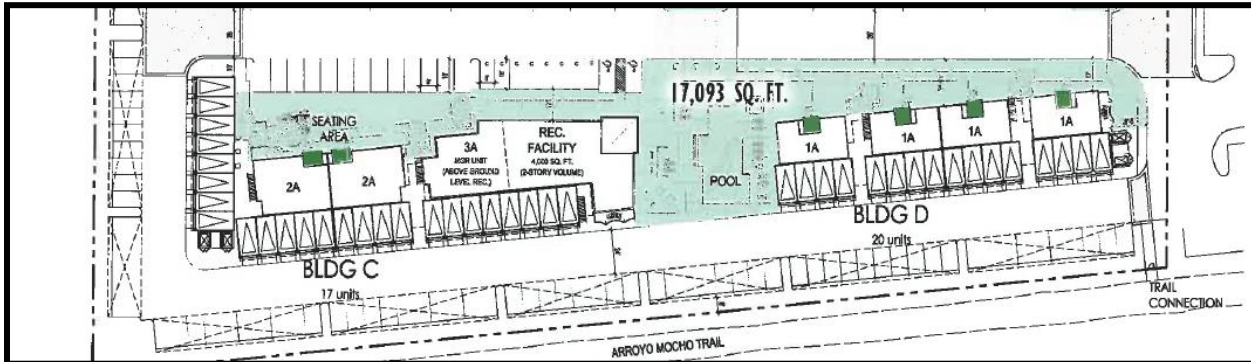


Revised Plan

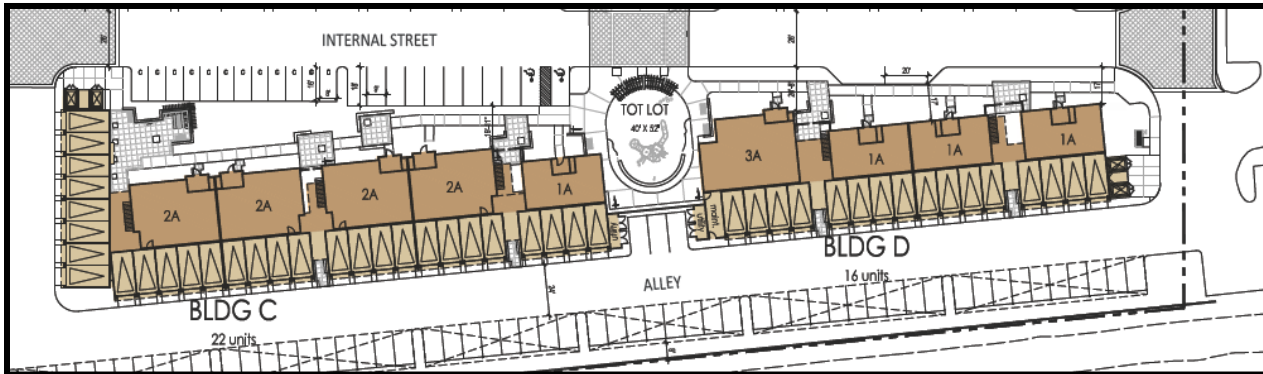


Additionally, the applicant has relocated five dwelling units to Building C and removed four units from Building D.

Original Plan



Revised Plan



Discussion No. 4: Is the revised dwelling-unit with living units over parking by Buildings A and B acceptable?

5. Housing Site Development Standards and Design Guidelines

With the above revisions, the applicant requests the following additional exception from the design guidelines. For the Commission’s reference, the page and section number for each item in *italics* is also included.

The southeast portion of Building B where the utility closet and one garage are proposed is set back approximately 5'-8" from the back of the sidewalk, not meeting the required eight-foot setback. This reduction resulted from adding the required parallel parking to entry street.

Special Design Standards and Guidelines, page 20:

A4.2. Front setbacks shall be a minimum 8 feet from the back of sidewalk providing enough room for planting and privacy while still allowing a strong relationship between the units and street.

Discussion Point No. 5: Would the Planning Commission support the requested exception if the project were to move forward as proposed?

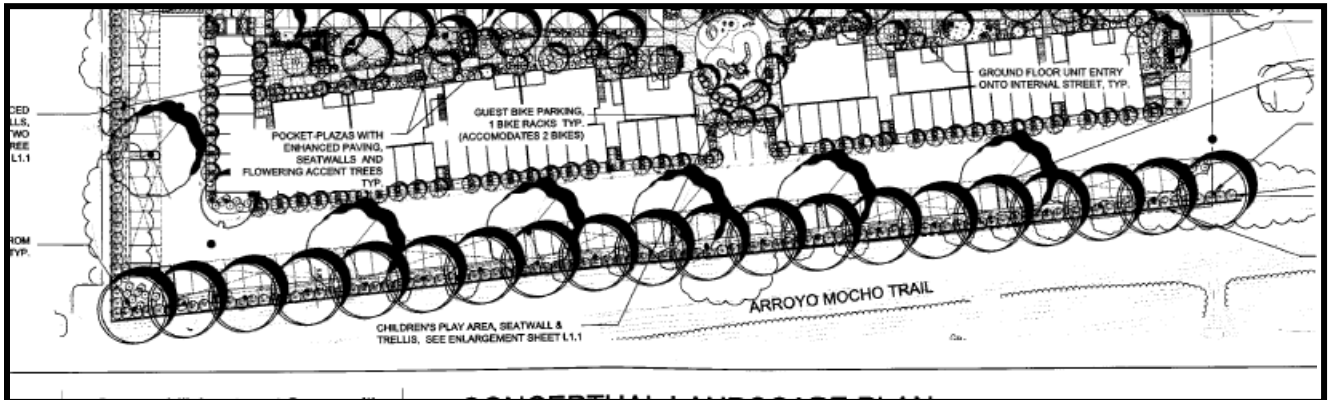
6. Revised Landscape Plan and Planting Growth Photosimulations

To screen the proposed development from the existing residential neighborhood located to the south, the applicant has revised the landscape plan at the southern property line. The existing trees (seven red ironbarks, 12 plums, and a cork oak) along the southern property line would remain. In a discussion with the project landscape architect, evergreen shrubs and *Rhus lancea* (African Sumac) trees would be planted to screen the future buildings. The evergreen shrubs would be trimmed to form a dense hedge. The applicant prepared photosimulations showing the planting along the southern property line at growth intervals of three, five, and ten years.

Original Plan

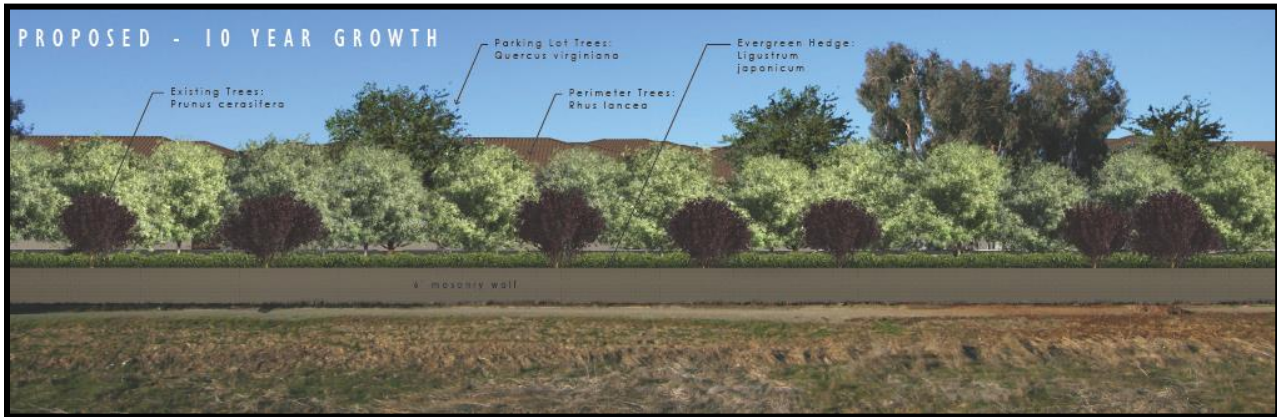
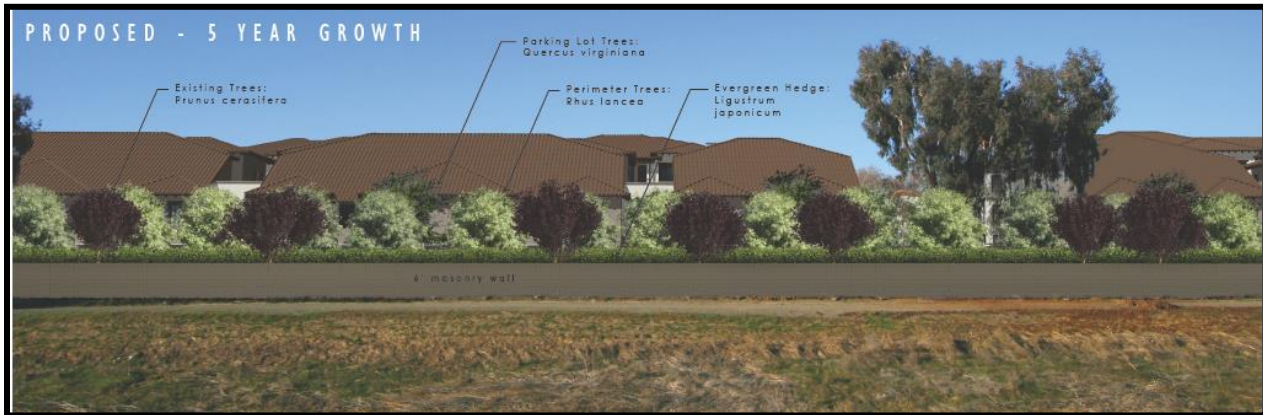
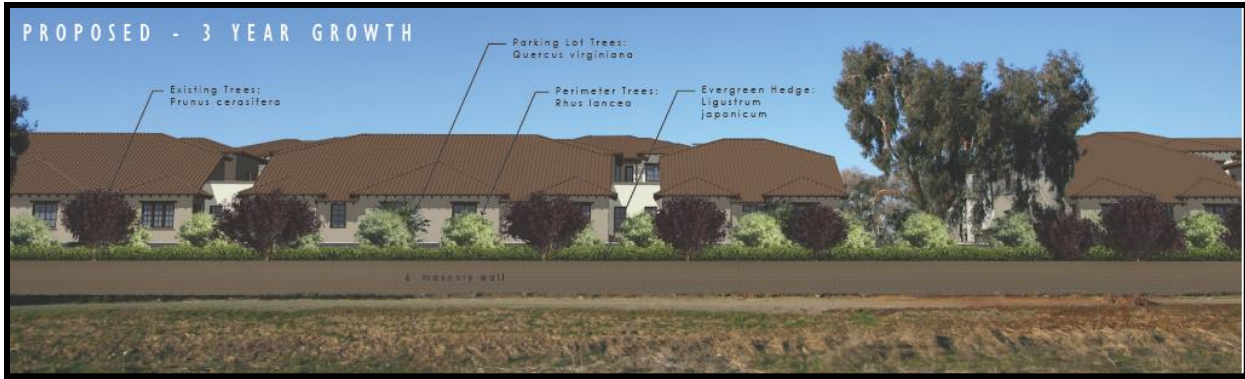


Revised Plan



Planting Growth Photosimulations





Discussion Point No. 6: Is the revised landscaping in the rear acceptable?

7. **Revised Plans.** The revised plan set titled “Third Pre-Submittal January 2014” includes the above referenced revisions. It also includes the following items that were not presented to the Planning Commission at the work session on September 11, 2013:

- Floor plans and elevations for Buildings C and D.
- Building sections.
- Roof plans.

V. NEIGHBORHOOD OUTREACH.

Neighborhood Meeting on October 20, 2013. Following the Planning Commission work session in September, the applicant held a second neighborhood meeting on the subject site. At the meeting, the applicant shared the following with the residents:

- the two and three story combination design concept for Buildings C and D;
- revised elevations of Buildings A and B with additional architectural elements; and,
- relocation of the recreation building, pool, and tot lot.

The residents appreciated the applicant's efforts in exploring design options to address their concerns; however, the following issues/concerns were made:

- building height/number of stories should be limited to two stories or less;
- impacts to schools
- impacts to traffic
- correlation between high density residential development and increase in crime
- wildlife protection

Neighborhood Meeting on November 20, 2013. Staff, led by the City Manager and the Director of Community Development, held a neighborhood meeting to discuss the proposed development, issues and mitigations. The City Manager and the Director of Community Development provided an overview of the City's Housing Element and the need to provide a variety of housing stock in the city; answered questions concerning low-income housing; explained the entitlement process; and advised the residents to form a group that would represent the Parkside neighborhood and continue conversation and discussion with staff concerning the proposed development. A list of neighborhood concerns prepared by the group is included as Exhibit E.

Residents' Group Meeting on January 14, 2014. At the meeting, staff reviewed the latest plan set with the group. The group was pleased to see the revisions showing the building height changes to Buildings C and D, relocation of the tot lot, pool, and open space area; and the additional planting along the southern property line. The group commented on the location of a trash enclosure proposed on the east side of the project. The group would like to see landscaping be planted between the proposed sound wall along the southern property line and the arroyo. In addition, the group recommended that no dogs be allowed within the complex. Staff has related the comments to the applicant. The applicant appreciated the feedback and will re-evaluate the site layout.

In addition to the outreach to residents, the applicant has forwarded the photosimulation of the carports and Buildings A and C when viewed from the west to the adjoining property owner for review and comment. Staff will report back to the Commission when comments from the adjoining property owner are received. A copy of the photosimulation is attached as Exhibit F.

VI. School District's Projected Student Yield

The Fall 2011/2012 Demographer's Report prepared by Davis Demographics & Planning, Inc., dated June 2012, for the Pleasanton Unified School District (PUSD), included Student Yield Factors (SYFs) for a 10 year projection. The SYFs, when applied to planned residential development units, would determine the number of students from a particular development who may be enrolled into PUSD schools. Different SYFs are used for different grade levels. Please refer to the following table showing the number of students that would be expected for the proposed 177 residential units to be enrolled in PUSD schools in various grade levels.

Grade Level	SYFs for Apartment Units	No. of Expected Students
K-5	0.128 (x 177 units)	23
6-8	0.081(x 177 units)	14
9-12	0.110 (x 177 units)	19
K-12	0.319 (x 177 units)	56

A copy of the report is available through the following web link:

<http://206.110.20.201/downloads/businessservices/FY12StudentPopulationProjectionsDemRpt.pdf>

VII. PUBLIC COMMENT

Notice of the Planning Commission's public work session was sent to property owners and tenants within 1,000 feet of the subject property. A map showing the noticing area is attached to this report. At the writing of this report, staff has not received any comments from any of the adjacent property owners or tenants.

VIII. STAFF RECOMMENDATION

Staff recommends that the Planning Commission take public testimony, discuss the items identified in the report, and any others it may identify, and provide direction to the applicant and staff.

Project Planner: Jenny Soo (925) 931-5615, email: jsoo@cityofpleasantonca.gov

P13-2078, Summerhill Apartment Communities

Work Session to review and receive comments on a Preliminary Review application to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site located at 5850 West Las Positas Boulevard in Hacienda Business Park. Zoning for the property is PUD-MU (Planned Unit Development – Mixed Use) District.

Jenny Soo presented the staff report and briefly described the revisions to the project plans made by the applicant, based on the Planning Commission's comments at the first Work Session on September 11, 2013, as well as information requested by the Commission on the additional neighborhood outreach and the School District's report on the proposed development's projected number of students.

THE PUBLIC HEARING WAS OPENED.

Kevin Ebrahimi, representing the applicant, thanked Brian Dolan, Ms. Soo, and Ms. Stern for their coordination and help in moving the proposal to where it is today. He also thanked the community for their help in coming up with a modified design proposal which addresses the Commission's and the neighbors' comments at the first Work Session. He noted that at that Work Session, the Commission provided positive feedback and several suggestions on the proposed design and strongly encouraged the applicant to meet with the neighbors, hear their concerns, and work with them to come up with a viable solution that would work for the site design and the neighborhood. He indicated that the staff presentation summarized the project well and that he would be providing a more detailed description of these changes and how they came up with them.

Mr. Ebrahimi identified the eight recommendations made by the Commission as well as based on comments made by the neighbors at the first Work Sessions:

1. *Provide a two-story view of Buildings C and D from the vantage point of the Parkside neighborhood; do not increase the heights of Buildings A and B, the four-story buildings along West Las Positas Boulevard.*

The units on Buildings C and D were redesigned to eliminate the third-story element and create a two-story view from the perspective of the Parkside neighborhood to the south, while keeping the three-story element facing northerly towards the interior of the project. A slide showed a view of the proposed building about 240 feet from the rear of the Parkside community: a two-story element with a roof pitch that goes towards a three-story element that is visible from West Las Positas Boulevard. While this design eliminates the third floor requested by the Parkside neighborhood, it also limits the number of units that must be relocated elsewhere in the project, thereby avoiding the need to increase the heights of Buildings A and B.

- 2. Increase the open space grass area within the project.*

The size of the grass area within the open space in the central paseo was substantially increased.

- 3. Remove direct access from West Las Positas Boulevard to the open space area of the project.*

Access to the project open space along West Las Positas Boulevard was relocated and the entrance was gated for added security. Individual units will still have direct access to the public sidewalk along West Las Positas Boulevard.

- 4. Consider relocating the pool area away from the southern portion of the site to reduce visibility and noise impact to the Parkside neighborhood.*

The open space component of the project was redesigned by relocating the swimming pool to the central portion of the site in order to increase the distance between the pool and the Parkside community. Additionally, a six-foot tall masonry wall has been incorporated along the southern property line with the connections of Buildings C and D to further reduce any noise impacts and to act as a buffer to block any vehicle lights shining toward the direction of the Parkside community.

- 5. Provide more trees and shrubs to screen the project from view by the Parkside neighborhood; save the existing Eucalyptus and Palm trees along the southern property line; provide visuals of landscape screening at the three-, five-, and ten-year growth periods.*

More landscaping has been provided between the proposed project and the Parkside neighborhood. All of the existing trees along the southern property line will remain as requested, and an evergreen hedge row has been added along the entire southern property line. A row of large evergreen trees will also be planted at the same location all the way along the property line, with additional planting of a series of large evergreen southern live oaks in the parking area to provide additional screening and give dimension and depth to the landscaping. This will provide a three-tier landscape step along that property line. Balconies were removed from the south-facing units in Buildings C and D to provide added privacy. Slides showed the projected view of Buildings C and D with a three-year, five-year and ten-year landscaping. Additional landscaping was placed on the southern portion of the six-foot tall masonry wall to screen the project's visibility from the neighbors' homes.

- 6. Provide more architectural detail and potentially darken the white exterior color of the buildings.*

Additional architectural details were incorporated and darker colors were provided. The updated architectural elevations plans highlight the following changes:

- Wooden gates at entries to the patios

- More awnings
- Rafter tails
- Sconce
- Recessed windows
- Two darker color palettes replacing the exterior white color
- Off-white finish on Buildings A and B and a taupe finish on Buildings C and D
- Redesigned end unit in Building A that is visible from West Las Positas Boulevard to provide much greater detail
- Added pilasters and wrought iron
- Raised height of the brick exterior treatment and increased brick banning at key locations

7. *Continue to work with the neighboring commercial property on the west side of the project regarding the proposed carports, landscaping, and other visual screening.*

Outreach work with the westerly commercial neighbor, Mr. Doug Giffin, has continued, and in response to his concerns, decorated fencing and greater landscaping have been provided, including a full evergreen screen hedge along the property line to augment the exterior pear trees at that location. In addition, large evergreen southern live oak trees will be planted to provide additional screening. A slide shows the existing view of the commercial property and visual simulations of the projected view at a five-year growth.

Mr. Giffin's preference is to eliminate the carports in this area; however, this design provides significant benefit to the project and the people who will live within that community, without adversely impacting the adjacent property. A cantilevered design for the carports has been developed so they will not have any side or rear walls, and in many respects, the carports are designed more like shade trees than structures. One note to consider in evaluating if carports in this area should be allowed is to recognize that when the original setback condition was placed, the mitigation of landscaping and carport design was not available to make that determination.

8. *Continue our outreach with the community.*

Outreach efforts with the Parkside neighborhood has continued, both with individual residents and in neighborhood meetings, to better understand the neighbors' needs and concerns:

- Neighborhood meeting at the project site on September 4, 2013, before the first Planning Commission Work Session.
- September 11, 2013 Planning Commission Work Session at which comments from the Commission and the neighbors were received.
- During September and October Summerhill called, emailed, and/or met individually with all neighbors who presented comments at the Planning Commission Work Session. Not all residents were willing to meet individually,

but for the most part, the majority met with Summerhill representatives at the community meetings.

- On October 6, 2013, Summerhill introduced the project and answered questions at the neighborhood meeting organized and hosted by a Parkside resident.
- On Sunday, October 20, 2013, Summerhill hosted a neighborhood meeting to again present the project and hear additional comments.
- In mid-November of last year, Summerhill developed a fact sheet for the City and neighborhood leaders for distribution, for transparency and to respond to all of the questions posted individually and at group meetings regarding this project.

Mr. Ebrahimi stated that Summerhill has been very successful in its projects as it accommodates the neighbors while keeping the projects economically feasible. He noted that both aspects need to work together to make a project work.

Mr. Ebrahimi added that they were asked last week to consider three other items following staff's meeting with the neighbors:

1. *Provide landscaping to screen the proposed six-foot tall masonry wall on the south property line of the community.*

Creeping fig vine has been incorporated for this visual screening, as shown in the plans presented earlier.

2. *Prohibit pets, dogs in particular.*

The apartment community would be at a great disadvantage if it did not allow for dog ownership. Residents will want to have that option, and Summerhill will want to continue to offer that flexibility.

3. *Location of trash bins at the southeasterly location of Building D.*

The design and location of the trash bins are being modified so garbage trucks do not require access to the rear alley for pick-up of any items.

Mr. Ebrahimi indicated that their consultant team is present to answer any questions the Commission may have.

Robert Natsch, acting as spokesperson for the Parkside community, stated that his house is directly across the Arroyo from the Summerhill development. He indicated that, for the most part and given the requirements, the Summerhill Complex drawings are very professional and that the Parkside group was encouraged by the changes made to the original plans: moving the pool to the center of the development, eliminating the balconies and stairways from Buildings C and D facing the Arroyo, sloping the rooflines on Buildings C and D, adding the six-foot tall sound wall and a gate

accessing the Arroyo, and changing the building colors. He noted, however, that residents would rather not have any three- or four-story buildings on this site and that, in fact, they prefer not to have any apartment complex there at all.

Mr. Natsch stated that upon review of the third pre-submittal plan document represented tonight, the members of the Parkside community want to express the following concerns:

- They are encouraged that there will be mature trees along the back wall, based on the five-year plan, as they are concerned it may take too long for small plantings to grow and mature.
- They would like reassurance that the existing eucalyptus trees will be preserved, and they heard that this evening that they will be, which is good news as well.
- They would prefer an eight-foot soundwall versus a six-foot soundwall. The 24/7 noise that will be generated by a 177-unit apartment complex with a swimming pool, playground, cars coming and going, and trash hauling will certainly change and negatively affect the quality of life of nearby residents.
- They also would like the City to control the demolition and construction hours and would like to know who to call when there is a work crew making noise outside the designated hours.
- They have asked for the no-dog permit for residents. Many of the residents love dogs and own one themselves, but a 177-unit density is just too high for that many potential animals.
- They want no north side access to the Arroyo. There is already public access to the south side of Arroyo and they do not want public access on the north side as well. They are concerned that part of the Arroyo will become a dog-run and a literal eyesore. The apartment density is just too great for that many people to have easy access to the site.

Mr. Natsch stated that the rendering on page A6.7 of Exhibit B showing a south view of Buildings C and D is misleading. He noted that according to the plans, Buildings C and D will be 36 feet, 10 inches high from grade to ridgeline, and Buildings A and B which will be to the north, will rise to 51 feet, 11 inches. He pointed out that based on this view, there is a 15-foot difference that is not represented by blue sky that will block most of that view from their side of the Arroyo. He explained that on these particular views, Buildings C and D are shown from the rear, and Buildings A and B are seen 15 feet over the roofline of Buildings C and D, but the drawing does not show how much of the sky will be blocked by Buildings A and B. He added that they currently have a slight view of Mt. Diablo, and that will be totally erased by the Summerhill project.

George Bowen, an original Parkside resident, stated that they bought their house in 1985 and have lived through the many changes that have impacted the Parkside community. He indicated that he would like to start with some important general comments that are less specifically related to Summerhill. He stated that he believes there is a sense among the Parkside residents who were surprised that they are standing here with a development that is zoned and is moving forward. He stated that there was a notice that was sent out, and along with that notice were assurances that

there were no plans to develop and they should not expect a development on that property in the future at all. He indicated that that really removed their concerns, and they did not come down and address the rezoning.

Mr. Bowen stated that he thinks it would be worth going back and looking at some of the additional comments made about the zoning changes, that they were just finding spaces to accommodate the lawsuit that occurred. He noted that the City was really put in a spot in that lawsuit, but now there are developments that are either existing, being built, or in the process of being approved which make Las Positas a high-density housing corridor and will have a significant impact on the Parkside community. He added that on one side, they have a wonderful sports park that they are proud of and grateful for; it does create noise for them, but the benefits far outweigh the detriments. He noted that they do have noise from the sports park that is actually currently reflected off of the buildings on their backside which is along the Arroyo.

Mr. Bowen stated that one other thing they heard discussion about this specific project is the adjacent property, and the Parkside community would very strongly appreciate a review of the zoning of the adjacent property to have an even larger housing development next to this 177-dwelling unit property, and which would have a much more significant impact on them than this current project has.

Mr. Bowen stated that they appreciate the concessions that have been made on the part of Summerhill, who has listened to the concerns expressed and have made the efforts to make the project more tolerable for them. He noted, however, that they have a few specific concerns that he would like to raise, one of which has to do with the sound wall. He indicated that he has a background in acoustics, and the term that is been used, "sound wall," is a bit of a misnomer. He explained that sound reflects off of hard objects, and that is why recording studios tend to be made up of very soft objects. He noted that masonry has about the lowest co-efficient absorption of sound of any material out there: only .02 percent of sound that strikes masonry is absorbed; 99.98 percent of the sound is reflected. He pointed out that on the proposed property site, there is going to be a lot of sound reflected back where the trees are towards the residents. He indicated that although they would like a wall for improved privacy and to reduce the noise that comes from the development, they will also face a competing problem which is the reflection of sound that could come from Hopyard Road and from the sports park, and they may actually be increasing the noise level that they experience now apart from whatever noise comes from the development itself. He indicated that the nature of the acoustic properties of a flat masonry wall is to reflect more noise directly back at the residents, from sirens and cars on Hopyard to soccer goals at the sports park. He stated that there are two ways to address this issue: one is to create a wall that diffuses sound that could still be made of masonry; and another is to make the wall out of material that is more absorptive of the sound. He added that a combination of both of those is best, and asked that a study be made by a professional acoustic engineer on how best to reduce the negative acoustic properties of that wall.

Mr. Bowen stated that the remaining points he has are that they strongly object to access to the Arroyo on the north side and the impact on water. He indicated that a very rough estimate of the water usage of this one property is about 10 million gallons of water a year. He noted that there is a precious reserve in Zone 7 and asked that that concern be addressed.

Doug Giffin, Chamberlin Associates, owner of the commercial property immediately to the west of the new Summerhill project, stated that the buildings along West Las Positas Boulevard currently interact very well with one another. He indicated that each of them tends to have three fronts so no matter where one is on these multi-tenant buildings, that person would be staring at the front of another building and would not feel that he or she is somehow tucked away or hidden in the back of a property. He noted that currently, a quarter of their 94,000-square-foot building, or about 25,000 square feet of the building is continuous, full glass in the front of those spaces, and they all directly face the Summerhill property. He pointed out that their current view now from the front of their single-story attractive building with Spanish tile roof and a great context is the parking lot.

Mr. Giffin stated that one of their concerns early on and why they were so heavily involved in developing the development standards was because of the relation between both the use of the adjacent property and the visual impact of the fence. He indicated that the new building will be 20 feet closer to their property and quite a bit taller; so the two things they worked very hard to have incorporated into those standards were the 50-foot setback within the structures and the stepping of the buildings. He added that, to Summerhill's credit, he thinks they have done a great job in designing an attractive project; and without the carports there, he thinks it achieves the goal that both planning, the Business Park, and Chamberlain thought was necessary to maintain that visual appeal for their tenants. He added that early on, Mr. Ebrahimi asked him if Chamberlain would consider carports, and Chamberlain wanted to be able not to mind and see what Summerhill would come up with.

Mr. Giffin stated that from the top view and without the carports, it would be relatively similar to what Chamberlain has now: one is in front of the building staring at the front of another building. He noted that now, it is essentially 50 feet off of that nice separation, and one is suddenly looking at the rear end of the property instead of the front. He pointed that that it makes $\frac{1}{4}$ of their building suddenly undesirable, more difficult to lease, and more difficult to retain tenants. He indicated that they had requested a wrought-iron fence simply to try and prevent cross traffic; they are not looking for a visual barrier but for a nice openness, a look at these great attractive buildings.

Mr. Giffin requested that the Commission hold Summerhill to the Design Guidelines that were developed for this reason and not allow structures within that 50-foot setback area. He indicated that the impact to their tenants is great and would have a significant effect on their ability to retain tenants and the rents that they get for their property.

Mr. Giffin stated that the only other thing he wants to say is that he was very happy with the detailing on the garages at the entrance to West Las Positas Boulevard, where the simulation focuses on one of the buildings that does not have garages. He indicated that the garages to the right, to the south of their project, also directly face Chamberlain, and he requested that they have similar detailing to the garages to the front of the project so they are also attractive and do not appear to be kind of the back of the development

Karen Ellgas, a Parkside resident, stated that they formed a committee and five members of Parkside will be speaking. She indicated that tagging onto what Mr. Natsch mentioned earlier, they have listed 14 items that were a concern to the neighbors, in order of importance, some of which have already been addressed and which has been very encouraging:

14. *Assess the availability of neighborhood parks for the unit residents.* Pleasanton has a neighborhood park philosophy; where would the neighborhood park be for this particular development?
13. *Location of the dumpsters,* which has been addressed.
12. *Balconies,* which has been addressed.
11. *No dogs permitted in the residential units.* There is an issue with that many potential animals on that site and the problems that would arise from that.
10. *The traffic impact of the development.* There surely are traffic impact studies for that.
9. *Location and elimination of the swimming pool.* That has been addressed.
8. *Open up the discussion on the Below-Market Rate (BMR) housing.* This has been discussed.
7. *Eliminate the three-bedroom units; limit the number of bedrooms to two or less.*
6. *Smoking ordinance.* What is it for the City of Pleasanton?
5. *Include underground parking in the design.* That is something they would like.
4. *Landscaping and hardscaping concerns.* The developer seems to be working very well on this.
3. *Security, privacy, access to the Arroyo.* The plans appear to show no access to the Arroyo.
2. *Number of stories limited to two or less from our view.* This has been been addressed.
1. *Impact of development on schools.* Provide access to the report Ms. Soo talked about.

Ms. Ellgas asked about the possibility of the applicant providing a two feet by four feet (2' x 4') model of the proposed project so people can see what it actually might look like.

Joanie Chidambaram, a Parkside resident, asked if Summerhill will redraw the plans. She stated that the development would be visible from her home and that she specifically told the applicant that she was interested in seeing what the development was going to look like from their home. She pointed out that the slide presented earlier of the view from the south did not include Buildings A and B, and she does not believe they are far away enough that they would not be visible. She indicated that she thinks

what everybody needs to see is what it would look like from the back because that is a lot of roof and it will just look like one big solid, dark brown slope.

THE PUBLIC HEARING WAS CLOSED.

Chair Olson explained that, with respect to the concern mentioned that there was not going to be any development on this parcel and now there is a project planned, the City is under pressure from regional housing organizations and from Sacramento to provide more housing in Pleasanton. He pointed out that, as everyone may be aware, there was a lawsuit, and the City lost the lawsuit; and that is why staff has spent over a year looking around the City for property that could be rezoned to permit housing. He noted that there is considerable pressure from outside the City, and that is why this is occurring.

The Commission then proceeded to consider the Work Session Discussion Points.

- 1. Is the new location of the pool and other amenities, and access from West Las Positas Boulevard acceptable?*

Commissioner O'Connor stated that where the pool is located is what the Commission was asking for and that he is satisfied with that. With respect to the access from West Las Positas Boulevard, he inquired if the gate only opens out and is restricted from outside coming in.

Chair Olson noted that that is the way he reads it.

Ms. Soo replied that it is just for residents to pass.

Commissioner O'Connor stated that he is satisfied with that.

Commissioner Posson stated that he is as well.

Chair Olson stated that they are all in agreement and are fine with that.

- 2. Is the revised proposal for massing at the rear of the site with two- and three-story building combinations acceptable?*

Chair Olson stated that he thinks it is a good thing that the Arroyo side has two stories; however, based on the number of units needed here, it will have to be a three-story building in front on West Las Positas Boulevard. He indicated that he finds that combination acceptable. He noted that at the prior Work Session, the Commission asked about the distance from the southern edge of the building out to the edge of the Arroyo and it turns out that it is at least as long as or maybe a bit longer than the current building. He asked staff if he is correct in assuming that has not changed in this revised plan.

Ms. Soo replied that was correct.

Commissioner Posson thanked Summerhill and staff for providing additional views because he thinks they help significantly. He stated that when he looked at the view from the south, his first reaction was that there was a lot of roof. He indicated that he did go back and read the Minutes from the previous hearing, but he thinks that the reduction on the three-story on the rear side of the building did not help. He noted that part of the comments was the visual impact of the building itself, and he recalls someone suggested story poles. He stated that he thinks it might be beneficial to look at story poles to show the residents what the profile would look like for the entire development, not just for Buildings C and D but also for Buildings A and B as well, because there have been some comments about these views not being accurate representations of what the development would look like. He indicated that he is not yet convinced that the design of both those buildings fit the visual impacts the Commission would like to see.

Commissioner O'Connor stated that part of the discussion at the last Work Session was the visual impact of looking at the building and moving some of the units, as well as privacy because there was another set of windows up there that looked into people's yards. He noted that those have been accomplished. He stated that he does not know if there is anything that can be done with the massing as they have moved as many units as they can, and there is not much more that can be done at the back while meeting the 30 units to the acre that needs to be done.

Commissioner O'Connor stated that he would like to see an additional visual that shows Buildings A and B in the distance, if that can be added in. He added that he does not know if erecting story poles for a project of this size would help a lot to do anything of significance. He pointed out that one thing he would like the applicant to look at is another way of cutting that roofline to make it look less massive; however, he does not know what could be done because there would be units right behind them, and that could expose windows back into the southern direction. He stated that he is fine with where the units are going to be. He indicated, however, that he would like something done to reduce that massing which is very flat and goes all the way across, and maybe improve the roof a bit.

Mr. Dolan asked if the Commission noticed that there were some variations in the roof, that there are small sections that stick out a little bit farther on the end. He pointed out that there is a lot of brown, but there is going to be some shadow and some variation.

Commissioner O'Connor noted that it does look like it sticks out, even when looking at the lower one; but it almost looks like everything melds in, or at least that is what the visual will look like with a flat, one-color roof.

Mr. Dolan stated that there will be some shadow that will help show the difference. He added that the alternative was to leave the windows, and there might have even been decks and balconies out there, but this was the number one concern of the neighbors.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Ebrahimi noted that the visual presented by staff shows only Buildings C and D to provide clarity for the Commission to see just these two buildings. He noted that the empty air space between Buildings C and D is where Buildings A and B would be located. He then displayed the applicant's slide which shows all four buildings and more roof articulation. He added that the 15-foot angle is over 50 feet from one ridge to another, and that is what is reflected. He indicated that looking at all the buildings together does two things: it shows the full perspective, and it provides a lot more roof differentiation.

THE PUBLIC HEARING WAS CLOSED.

3. Is the revised building design acceptable?

Commissioner Posson stated that he likes all the improvements the applicant has made. He noted that the residents have indicated that they view visual impacts as significant and asked the applicant to go back and see if there are any design changes that could be made to make it less intrusive to the residents.

Commissioner O'Connor agreed that the applicant did a lot of improvements that the Commission asked for. He indicated that he is actually very impressed with what they did and that he likes the results: the wood gates; some wood detail at the bottom to make those patios look a lot nicer; the awnings; the rafter tails, and the very extensive change on the redesigned end unit.

Chair Olson stated that he also likes this revision.

4. Is the revised dwelling unit with living units over parking by Buildings A and B acceptable?

Chair Olson stated that if one story is eliminated in the back on the south end, those units will have to be put somewhere to accommodate the required 30 units per acre.

Commissioner Posson agreed.

Commissioner O'Connor also agreed. He added that it is not what he desires, but it looks like it is the only place, if they are to be moved off the south side, which is a big gain for everyone.

5. Would the Planning Commission support the requested exception if the project were to move forward as proposed?

Chair Olson noted that the exception is the southeast portion of Building B as set back approximately five feet eight inches from the back of the sidewalk, not meeting the

required eight-foot setback. He stated that his sense is that this is a limitation due to the geometry and the layout.

Commissioner Posson stated that he did not see any explanation on why the eight-foot setback was not feasible.

Commissioner O'Connor stated that parallel parking is being added.

Ms. Soo confirmed that this is for the parallel parking provided on the entry street.

Commissioner Posson inquired what the effect would be if the parallel parking is not provided.

Commissioner O'Connor replied that the parking requirements would not be met.

Ms. Stern said yes. She added that the idea is to create a street coming into the project, and the parallel parking helps to do that.

Commissioner Posson inquired if there were no other alternatives to meet the parking requirements.

Ms. Stern replied that in that location, there were no other alternatives than to eliminate the on-street parking.

Commissioner Posson inquired if staff is supportive of that exemption.

Mr. Dolan replied that staff considers it to be pretty minor.

Commissioner O'Connor stated that he thinks going from an eight-foot planter to an almost six-foot planter is fine.

Commissioner Posson stated that, with staff's explanation, he is fine with it.

6. Is the revised landscaping in the rear acceptable?

Commissioner O'Connor said yes.

Chair Olson also said yes.

Commissioner Posson noted that Mr. Bowen talked about the acoustic properties of masonry walls. He stated that he knows sound and that noise is a large issue for the Parkside residents. He indicated that he would like to see some evaluation of the attenuation properties of the wall in the design and whether there is not a better design to better abate the noise.

Commissioner O'Connor stated that he does not have a problem taking a look at it. He noted that this was another added item Summerhill agreed to put in for the Commission, so he is glad that they are already doing that. He noted that he does not know how many more iterations are needed and that it looks like there's always something else each time around. He added, however, that he does not have a problem looking at it especially if it is a design. He stated that he heard one gentleman refer to it as a straight flat wall. He noted that he has seen curved walls, but he does not know if it is done for noise.

Commissioner Posson stated that he definitely likes the landscape design. He indicated that he appreciated how the applicant looked at that visual impact and tried to mitigate it to the greatest extent possible.

Chair Olson inquired if all of the landscaping proposed is on the inside of that sound wall so the closest thing to the Arroyo is the sound wall.

Mr. Dolan said yes, plus the vines that staff asked for.

Chair Olson stated that he is fine with what is being proposed.

Chair Olson noted that at the last Work Session, he raised the issue of access to the Arroyo. He stated that he thinks there is no access here and hopes that would remain.

Ms. Stern replied that the access has been eliminated.

Chair Olson noted that there is nothing the Commission can do about the other side of the Arroyo as that is not the responsibility of this project. He then asked the Commissioners if they have any other questions.

Commissioner O'Connor stated that he has one last comment. He indicated that he is a bit disappointed that there are no carports on the one side. He stated that he understands the reasoning behind it and asked if this is all a done deal.

Mr. Dolan replied that it is a question staff did not ask the Commission. He indicated that the applicant would like to put the carports in, but the neighboring properties' interests oppose them. He added that it would be an additional exception from the Design Guidelines. He noted that the parking requirement can be met either way; it is just whether or not the people who live here get the benefit of a carport.

Commissioner O'Connor inquired, assuming there are no carports on that side, how many parking spaces on the complex would be uncovered. He further inquired if there would be more than just those on the west side.

Ms. Soo displayed the site plan and pointed out the carports located on the west and south sides of the project site, the surface parking by Building C, and the parallel parking on the south side of Building A and B and along the entry street.

Commissioner O'Connor noted that there were not too many and estimated that there are maybe 30 in the complex.

Ms. Soo replied that was about right.

Commissioner O'Connor noted that it is a significant number. He inquired if all the surface parking shown on the slide is all guest parking.

Ms. Stern replied that not all of them are for guests.

Commissioner O'Connor inquired if they are all assigned parking and noted that there have to be some guest parking there.

Ms. Stern replied that one space is usually assigned per unit and the rest would be sort of free for all.

Commissioner O'Connor asked Mr. Dolan if he was looking for any additional input from the Commissioners.

Mr. Dolan replied that it would be helpful if the Commission had an opinion about the carports. He added that staff got kind of a mixed message on the story pole discussion.

Commissioner O'Connor stated that he would rather not spend the money on the story poles. He indicated that to begin with, a two-story and three-story complex has to be built. He added that he just wanted to see if there was anything else that could be done about the roof massing.

Chair Olson stated that he was satisfied with the explanation the applicant gave about the four buildings and that he does not see any reason for adding to the cost by doing story poles.

Commissioner Posson stated that he does not see it as a requirement and that he was only suggesting that as something the applicant may want to consider to give the residents a better sense of what the visual impact would be or would not be. He indicated that he would really leave that up to the developer in the discussions with the residents. He then addressed the methodology used to have discussions with the residents. He noted that the applicant had said that they reached out to people who had expressed an interest in the development. He indicated that to him, that is different from going out and sending a notice out to the neighborhood and asking them to come down and give their views about an apartment complex they are planning to construct.

Chair Olson asked staff if the Work Session was noticed to everyone.

Ms. Soo said yes.

Chair Olson asked if the first Work Session was also noticed.

Ms. Soo said yes.

Mr. Dolan stated that he would also like to share with the Commission, which was alluded to a little bit, that City Manager Nelson Fialho and he actually hosted and invited the neighborhood to come to a meeting held in the Council Chamber, and that was a couple-hour dialogue. He continued that it was followed up with the neighbors agreeing to sending a small group, which resulted in yet another meeting with him, and they have been working through some of their issues and continue to do so. He noted that there may be some legal things, for example, the issue about the dogs, and the City Attorney is questioning whether that can be done.

Julie Harryman stated that she has not researched that matter, but hearing it tonight, she is not entirely sure that is something the Commission is interested in. She indicated that she can certainly research whether or not it is even feasible to put a condition on the project that would not allow them to have dogs.

Commissioner O'Connor stated that he does not know how many people have dogs in apartments versus houses. He added that obviously, they would have to be inside a unit and walked by owners, so they are not going to be left unattended in a back yard where they would be barking all day when no one is home; and if they are barking inside, they will only disturb other tenants who will then complain to management. He indicated that he does not really have a problem with dogs.

Chair Olson stated that he is on that side as well.

Commissioner Posson stated that that is where he is too.

Commissioner O'Connor stated that with respect to carports, he is torn because he understands the next-door neighbors and their view and what they are looking at, but he also would really like to have seen the apartment complex have the carport as opposed to open parking because it makes it a more desirable complex. He added that he certainly know what it is like to leave a car outside and get dust all over it all the time. He noted that there have been other variances that the Commission has granted and have had no objections to, and this is the only one which seems to have an objection.

Chair Olson questioned if that item is still under discussion with that property owner.

Commissioner O'Connor stated that the other property owner spoke tonight.

Commissioner Posson stated that he is of the same opinion and understand both points of view. He indicated that from the tenants' standpoint and from the developer's standpoint, it is more attractive to have carports, but he understands the adjacent property owner's concerns as well. He added that he would hope both parties would

continue to look at different options, and the Commission can then decide where it wants to go when the project comes back.

Commissioner Posson noted that someone mentioned the large area of grass, and that from an amenity standpoint, a grassy area is nice for residents to have as a recreational area. He pointed out, however, that as everyone present may know, there is a water shortage, and the Governor declared a drought. He addressed the applicant and stated that they may want to look for alternatives to natural turf, maybe some type of artificial turf to reduce the burden on irrigation.

Commissioner O'Connor noted that the open area has been discussed and that he believes that is where the barbecues would be located and maybe serve as a gathering area as well. He stated that children may want to throw or kick a ball around, but maybe it does not necessarily have to be all turf, some of it could be hardscape.

Zacky Abed, Project Landscape Architect from Van Dorn Abed Landscape Architects, Inc., stated that there are barbecues on the south end of the pool and on the north end of the green area which also has trellises and picnic benches. He indicated that the Statewide ordinance allows high water use landscaping for 25 percent of the site, and that is what the open area encompasses; everything else is low water use.

Commissioner O'Connor stated that because water is covered by the owners, synthetic turf is certainly an option if they want to save on their water bill.

No action was taken.



**Housing Commission
Agenda Report**

February 20, 2014
Item 09

- SUBJECT:** Approval of an Affordable Housing Agreement with SHAC Las Positas Apartments LLC (Summerhill) for a 177-Unit Apartment Development at 5850 West Las Positas Boulevard (PUD-103)
- STAFF RECOMMENDATION:** Approve the attached Affordable Housing Agreement (AHA) and recommend its approval by the City Council
- ATTACHMENTS:**
1. Recommended Affordable Housing Agreement
 2. Summary of Recently Approved Unit Affordability

BACKGROUND

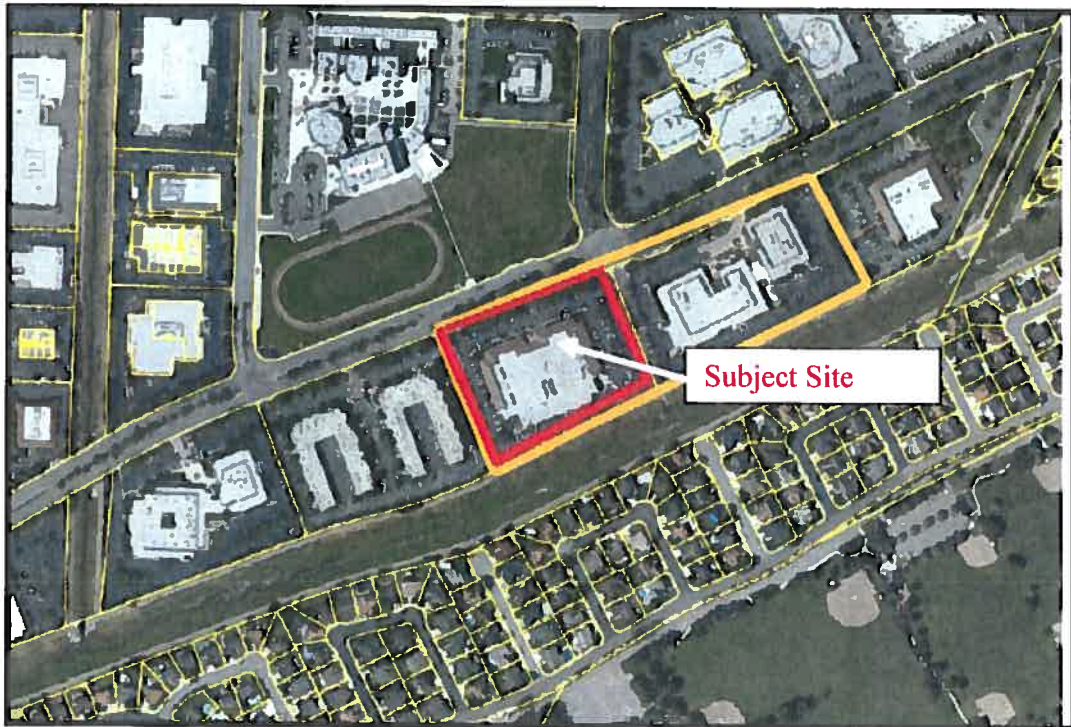
SHAC Las Positas Apartments LLC (Summerhill), has submitted a Planned Unit Development (PUD) application for the development of a 5.9-acre site at 5805 West Las Positas Boulevard. Because the proposed development exceeds 15 living units, it is subject to the City's Inclusionary Zoning Ordinance (IZO) requiring an affordable housing agreement.

The subject 5.9 acre site, and the adjoining 6.7 acre site to the east, are collectively referred to as Site #9 of the City's Design Guidelines and it was rezoned in 2012 for high density multifamily as part of the City's Housing Element update. The existing development fronts West Las Positas Boulevard to the north and the Arroyo Mocho to the south.

The existing building on the site is a one-story 88,512 square foot structure that was initially developed in 1984 for AT&T and later used as clinical laboratories for SmithKline Beecham. It is currently vacant and will be demolished to accommodate the new development. Livermore Amador Valley Transit Authority (LAVTA) bus stops (with shelters) are located on both sides of West Las Positas Boulevard in front of the development and at Hart Middle School. An aerial map of the site is listed below.

The proposed project will include 177 residential units and provide a total 304 parking spaces, including spaces in garages, carports and surface parking. The project will include an open space area, a tot lot, a pool/spa and a recreation facility. Pedestrian paths within the complex are proposed between the residential buildings, the open space area, and recreation uses. A six-foot tall sound wall is proposed along the southern property.

The proposed elevations present a Spanish influenced architectural with a stucco finish, stone veneer, wood-like trim for the windows, tile roof, wrought iron patio and balcony railings, and awnings.



Site Location Map and Street View



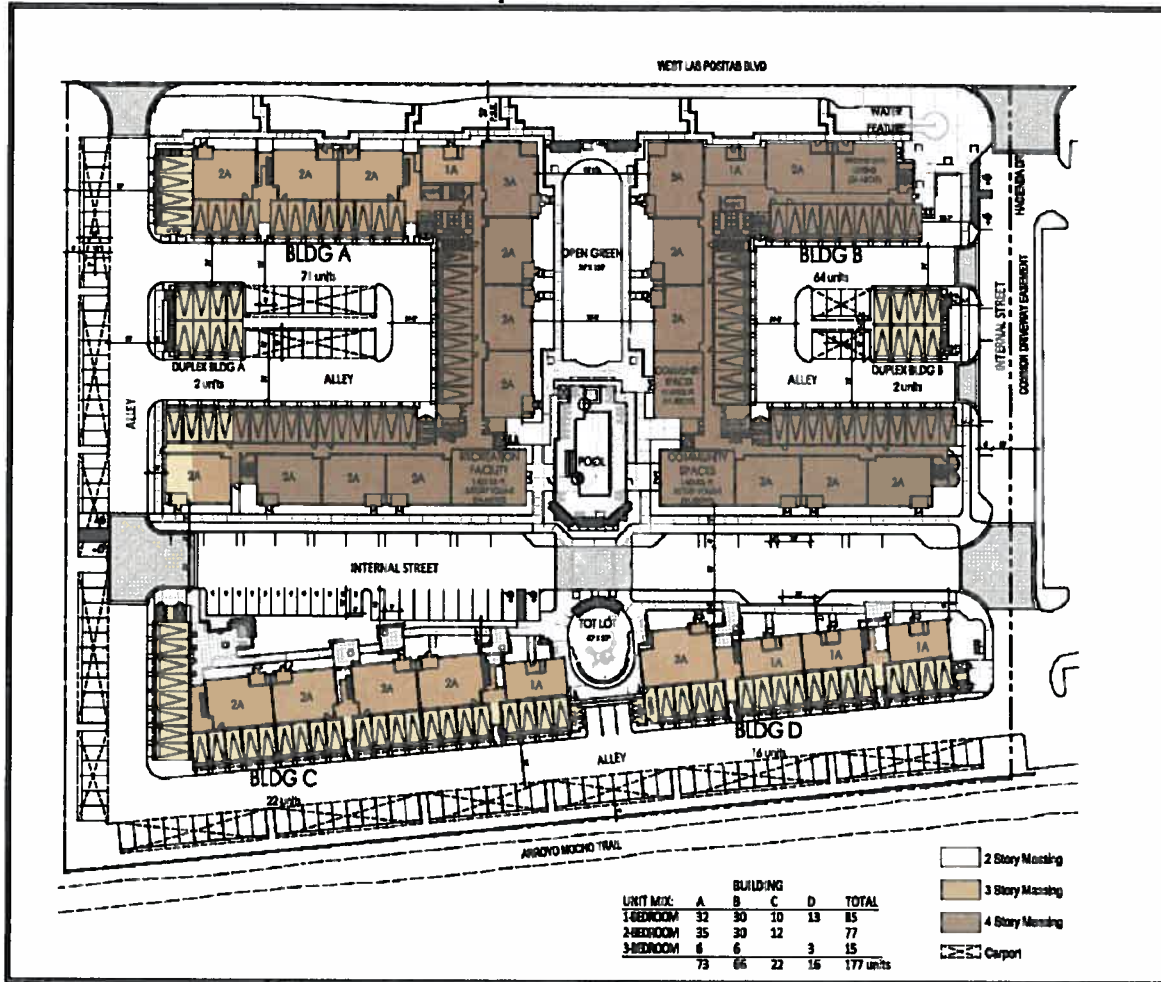
Photo of Current Building

As indicated on the below site plan, the unit mix for the 177 unit development is as follows:

Proposed 177 Unit Mix and Size

Unit Type	No. Of Units	Units Sizes
One bedroom	85	702 sq.ft. – 881 sq.ft.
Two bedrooms	77	1,054 sq. ft. - 1,069 sq.ft.
Three bedrooms	15	1,298 sq.ft. – 1,309 sq.ft.

Proposed Site Plan



DISCUSSION

As part of the May 1, 2013 joint Housing Commission and City Council workshop, the Council endorsed staff pursuing a flexible model for attempting to achieve affordable rent restricted units in new residential rental developments. As such, it encouraged all parties to attempt and strive to meet the IZO in a flexible, negotiated way recognizing the fact that the City has multiple interests it is trying to address, including parking, school impact needs, and affordable

housing, all of which fuel the outcome of negotiations. Based on this direction, staff has focused its efforts on pursuing creative options for meeting long term affordable housing needs.

As a point of reference, since the Urban Habitat Settlement Agreement and approval of updated General Plan Housing Element, the City Council has approved five apartment rental developments. As indicated in Attachment 2, assuming approval of the Summerhill development, a total of 268 (16%) of the total 1,711 units will have rent restrictions based on household income. As such, collectively these meet the IZO target of obtaining 15% rent restricted units. However, because a portion of these units are restricted to median income households they are not fully consistent with the IZO's goal of restricting units to very-low and low income households. Nevertheless, considering the legal environment concerning affordable housing, the restrictions represent a considerable increase in the number of rent restricted units.

In view of the City Council's direction at the May 1 joint workshop, staff's negotiation with Summerhill, as with the other developers, included a range of concepts intended to offer various ways of meeting the intent of the IZO. As an outcome of the negotiations, a recommended draft Affordable Housing Agreement has been prepared. A listing the AHA's most notable terms are as follows:

- Provide 27 units (15% of the total 177 units) as rent restricted affordable units as follows:

AHA Affordable Unit MIX

Unit Type	Unit Mix for Affordable Units				
Unit Type	50% AMI	80% AMI	100% AMI	Total	%
1-Bedroom	3	7	5	15	55%
2-Bedroom	2	4	3	9	34%
3-Bedroom	1	1	1	3	11%
Total	6	12	9	27	100%

- Unit household sizes for determining rents will be consistent with standards used typically in the City's AHA's.
- The agreement will be recorded with the land and remain affordable for perpetuity.
- Requires the development to accept Section 8 housing vouchers from eligible qualified applicants.
- Affordable units will be marketed by the developer and rented based on the City's adopted preference system.

- One of the affordable 1-bedroom units, one affordable 2-bedroom units and one affordable 3-bedroom units shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deem significant for disabled access
- In lieu of providing the 27 rent restricted units, the developer would pay an in-lieu fee of \$2,300,000. The option of paying this fee or providing the units resides with the City and must be determined within 45 days of the developer notifying the City that it intends to apply for a building permit.
- Identifies a HUD income source to be used for calculating Annual Household Income required to determine project eligibility.
- Specifies that the AHA would not apply to the land in the event the PUD expires and the project is not built.

Regarding compliance with the Inclusionary Zoning Ordinance's, the unit mix meets the requirement that 15% of the units be rent restricted. It does not however, fully meet the IZO's requirement that all for the affordable units be affordable to very low (50% AMI) and low income (80%) of the Area Median Income. Nevertheless, it is consistent with the AHA approved previously by the City Council for the California Center and the Aud der Maur developments and staff assumes that this level of affordability will be consistent with Council expectations for this project. All other items, including perpetuity, the disbursement of affordable units throughout the development, etc. are consistent with the IZO.

Regarding compliance with the City's Housing Site Standards and Design Guidelines which stipulate that 10% of the affordable units will be 3-bedroom units and 35% will be 2-bedroom units, the proposed agreement calls for 11% of the affordable units to be 3-bedroom units and 33% of the affordable units to be 2-bedroom which staff determines to be consistent with the Design Guidelines since an additional unit would exceed the target percentage.

Regarding the option for the developer to pay \$2,300,000 rather than providing affordable units, staff supports this alternative primarily because it could provide the City with all or a significant portion of the funding needed to develop, or assist in developing, an additional affordable project with deeper levels of affordability than provided in this project. Further, it could be used to develop programs or other options for creating housing for lower income households. In addition, the Commission may recall that the City has committed \$8 million of its Lower Income Housing Fund to the Kottinger Place development project and this in lieu payment would represent a significant contribution toward replacing those funds for future uses. The in lieu fee equals \$12,994/unit which is roughly equivalent to the \$13,043/unit which was approved for the Auf der Maur development.

As outlined in the IZO, the Housing Commission's role is to recommend the City Council accept, reject or amend the terms of the attached AHA. The Commission may also make recommendations to the Planning Commission concerning conformance with the IZO. However, the Planning Commission does not have an identified role in determining project affordability,

and therefore, any such recommendation would be related project planning issues as they relate to affordable units. Based on review of the overall project site plan, staff has not identified any concern regarding building or site design that impact affordability. Should the Commission reject the recommend AHA, staff recommends that it provide detailed feedback to the City Council for consideration as part of its development review. A request for specific amendments may also be discussed and forwarded to the City Council.

Overall, staff's opinion it that the draft AHA provides the type of flexibility the City Council requested as part of the joint workshop with the Housing Commission and is consistent with the type of development being proposed by Summerhill and therefore, it recommends approval of the agreement.

**Recorded at the Request of
and when recorded, return to:**

**City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566**

Exempt per Gov. Code §27383

AFFORDABLE HOUSING AGREEMENT (Draft)

This **AFFORDABLE HOUSING AGREEMENT** ("Agreement") is made this _____ day of _____, 2014, by the **CITY OF PLEASANTON**, a Municipal Corporation ("City"), and **SHAC LAS POSITAS APARTMENTS LLC**, a California limited liability company ("Developer").

Recitals

- A. Developer currently owns a legal or equitable interest in a 5.9-acre site at 5850 West Las Positas Boulevard, Pleasanton, California, more particularly described in Attachment 1 attached hereto and incorporated herein by reference (the "Property").
- B. For the Property, Developer has obtained all necessary entitlements, including the PUD Development Plan approved by the City Council by its Ordinance 14-YYY, to develop 177 apartment units with related site improvements including parking areas, open green area and a tot lot (collectively the "Project").
- C. Developer and the City wish to make a total of twenty-seven (27) apartment units within the Project available to households with incomes between and fifty percent (50%) (very-low income) of the Area Median Income and one hundred percent (100%) (median income).
- D. Area Median Income (AMI) shall mean the area median income for the San Francisco-Oakland-Fremont Metropolitan Statistical Area adjusted for household size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937 or any successor statute.
- E. Execution of this Agreement meets the requirements of the City's Inclusionary Zoning Ordinance and shall be in lieu of paying the City's Lower Income Housing Fee for this Project.

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

ATTACHMENT 1

1. Of the 177 apartment units authorized by the PUD Development Plan approved by the City Council by its Ordinance 14-YYY, 27 shall be "Affordable" units. Developer shall make six (6) Affordable units available for rent to households with annual incomes at or below 50% of the Area Median Income, twelve (12) Affordable units available for rent to households with annual incomes at or below 80% of the Area Median Income, and nine (9) Affordable units available for rent to households with annual incomes at or below 100% of the Area Median Income as set forth herein. The Affordable units shall be consistent with the following:

- A. The Affordable unit mix shall be as follows:

Unit Type	Very Low Income (50% of AMI)	Low Income (80% of AMI)	Median Income (100% of AMI)
1 Bedroom	3	7	5
2 Bedroom	2	4	3
3 Bedroom	1	1	1
Total	6	12	9

- B. Affordable unit rents shall be based on the following household sizes:

Unit Type	Household Size
1 Bedroom Unit	Two (2) person household
2 Bedroom Unit	Three(3) person household
3 Bedroom Unit	Five (5) person household

- C. The monthly rent for each of the Affordable units shall be calculated based on the following:

- (i) The nine (9) Affordable units at Median Income shall not exceed one-twelfth of 100 % of the Area Median Income adjusted for the household sizes listed in Section B above multiplied by 30%.
- (ii) The twelve (12) Affordable units at Low Income shall not exceed one-twelfth of 80 % of the Area Median Income adjusted for the household sizes listed in Section B above multiplied by 30%.
- (iii) The six (6) Affordable units at Very Low Income shall not exceed one-twelfth of 50 % of the Area Median Income adjusted for the household sizes listed in Section B above multiplied by 30%.

- D. At the initial lease-up for the Project, rent for Affordable units shall be based on the AMI at the time of the City issues Certificate of Occupancy. Thereafter, rents shall adjust consistent with HUD adjustments in the AMI. If HUD fails to issue revised Area Median Income/ household income statistics for the San Francisco-Oakland-Fremont Metropolitan Statistical Area within 15 months of the previous revision, rents for the Affordable units may be adjusted based on the annual percentage increase in the San Francisco-Oakland Consumer Price Index for urban wage earners and clerical workers.

ATTACHMENT 1

- E. The rents described herein shall exclude utilities in the broadest sense, including, but not limited to gas, electricity, water, garbage, television cable, telephone, and internet service; provided, however, that if any or all of such utilities are offered at no cost to market rate units they shall also be offered at no cost to the Affordable units.
 - F. For purposes of determining household's eligibility for an Affordable unit, a household's annual income shall be calculated in accordance with the Code of Federal Regulations Title 24 - Housing and Urban Development; Part 5 General HUD Program Requirements; Subpart F: Section 8 and Public Housing, and Other HUD Assisted Housing Serving Persons with Disabilities: Family Income and Family Payment; Occupancy Requirements for Section 8 Project-Based Assistance; Section 5.609 – Annual Income (24CFR 5.609).
 - G. The Affordable units shall be dispersed throughout the Project unless otherwise approved by the City. The Affordable units shall not be fixed in the Project and may change depending on vacancies.
 - H. The Affordable units shall have the same interior standards of quality (e.g., appliances, interior features/amenities, services, etc.) as the market rate units.
 - I. All Affordable units shall be rented to qualified applicants in accordance with the City's Preference System, as may be amended, with the most current version set forth in Attachment 2.
 - J. Once each year, the Developer (or the Developer's successor in interest) shall provide the City a report detailing the average annual income of tenants occupying the Affordable units for each of the income categories listed in Section 1(A) above, the number persons in each household occupying the Affordable units, the number of vacancies and new rentals during the year for the Affordable units.
 - K. All Affordable units shall be subject to this Agreement in perpetuity.
- 2. The Developer, with City consultation, shall assume all responsibility to market the Affordable units. Marketing shall be in accordance with City eligibility and income guidelines in-conformance with the City's Preference System. Marketing material, leases, rent-up schedules and-other printed material related to the Affordable units is subject to City approval.
 - 3. One of the Affordable 1-bedroom units, one Affordable 2-bedroom unit, and one Affordable 3-bedroom unit as included in 1(A) above shall be fully accessible for the physically disabled. Unit design shall include amenities such as grab bars in bathrooms, modified case work, wide doors, sufficient clear floor space for wheelchairs, lower countertop segments, seats at bathing fixtures, knee space under sinks and counters, switches and controls in easily reached locations, entrances free of steps and stairs, an accessible route through the units, and other

ATTACHMENT 1

amenities deemed significant for disabled access. Developer may utilize adaptable design features such as removable grab bars, concealed knee space under sinks and adjustable counterparts as approved by City to facilitate non-disabled tenants. Developer shall market the availability of these units to disability support groups and maintain an active waiting list of interested disabled persons, but may rent to any income qualified applicant if a qualified disabled applicant is not available for a period of twenty-one (21) days after the initial marketing. If the disabled unit is rented to a non-disabled person, Developer shall attempt to facilitate relocation to a non-disabled unit should a qualified disabled applicant become available.

4. Developer shall accept Section 8 vouchers as a means of assisting qualified applicants/residents.
5. In lieu of providing any Affordable units required hereunder and in full satisfaction of all requirements of Developer under this Agreement, City may elect, not later than the first to occur of one year after the effective date of this Agreement or forty-five (45) days after Developer notifies City in writing of its intent to apply for a building permit, to require a one time in-lieu fee in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000), which shall be payable upon certificates of occupancy. Developer may elect to phase construction of the project such that multiple Certificates of Occupancy will be issued. If multiple Certificates of Occupancy are issued the onetime fee of \$2,300,000 will be prorated based upon the number of residential units included in each Certificate of Occupancy when issued. Notwithstanding the preceding provisions of this Section 5 to the contrary, in the event City elects to require payment of such in-lieu fee, Developer shall still include within one of the 1-bedroom units, one of the 2-bedroom units and one of the 3-bedroom units within the Project, the design, marketing and rental requirements for access by the physically disabled as described in Section 3 above; provided, however, that Developer shall not be required to meet any affordability requirements with respect to such units.
6. The obligations under this Agreement apply unless the PUD Development Plan (approved by the City Council by its Ordinance 14-XXX) expires and the Project is not constructed prior to expiration of said PUD Development Plan (as it is extended by the Development Agreement approved by the City Council by its Ordinance 14-YYY).
7. The effective date of this Agreement shall be the date upon which Ordinance 14-xxx, approving the PUD Development Plan becomes effective.
8. This Agreement shall be recorded in Alameda County and shall run with the land.

ATTACHMENT 1

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

CITY:

CITY OF PLEASANTON, a Municipal Corporation

By: _____
Nelson Fialho
City Manager

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

DEVELOPER:

SHAC LAS POSITAS APARTMENTS LLC, a California limited liability company By:

SHAC CMC LLC, a California limited liability company, its sole member

By: _____
Name: _____
Title: _____

By:

SummerHill Apartment Communities, a California corporation

By: _____
Name: _____
Title: _____

ATTACHMENT 1

Attachments:

- 1. Legal Description**
- 2. City of Pleasanton Preference System**

ATTACHMENT 1

STATE OF CALIFORNIA)
 }
COUNTY OF _____

On _____, 2013 before me _____,
personally appeared _____ who proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: _____

(Seal)

STATE OF CALIFORNIA)
 }
COUNTY OF _____

On _____, 2013 before me _____,
personally appeared _____ who proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: _____

(Seal)

ATTACHMENT 1

**ATTACHMENT 1
LEGAL DESCRIPTION**

Insert Legal Description Here

Assessor's Parcel Number: *Insert Assessor's Parcel Number Here*

ATTACHMENT 1

ATTACHMENT 2

CITY'S PREFERENCE SYSTEM

[Attached]



CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 02-012

RESOLUTION ESTABLISHING A REVISED CITY PREFERENCE SYSTEM FOR CITY-ASSISTED AFFORDABLE HOUSING PROJECTS

WHEREAS, the City of Pleasanton has specific policies within its General Plan Housing Element which place a priority on the provision of housing at costs which are affordable to households with a range of different income levels; and

WHEREAS, the City has an affordable housing program which encourages and supports the production of affordable rental and for-sale housing in Pleasanton; and

WHEREAS, the City Council promotes a variety of strategies to support the provision of affordable housing in Pleasanton; and

WHEREAS, the City desires to place a priority on providing affordable housing opportunities for Pleasanton residents and employees in all affordable housing projects which receive direct material, financial, or other assistance from the City; and

WHEREAS, at its meeting of January 15, 2002, the City Council reviewed the report of the Deputy City Manager (SR 02:013) regarding proposed modifications to the City preference system for City-assisted affordable housing projects;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: Council adopts the revised City preference system described herein to be used for determining eligibility among prospective beneficiaries for existing and future affordable housing projects assisted by the City.

Section 2: Affordable units will be made available to qualified households based upon the preference categories listed below. The City may modify the preference categories from time to time by giving written notice to [Lessee/Owner] of such modifications, and [Lessee/Owner] shall adhere to such preference categories starting no later than ten (10) days following receipt of such notice. Each preference category is assigned a specific number of points as noted below. At the time of application, each applicant household will be assigned to one preference category and a corresponding point allocation in accordance to the criteria listed below. Households with the highest number of points will be given first priority for the affordable units. In the event there is more than one household with the same amount of points, which is likely, a lottery will be held at which time names of households with an equal number of preference points will be randomly drawn and assigned priority.

Section 3: The criteria for preference categories and corresponding point allocations are as follows:

20 POINTS

Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is a Pleasanton resident and a Pleasanton employee at the time of application and has continuously lived and worked in the City of Pleasanton for two years or more prior to the time of application.

18 POINTS

Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is a Pleasanton resident and a Pleasanton employee at the time of application and has continuously lived and worked in the City of Pleasanton less than two years prior to the time of application.

Resolution No. 02-012
Page Three

16 POINTS

Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is either a Pleasanton resident or a Pleasanton employee at the time of application and has continuously lived or worked in the City of Pleasanton for two years or more prior to the time of application.

14 POINTS

Housholds where at least one member of the signators of the tenant lease or purchase agreement (and who is a member of the household) is either a Pleasanton resident or a Pleasanton employee at the time of application and has continuously lived or worked in the City of Pleasanton less than two years prior to the time of application.

12 POINTS

Households where at least one member of the signators of the tenant lease or purchase agreement (and who is a member of the household) has an immediate relative (defined as a son, daughter, brother sister, and/or parent) who is a Pleasanton resident at the time of application, provided the immediate relative has lived in the City of Pleasanton for at least two years prior to the time of application.

10 POINTS

All other households.

Section 4: In addition to the above points, one (1) bonus point will be given to households which meet one or more of the following criteria: a) Single parent head of household; b) disabled person as defined herein; or c) households in which at least one of the signators of the tenant lease or purchase agreement has been a Pleasanton resident for seven continuous years or longer prior to the time of application. A maximum of one (1) bonus point may be awarded to any one household.

Section 5: For persons who are retired at the time of application, the applicant's work history immediately prior to the date of retirement shall be considered in determining the length of employment in Pleasanton for the first four point categories listed above.

Section 6: For persons who moved away from the City of Pleasanton less than six months prior to the time of application and who resided in the City of Pleasanton continuously for at least ten (10) years immediately prior to moving away, the residency history prior to the date of moving away shall be considered in determining the length of residency in the first four point categories listed above.

Section 7: "*Pleasanton resident*" is defined as a person or household who resides permanently and continuously at a residential address which is physically located within the then current incorporated area of the City of Pleasanton and where that location is considered to be the household's permanent place of residence. The City may require applicants to submit a drivers license, voter registration, utility bill, or other evidence as proof of residency in Pleasanton. "*Pleasanton employee*" is defined as a person who is permanently and continuously employed on at least a half-time basis (i.e., 20 or more hours per week) at a business which is physically located within the then current incorporated area of the City of Pleasanton. The City may require applicants to submit pay stubs, W-2 forms, tax returns, or other evidence as proof of employment at a Pleasanton business.

Section 8: "*Disabled Person*" is defined as a head of household who has a medically documented permanent physical or mental impairment which prevents him/her from maintaining full time regular employment. Any individual claiming Disabled Person status must submit verification from a licensed doctor of the disability and its effect on the ability of the person to maintain full-time employment. A Disabled Person shall be assigned a number of points as if the person were employed regardless of the Disabled Person's employment status plus one bonus point. If an individual has a disability that substantially limits one or more major life activities and has a medical record of such impairment but the disability does not prevent the ability to maintain full-time regular employment, the individual shall be assigned the appropriate number of points as detailed in Section 3 above plus one bonus point as detailed in Section 4 above. Examples of a disability include limitations on caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, or working.

Resolution No. 02-012
Page Five

Section 9: This resolution shall become effective immediately upon its passage and adoption.

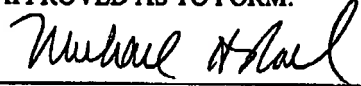
I HEREBY CERTIFY THAT THE FOREGOING WAS DULY AND REGULARLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PLEASANTON, AT A MEETING HELD ON JANUARY 15, 2002 BY THE FOLLOWING VOTE:

AYES: Councilmembers - Ayala, Campbell, Dennis, Michelotti, and Mayor Pico
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:


Michael H. Roush, City Attorney

ATTACHMENT 2

SUMMARY OF AHA UNITS

February 13, 2014

Unit Mix	BRE	CA Center	Bernal Commons	St. Anton	Auf der Maur	Summerhill (Recd.)	TOTAL	%
Total Number of Units	506	305	210	168	345	177	1711	
50% AMI								
Studio	0	5	0	0	6	0	11	7%
1-Bedroom	41	3	9	13	3	3	72	48%
2-Bedroom	27	0	6	18	1	2	54	36%
3-Bedroom	8	0	1	4	0	1	14	9%
Subtotal 50% AMI	76	8	16	35	10	6	151	56%
60% AMI								
Studio	0	0	0	0	0	0	0	0%
1-Bedroom	0	0	9	0	0	0	9	56%
2-Bedroom	0	0	7	0	0	0	7	44%
3-Bedroom	0	0	0	0	0	0	0	0%
Subtotal 60% AMI	0	0	16	0	0	0	16	6%
80% AMI								
Studio	0	3	0	0	2	0	5	11%
1-Bedroom	0	3	0	0	4	7	14	32%
2-Bedroom	0	7	0	0	6	4	17	39%
3-Bedroom	0	2	0	0	5	1	8	18%
Subtotal at 80% AMI	0	15	0	0	17	12	44	16%
100% AMI								
Studio	0	8	0	0	8	0	16	28%
1-Bedroom	0	3	0	0	5	5	13	23%
2-Bedroom	0	9	0	0	7	3	19	211%
3-Bedroom	0	3	0	0	5	1	9	16%
Subtotal at 100% AMI	0	23	0	0	25	9	57	21%
Total Affordable Units	76	46	32	35	52	27	268	
Total % Affordable	15%	15%	15%	21%	15%	15%	16%	

* Auf der Maur includes a cash payment option. Summerhill includes recommended cash payment option.

EXHIBIT E

**Addendum to the City of Pleasanton
Housing Element and Climate Action Plan
General Plan Amendment and Rezoning
Supplemental Environmental Impact Report for the
Summer Hill Apartment Community (PUD-103)
City of Pleasanton, Alameda County, California**

State Clearinghouse No. 2011052002

Prepared for:
City of Pleasanton
Community Development
200 Old Bernal Road
Pleasanton, CA 94566
925.931.5600
Contact: Jenny Soo, Associate Planner

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Janna Waligorski, Project Manager

Report Date: February 24, 2014

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SECTION 1: INTRODUCTION

1.1 - Project Details

1. Project Title and Number

Summer Hill Apartment Community (PUD-103)

2. Lead Agency Name and Address

City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

3. Contact Person and Phone Number

Jenny Soo, Associate Planner
925.931.5615

4. Project Location and APN

5850 West Las Positas Boulevard
941-2762-006

5. Project Sponsor's Name & Address

Summer Hill Apartment Communities
3000 Executive Parkway, Suite 450
San Ramon, CA 94583
Contact: Kevin Ebrahimi
650.842.2268

6. General Plan Designation

Business Park/Mixed Use

7. Zoning

Planned Unit Development – Mixed Use (PUD-MU)

8. Description of Project

The project consists of the construction of 177 multi-family apartment units, located within four buildings ranging from two to four stories in height. The project also includes a recreation facility, community space, leasing office, and exterior active and passive recreation uses.

9. Requested Permits/Approvals

- A. Planned Unit Development (PUD), Development Plan (PUD 103)
- B. Development Agreement (P14-0086)
- C. Growth Management Approval (P14-0024)
- D. Affordable Housing Agreement
- E. Grading Permit
- F. Building Permit
- G. Heritage Tree Removal Permit

10. Other Public Agency Permits

- A. San Francisco Regional Water Quality Control Board -

1.2 - Background

On July 21, 2009, the City of Pleasanton adopted the Pleasanton General Plan Update 2005-2025, based upon the certification of the Pleasanton General Plan Update 2005-2025 (State Clearinghouse Number 205122139). However, as a result of two lawsuits (*Urban Habitat Program v. City of Pleasanton*, and *State of California v. City of Pleasanton*) and a subsequent Settlement Agreement and Covenant Not to Sue, dated August 2010, the City was obligated to update its Housing Element to meet regional housing needs (including eliminating the housing cap) and adopt a Climate Action Plan, both of which are subject to the provisions of the California Environmental Quality Act (CEQA).

On January 4, 2012, under Resolution No. 12-493 (Appendix A), the City of Pleasanton certified the Supplemental Environmental Impact Report (EIR) for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings (State Clearinghouse Number 2011052002), hereinafter referred to as the Supplemental EIR. The document provided supplemental information for the City of Pleasanton General Plan Program EIR (State Clearinghouse No. 2005122139) relating to an updated Housing Element, the adoption of a Climate Action Plan, and related General Plan Amendments and Rezonings. The Supplemental EIR considered the potential impacts that were likely to result from implementation of the policies and programs contained within the updated Housing Element and Climate Action Plan and the changes in land use designations proposed in the General Plan Amendment and rezonings. Within the Supplemental EIR, the City identified 21 potential sites for rezoning and the buildout potentials of those sites to provide an adequate inventory of housing to meet Pleasanton's share of regional housing needs through 2014 (City of Pleasanton 2011). Not all 21 sites were needed to meet Pleasanton's share of regional housing needs, and the City ultimately selected only nine of the 21 sites for rezoning. The Supplemental EIR provides a conservative analysis of potential impacts resulting from the development of residential land uses on rezoned sites.

The subject property (project site) was included as a potential site for rezoning in the Supplemental EIR as site number 13. Within the Supplemental EIR, all 12.6 acres of the site was considered for potential rezoning for multi-family development with a maximum number of 378 multi-family apartment units. As previously noted, the project involves only 5.9 of the 12.6 acres previously

evaluated. Any future development on the project site would be required to abide by all applicable mitigation included in the Supplemental EIR.

Based on the Supplemental EIR, the project site was rezoned to Planned Unit Development – Mixed Use (PUD-MU). The PUD-MU zoning allows residential development at a density of 30 units per acre, or 177 multi-family apartment units for the 5.9-acre project site, consistent with the assumptions of the Supplemental EIR.

The Supplemental EIR concluded that all potential impacts resulting from the implementation of the Housing Element and Climate Action Plan were either less than significant or could be reduced to a less than significant level after mitigation, with the exception of two significant and unavoidable impacts:

- The demolition of a potentially significant historic resource on Site 6.
- The addition of traffic to segments of Sunol Boulevard (First Street) and Hopyard Road, to the point at which these roadway segments would operate unacceptably under Cumulative Plus Project Conditions.

This document analyzes the conclusions of the Supplemental EIR to confirm whether the current project would result in any new significant environmental effect or increase the severity of any previously identified environmental effect, such that preparation of a subsequent EIR or Mitigated Negative Declaration would be necessary pursuant to CEQA Guidelines Section 15162. If a subsequent EIR or Mitigated Negative Declaration is not necessary, the City may rely on this Addendum to the Supplemental EIR to approve the project. The 2009 City of Pleasanton General Plan Program EIR (State Clearinghouse No. 2005122139) and 2011 City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings Supplemental Environmental Impact Report (EIR) (State Clearinghouse Number 2011052002) are incorporated by reference into this document.

1.3 - Project Site

The project site consists of 5.9 acres located at 5850 West Las Positas Boulevard in the City of Pleasanton, California (Exhibit 1). The project site is roughly square in shape and is bounded by the Arroyo Mocho Canal to the south, which separates the site from Arroyo Mocho and single-family homes; West Las Positas Boulevard and Hart Middle School to the north; and single-story office buildings to the east and west (Exhibit 2).

The project site currently contains a vacant 88,512-square-foot one-story building, which was constructed in 1984. The building is surrounded by a parking lot with associated landscaping consisting of 103 landscape trees, none of which are indigenous to the site or native to the Pleasanton area (Hort Science 2013). Existing onsite impervious surfaces total 224,000 square feet.

1.4 - Project Description

The applicant proposes to build 177 multi-family apartment units along with a recreation facility, community space and a leasing office (Exhibit 3). The project would include 85 one-bedroom units, 77 two-bedroom units, and 15 three-bedroom units. Recreation and community building space would include a clubroom with kitchen facilities and a fitness center. Exterior features would include pedestrian paseos, pocket plazas, picnic, barbeque, and play areas, a tot lot, a swimming pool, spa, passive and active recreation areas and landscaping. The project would provide 1.65 acres of usable open space.

The apartments would be distributed among four buildings. Two “C” shaped buildings along West Las Positas Boulevard and two linear buildings along the Arroyo Mocho Canal. The overall building footprint would be 85,000 square feet, while the gross floor area would be 227,060 square feet. Building heights would vary between two to four stories and would employ contemporary architectural detailing. Table 1 provides a summary of the project.

Table 1: Project Summary

Component	Total
Multi-Family Apartment Units	177
Gross Floor Area	227,060 sq ft
Building Footprint	85,000 sq ft
Building Coverage	33 percent
Landscaped Area	44,530 sq ft
Density	30 DU/AC
Building Heights	2 to 4 stories

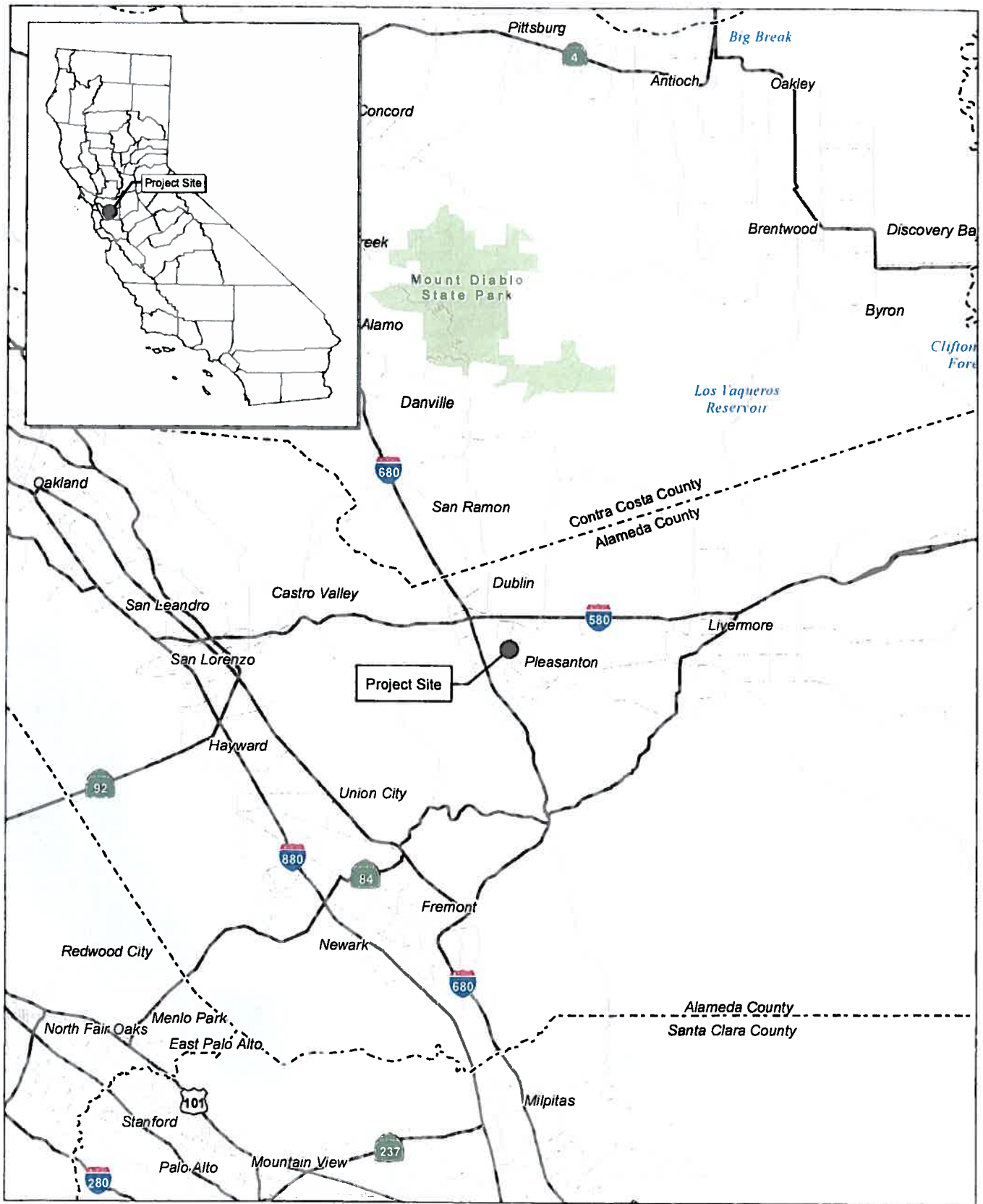
Notes:
sq ft = square feet
DU/AC = dwelling units per acre
Source: Summer Hill Apartment Communities 2013.

A total of 304 vehicle parking spaces, 142 bicycle parking spaces, and 12,200-cubic-feet of residential storage space would be provided. Primary vehicular access to the project site would be from the existing signalized intersection at West Las Positas Boulevard and Hacienda Drive. Secondary access would be provided via an existing driveway along the western property line. A network of internal drive isles would provide onsite vehicular access. Pedestrian access would be provided via the existing sidewalks along West Las Positas Boulevard and pedestrian paseos throughout the project site.

The project would preserve the majority of the existing street trees along West Las Positas. Additional landscaping would be provided throughout the project site and would comply with all current state and local green building landscape requirements.

To ensure that the construction air quality and noise impacts are minimized, the following project design features will be implemented:

- Project construction will not include the simultaneous occurrence of two construction phases (e.g., paving and building construction will not occur simultaneously).
- To ensure the project meets or exceeds Title 24 residential interior noise standards, upgraded sound transmission class (STC) rated 30 windows will be installed in buildings A and B, which border West Las Positas Boulevard. All other locations throughout the project will incorporate STC 28 windows and doors.



Source: Census 2000 Data, The CaSIL



Exhibit 1 Regional Location Map



Source: ESRI Imagery, 2013

**Exhibit 2
Local Vicinity Map
Aerial Base**



PROJECT SUMMARY

Site Area: 5.9 acres or 257,283 sq. ft.
 Total Units: 177 DU
 Density: 30.0 DU/AC
 Building Heights: 2 to 4 Stories
 Gross Floor Area: 227,060 sq. ft.
 Building Footprint: 85,000 sq. ft.
 Building Coverage: 33%
 Landscaped Area: 44,530 sq. ft.

DEVELOPMENT STANDARDS: (Per Housing Site Design Guidelines)

- Front Setbacks: 33' min. from public streets
17' min. from internal streets
- Side Setbacks: 8' min. to carports
50' min. from west property line to bldg.
- Rear Setback: 8' min. to carports
- Alley Setbacks*: 5' min. to garage door
3' min. to upper stories
- Drive aisle widths: 26' min. Internal streets
24' min. alleys

PARKING REQUIRED:

- 1.5 spaces per 1-bedrm unit x 85 = 130 spaces
- 1.5 spaces per 2-bedrm unit x 77 = 116 spaces
- 2 spaces per 3-bedrm unit x 15 = 30 spaces
- 1 visitor space per 7 units x 177 = 25 spaces
- 301 spaces required**

PARKING PROVIDED:

- Garage spaces - 10' x 20' min. 130 spaces (2 accessible)
- Carport spaces - 9' x 18' min. 124 spaces (2 accessible)
- Uncovered spaces - 9' x 18' min. 38 spaces (4 accessible)
- Compact spaces - 8' x 16' min. 12 spaces
- 304 (8 accessible) spaces provided**

SECURE BICYCLE PARKING REQUIRED:

0.8 per unit x 177 = 142 spaces required

SECURE BICYCLE PARKING PROVIDED:

- Inside Private Garages: 130 spaces
- Inside Bicycle Storage Rooms: 20 spaces
- 150 spaces provided**

RESIDENTIAL STORAGE REQUIRED:

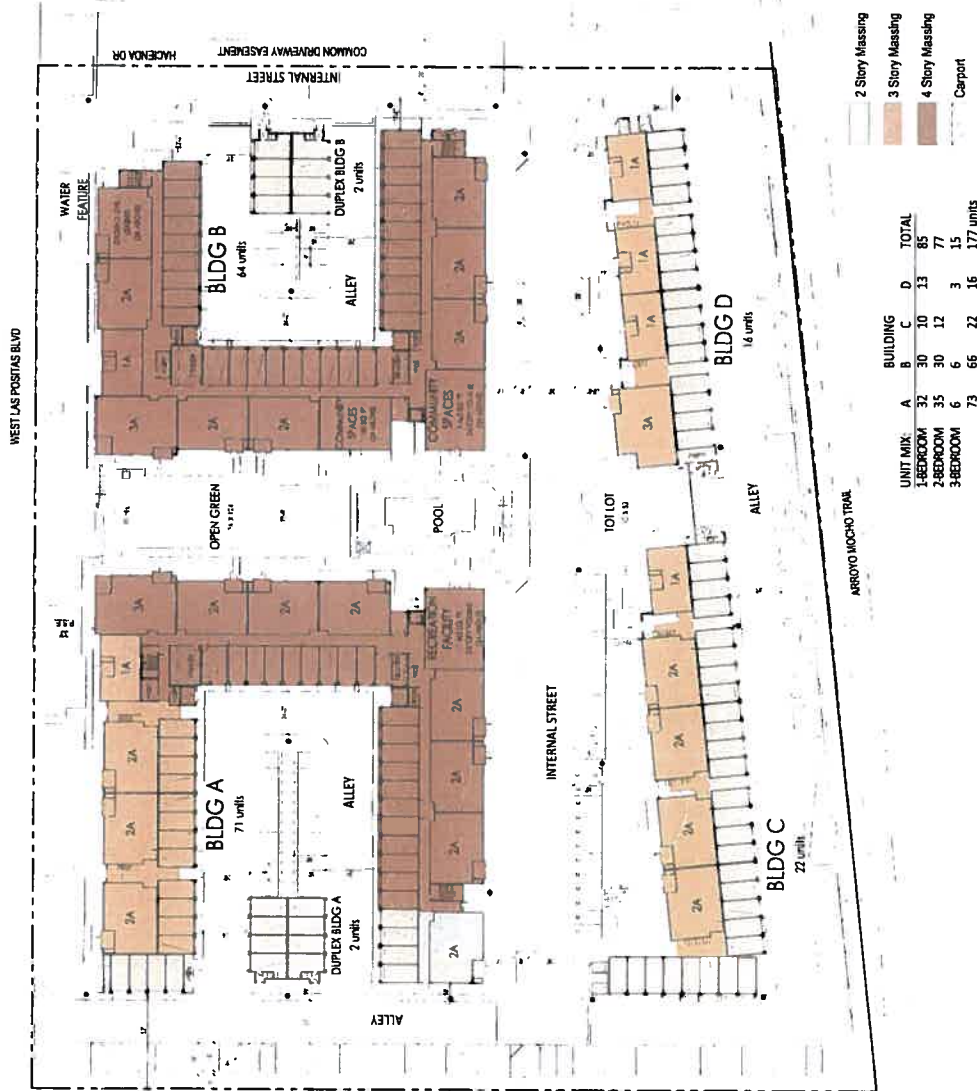
40 cu. ft. per unit x 177 = 7,080 cu. ft. storage required

RESIDENTIAL STORAGE PROVIDED:

- 40 cu. ft. patio storage x 153 = 6,120 cu. ft. provided on patios
- 2'w x 3'd x 6'-9" h typ. locker x 152 = 6,080 cu. ft. provided in storage rooms
- 12,200 cu. ft. storage provided**

NOTES:

- * Zero setbacks to face of carriage buildings, with 7' garage door recess.
- ** Carport depth includes 2' vehicle overhang above landscaping



Source: KTG Group, Inc. 2013



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Exhibit 3 Conceptual Plan

CITY OF PLEASANTON • SUMMERHILL APARTMENT COMMUNITY
 ADDENDUM TO THE CITY OF PLEASANTON HOUSING ELEMENT AND
 CAP GENERAL PLAN AMENDMENT AND REZONINGS SUPPLEMENTAL EIR

SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

Environmental Determination

The Supplemental EIR analyzed the development of a larger project site, consisting of 378 multi-family units on 12.6 acres (30 dwelling units per acre). The project as currently envisioned includes 177 multi-family apartment units on 5.9 acres, which is consistent with the 30-unit-per-acre density previously analyzed.

As indicated by CEQA Guidelines Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the City determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On the basis of the record and the analysis contained herein:

- (1) The modifications to the project do not require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- (2) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The circumstances under which the proposed project is undertaken are substantially the same as under the Supplemental EIR.
- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Supplemental EIR was certified, that shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous Supplemental EIR;
 - (B) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (C) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Supplemental EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On the basis of the record and this evaluation, it is concluded that an addendum to the Supplemental EIR is the appropriate document to be prepared.

Evaluation of Environmental Impacts

Discussion of Environmental Evaluation

The following analysis includes a discussion of each item identified in the current CEQA environmental checklist (Appendix G). Required mitigation measures are identified (if applicable) where necessary to reduce a projected impact to a level that is determined to be less than significant. The 2009 City of Pleasanton General Plan Program EIR (State Clearinghouse Number 2005122139) and 2011 City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezonings Supplemental EIR (State Clearinghouse Number 2011052002) are herein incorporated by reference in accordance with Section 15150 of the CEQA Guidelines. Copies of these documents and all other documents referenced herein are available for review at the City Pleasanton Planning Division, 200 Old Bernal Avenue Pleasanton, California.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Aesthetics				
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is located in an urban area and is currently developed with a vacant 88,512-square-foot one-story office building, surface parking, and mature landscaping. The site is bounded by Arroyo Mocho and single-family homes to the south; West Las Positas Boulevard and Hart Middle School to the north; and single-story office buildings to the east and west. Exhibit 4 provides photographs of the site and surrounding areas.

Findings

The Supplemental EIR concluded that residential development would have a less than significant impact related to each aesthetic checklist question, and no mitigation specific to the project site was required. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Scenic Vistas

The Supplemental EIR concluded that implementation of the goals, policies, and programs included as part of the proposed Housing Element, General Plan, applicable zoning requirements, and design guidelines and specific plans, would protect Pleasanton’s visual resources—including hillsides and ridgelines—from impacts resulting from development facilitated by the proposed Housing Element, including development for the project site.

Scenic resources include Mt. Diablo to the north, the Pleasanton Ridglands west of Interstate 680 (I-680), and hills to the west, southeast, and east. As shown on Exhibit 4, views of these resources

are mostly obstructed by mature trees and by surrounding urban development. Therefore, the project would not substantially alter these views, and thus, would not introduce any new impacts to scenic vistas. Impacts would continue to be less than significant and no mitigation is necessary.

State Scenic Highway

The project site is located approximately one-mile east of I-680, which is designated as a State Scenic Highway. The project site is not visible from I-680 because of its distance and the intervening developed land uses, and would not introduce any new impacts to views from State Scenic Highways not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

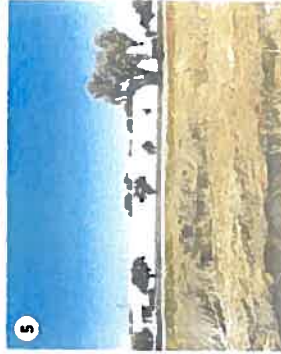
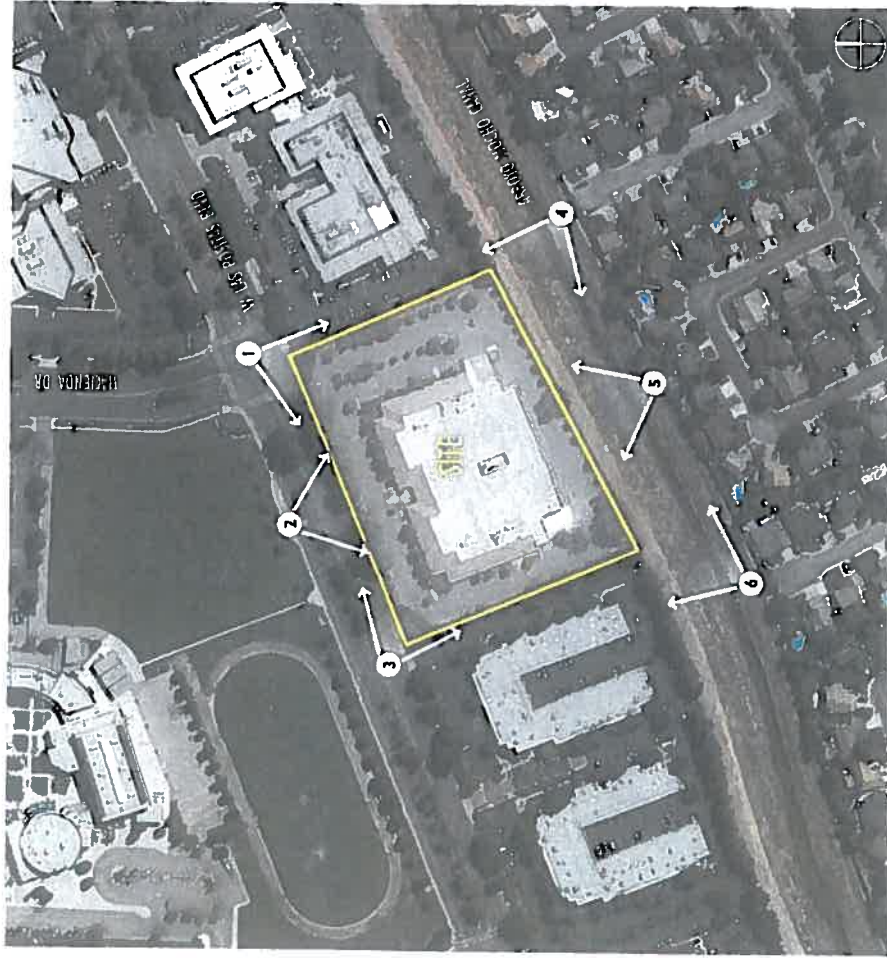
Visual Character

The Supplemental EIR concluded that potential adverse visual character effects of new development would be reduced through the Design Review process, as required by Chapter 18.20 of the Pleasanton Municipal Code. The project is consistent with the land use and intensity evaluated in the Supplemental EIR. The project is also subject to Design Review, which would ensure consistency with the architectural style, heights, and massing of the surrounding area. Furthermore, the City-approved Housing Site Development Standards and Design Guidelines also address compatibility with surrounding buildings. Therefore, visual character impacts due to new development would be less than significant and the project would not introduce any new impacts to visual character that were not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Light/Glare

The Supplemental EIR concluded that new residential development would introduce artificial light and glare from residences and outdoor parking areas. However, compliance with the State Nighttime Sky-Title 24 Outdoor Lighting Standards, and the City's General Plan policies and Municipal Code regulations regarding lighting and glare would reduce potential light and glare effects to a less than significant level.

The project has been designed in accordance with the City of Pleasanton's General Plan policies regarding lighting and glare as well as the Pleasanton Municipal Code regulations, including Sections 18.48.100, 18.88.040, 18.96.020, and the site lighting guidelines of the Housing Site Development Standards and Design Guidelines. Therefore, the project's lighting is appropriately designed to limit glare and spillover light as well as limit interior and exterior illumination. In addition, the project would be consistent with Title 24 Outdoor Lighting Standards. Therefore, the project would not introduce any new lighting or glare impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.



Source: KTG Group, Inc. 2013



Exhibit 4 Site Photographs

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CITY OF PLEASANTON • SUMMERHILL APARTMENT COMMUNITY
ADDENDUM TO THE CITY OF PLEASANTON HOUSING ELEMENT AND
CAP GENERAL PLAN AMENDMENT AND REZONINGS SUPPLEMENTAL EIR

Conclusion

The project would not result in any aesthetic impacts beyond those considered in the Supplemental EIR. All impacts continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. Agriculture and Forestry Resources				
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</i></p> <p><i>Would the project:</i></p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is not used for agricultural or forest purposes, nor are there any agricultural or forest uses in the surrounding area. The project site is developed, located in an urban area, and designated for urban uses by the General Plan and the Zoning Map. The area surrounding the project site is primarily composed of residential, commercial and institutional land uses. There are no Williamson Act lands within or near the project site.

Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have no impacts related to agricultural or timber resources, and no mitigation was required. No change has occurred regarding the presence of agricultural or timber land on or surrounding the project site since the adoption of the Supplemental EIR. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Important Farmland

The Supplemental EIR concluded that the project would not result in conversion of farmland to non-agricultural use. No changes have occurred to the status of the project site's non-farmland designation as indicated by the most recent Alameda County Farmland Mapping and Monitoring Program (California Department of Conservation 2010). Therefore, the project would not introduce any new agricultural land conversion impacts not previously disclosed and no impact would occur.

Agricultural Zoning or Williamson Act

The Supplemental EIR concluded that the project would not result in any impacts to lands zoned for agriculture or existing Williamson Act contracts. No changes have occurred to the status of the project site's zoning and the project site continues to be unencumbered by a Williamson Act contract. Therefore, the project would not introduce any new agricultural zoning or Williamson Act impacts not previously disclosed. No impact would occur.

Forest Land or Timberland Zoning

The Supplemental EIR concluded that the project would not result in any impacts to forest land or timberland. The project site is not zoned for forest or timberland uses and does not contain any forest or timberland. Therefore, the project would not introduce any new forestland or timberland zoning impacts not previously disclosed. No impact would occur.

Conversion or Loss of Forest Land or Agricultural Land

The Supplemental EIR concluded that the project would not result in any impacts related to the conversion or loss of agricultural land. No changes have occurred to the project or project site that would alter this conclusion. The project site does not contain any forest or timberland and there are no forests or timberlands in the surrounding area. Therefore, the project would not result in the conversion or loss of forest land or timberland land, and no impacts would occur.

Conclusion

Consistent with the conclusions of the Supplemental EIR, the project would not result in impacts to agricultural or timber resources. No impact would occur and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Air Quality				
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</i>				
<i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is located in the Bay Area Air Quality Management District (BAAQMD). BAAQMD’s 2010 CEQA Air Quality Guidelines (2010 Air Quality Guidelines) were used in the Supplemental EIR’s analysis of potential sites for rezoning and residential development.

The original Air Quality Guidelines were published in 1999 and updated with minor edits in 2011; however, for purposes of clarity, the updated Air Quality Guidelines are referred to in this section by their 2010 adoption date (2010 Air Quality Guidelines). The Air Quality Guidelines were further updated in 2012, as described below.

The Air Quality Guidelines set forth a process of gathering project information and then comparing the project information against screening criteria or significance thresholds to determine whether additional analysis is warranted. If a project exceeds the screening criteria, the next step is to perform a more detailed and refined analysis and compare project impacts against a set of significance thresholds. If a project does not exceed the screening criteria or significance thresholds, then the project would be deemed to have a less than significant impact and no mitigation would be required. Conversely, a project that exceeds the significance thresholds would be required to implement feasible mitigation measures.

The 2010 Air Quality Guidelines included new screening levels and thresholds of significance (2010 Air Quality Thresholds) for construction-related criteria pollutants (exhaust PM₁₀ and PM_{2.5}), ozone precursors (reactive organic gases[ROG] and nitrous oxide [NO_x]), and toxic air pollutants (TACs) and operational related cumulative TACs. In addition, the 2010 Air Quality Thresholds included reduced criteria pollutant thresholds for operational criteria pollutants and ozone precursors to provide a more conservative threshold.

Following certification of the Supplemental EIR by the City of Pleasanton on January 4, 2012, the Alameda County Superior Court issued a judgment, which found that BAAQMD's adoption of new thresholds of significance within the 2010 Air Quality Guidelines did not comply with the informational requirements of CEQA. BAAQMD successfully appealed the trial court's ruling and the case is now under review by the California Supreme Court, with a decision expected in 2014. This lawsuit was primarily concerned with whether BAAQMD violated CEQA's procedural requirements, and did not challenge the substantive adequacy of the thresholds, or the scientific data in support of the thresholds.

Nonetheless, in view of the legal uncertainty, the BAAQMD released a new version of the Air Quality Guidelines in May 2012, which removed the 2010 Air Quality Thresholds. The BAAQMD recommends that lead agencies determine their own appropriate air quality thresholds of significance based on substantial evidence within the lead agency's administrative record. Lead agencies may still rely on the BAAQMD's 2010 Air Quality Guidelines for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures. The City of Pleasanton has determined that the BAAQMD's 2010 Air Quality Thresholds are based on substantial evidence, as identified in Appendix D of the CEQA Guidelines, and has therefore adopted and incorporated them into this analysis.

Table 2 and Table 3 compare the 2010 Air Quality Thresholds to the thresholds established in the original 1999 Air Quality Guidelines.

Table 2: BAAQMD Project-Level Construction-Related Thresholds

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds
ROG	None	54 lbs/day
NO _x	None	54 lbs/day
PM ₁₀	None	82 lbs/day (exhaust)
PM _{2.5}	None	54 lbs/day (exhaust)
PM ₁₀ /PM _{2.5} (fugitive dust)	BMPs	BMPs
TACs	None	<ul style="list-style-type: none"> • Increased cancer risk of >10 in a million • Increased non-cancer risk of >1 Hazard Index (chronic or acute) • Ambient PM_{2.5} increase >0.3 µg/m³ annual average

Table 2 (cont.): BAAQMD Project-Level Construction-Related Thresholds

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds
Cumulative TACs	None	<ul style="list-style-type: none"> Increased cancer risk of >100 in a million Increased non-cancer risk of >10 Hazard Index (chronic) Ambient PM_{2.5} increase >0.8 µg/m³ annual average

Notes:

lbs/day = pounds per day

O_x = nitrous oxides

CO = carbon monoxide

TACs = toxic air contaminants

Source: Bay Area Air Quality Management District 1999, 2011.

ROG = reactive organic gases

PM = particulate matter

BMPs = best management practices

Table 3: BAAQMD Project-Level Operational Related Thresholds

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds	
		Average Daily Emissions	Maximum Annual Emissions
ROG	80 lbs/day	54 lbs/day	10 tons/year
NO _x	80 lbs/day	54 lbs/day	10 tons/year
PM ₁₀	80 lbs/day	82 lbs/day	15 tons/year
PM _{2.5}	None	54 lbs/day	10 tons/year
Local CO	9.0 ppm (8-hour average), 20 ppm (1-hour average)	9.0 ppm (8-hour average), 20 ppm (1-hour average)	
TACs	<ul style="list-style-type: none"> Increased cancer risk of >10 in a million Increased non-cancer risk of >1 Hazard Index 	<ul style="list-style-type: none"> Increased cancer risk of >10 in a million Increased non-cancer risk of >1 Hazard Index (chronic or acute) Ambient PM_{2.5} increase >0.3 µg/m³ annual average 	
Cumulative TACs	None	<ul style="list-style-type: none"> Increased cancer risk of >100 in a million Increased non-cancer risk of >10 Hazard Index (chronic) Ambient PM_{2.5} increase >0.8 µg/m³ annual average 	
Accidental Release	Storage or use of acutely hazardous materials near receptors or new receptors near stored or used acutely hazardous materials	Storage or use of acutely hazardous materials near receptors or new receptors near stored or used acutely hazardous materials	

Table 3 (cont.): BAAQMD Project-Level Operational Related Thresholds

Pollutant	1999 Air Quality Thresholds	2010 Air Quality Thresholds	
		Average Daily Emissions	Maximum Annual Emissions
Odor	>1 confirmed complaint per year averaged over three years or 3 unconfirmed complaints per year averaged over three years	5 confirmed complaints per year averaged over three years	

Notes:

ROG = reactive organic gases NO_x = nitrous oxides
 PM = particulate matter CO = carbon monoxide
 TACs = toxic air contaminants ppm = parts per million
 lbs/day = pounds per day t/y = tons per year
 Source: Bay Area Air Quality Management District 1999, 2011.

The Supplemental EIR utilized the 2010 Air Quality Guidelines and the 2010 Air Quality Thresholds. Although BAAQMD is no longer recommending the 2010 Air Quality Thresholds, this document uses the 2010 Air Quality Guidelines and 2010 Air Quality Thresholds for screening and analysis purposes for most impacts. In certain circumstances, consistent with the May 2012 Update to the 2010 CEQA Guidelines, this document uses alternative thresholds where deemed appropriate and supported by substantial evidence. Pursuant to the 2010 Air Quality Guidelines if a project does not exceed the thresholds contained within the 2010 Air Quality Guidelines or alternative thresholds, it will result in a less than significant impact.

Findings

The Supplemental EIR concluded that implementation of the General Plan Amendment and rezoning of the project site for eventual residential development would have a less than significant impact related to (1) consistency with the Clean Air Plan, (2) consistency with the implementation measures of the 2010 Clean Air Plan, (3) net increase of criteria pollutants, (4) impacts on sensitive receptors after implementation of mitigation, and (5) exposure to objectionable odors.

The project includes the development of 177 multi-family apartment units on 5.9 acres, which is consistent with the density anticipated by the Supplemental EIR (30 units per acre).

As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Air Quality Plan Compliance: The Supplemental EIR concluded that the project would not conflict with implementation of the Bay Area 2010 Clean Air Plan (2010 Clean Air Plan) because:

- The projected rate of vehicle miles traveled (VMT) associated with the Housing Element and associated rezonings would not be greater than the projected rate of increase in population, and

- The Housing Element and associated rezonings demonstrate reasonable efforts to implement control measures contained in the 2010 Clean Air Plan.

A project would be judged to conflict with or obstruct implementation of the 2010 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process. The project would not result in a substantial unplanned increase in population, employment, or regional growth in vehicle miles traveled, or emissions, so it would not conflict with or obstruct implementation of the air quality plan. Furthermore, it is consistent with the density analyzed in the Supplemental EIR. As such, the project would be consistent with the 2010 Clean Air Plan and would not introduce any new impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Air Quality Standards or Violations

The Supplemental EIR concluded that the General Plan Amendment and rezonings would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. Development anticipated by the Supplemental EIR would require demolition and removal of existing structures, grading, site preparation, and construction of new structures. Emissions generated during construction activities would include exhaust emissions from heavy-duty construction equipment, trucks used to haul construction materials to and from sites, worker vehicle emissions, as well as fugitive dust emissions associated with earth-disturbing activities. However, as indicated in the Supplemental EIR, implementation of Mitigation Measure 4.B-1a would ensure that impacts from fugitive dust and other construction emissions (carbon monoxide hotspots) would be less than significant and would adhere to the BAAQMD's requirements. The projects potential for carbon monoxide (CO) hotspot and construction emissions impacts are analyzed below.

Carbon Monoxide Hotspot

A significant impact related to CO hotspots is identified if a project would exceed the BAAQMD Local CO threshold. The BAAQMD's 2010 Air Quality Guidelines contain a preliminary screening methodology that provides a conservative indication of whether the implementation of a proposed project would result in CO emissions that exceed the CO thresholds of significance. If a project meets the preliminary screening methodology, quantification of CO emissions is not necessary.

A development project would result in a less than significant impact to localized CO concentrations (and would not require quantification) if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county Congestion Management Agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

As noted in Section 2.16 Transportation/Traffic of this addendum, the project would be consistent with applicable transportation policies establishing effectiveness. The project would not cause any signalized study intersections to operate below acceptable level of service (LOS) standards after the implementation of mitigation measures from the Supplemental EIR and compliance with General Plan Transportation Element Program 1.1. Because the project is consistent with the Housing Element of the General Plan, it is also consistent with other applicable transportation related policies of the General Plan. As such, the project would not introduce any new impacts related to Applicable Transportation Plans and Policies not previously disclosed, and meets the first screening criteria.

Based on existing surface road volumes in the project vicinity, the project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, and would have no effect on any intersections where vertical and/or horizontal mixing is substantially limited, thereby meeting the second and third screening criteria. As shown in the Traffic Impact Analysis (Appendix H), Hopyard Road/Las Positas Boulevard is the project-affected intersection with the current highest volume, experiencing a PM peak-hour volume of 4,387 vehicles. Based on the BAAQMD screening methodology, this volume of traffic would have a less than significant impact on CO concentrations. As such, the project would not introduce any new impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

Construction Fugitive Dust Emissions

The Supplemental EIR concluded that the General Plan Amendment and rezonings would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation. Development anticipated by the Supplemental EIR would require demolition and removal of existing structures, grading, site preparation, and construction of new structures. Emissions generated during construction activities would include fugitive dust emissions associated with earth disturbing activities. However, as indicated in the Supplemental EIR, compliance with Mitigation Measure 4.B-1a would ensure that impacts from fugitive dust would be less than significant as well as ensure the other construction emissions would adhere to the BAAQMD's requirements.

In summary, the project would not introduce any new impacts related to air quality standards or violations not previously disclosed. Impacts would continue to be less than significant with the implementation of Mitigation Measure 4.B-1a from the Supplemental EIR.

Cumulatively Considerable Net Increase of a Nonattainment Pollutant

The Supplemental EIR concluded that the implementation of residential development on rezoned sites would have less than significant impacts related to cumulatively considerable net increases of criteria pollutants, for which the project region is in nonattainment after implementation of Mitigation Measure 4.B-1a. As discussed below, the project would not introduce any new significant

impacts not previously disclosed. Further analysis of the project’s potential impacts and emissions modeling output is provided below and in Appendix B.

Construction Exhaust Pollutants

The 2010 Air Quality Guidelines provide screening criteria developed for criteria pollutants and precursors. According to the 2010 Air Quality Guidelines, if the project meets the screening criteria then its air quality impacts relative to the criteria pollutants may be considered less than significant. In developing the 2010 Air Quality Guidelines, BAAQMD also considered the emission levels for which a project’s individual emissions would be cumulatively considerable. Specifically for construction, the project would result in a less than significant impact to air quality if the following screening criteria are met:

1. The project is below the applicable screening level size (see Table 4).
2. All Basic Construction Mitigation Measures would be included in the project design and implemented during construction.
3. Construction-related activities would not include any of the following:
 - a) Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
 - b) Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
 - c) Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
 - d) Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
 - e) Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

**Table 4: Criteria Air Pollutant and Precursors
Screening Level for Construction Emissions**

Land Use	Screening Size	Project Size
Apartment Mid Rise	240 DU	177 DU

Note:
DU = dwelling units
Source: BAAQMD 2011.

The project includes 177 multi-family apartment units in four buildings ranging two to four stories in height, which is consistent with the “apartment mid-rise” land use category of the BAAQMD’s

screening levels. The project is less than the screening level of 240 dwelling units, indicating that construction activities would not be considered to have the potential to generate significant quantities of air pollutants.

The project would also meet all of the other screening criteria listed above, indicating that impacts would remain less than significant:

- The project would include all basic construction mitigation measures;
- Construction-related activities would not violate the screening criteria above;
- Construction would involve demolition, but would be consistent with District Regulation 11, Rule 2 regarding asbestos;
- The project would not involve the simultaneous occurrence of more than two construction phases or construction of more than one land use type;
- Site preparation is not expected to be greater than default values,
- The project would require 8,000 cubic yards of cut and 2,500 cubic yards of fill. The removal of 5,500 cubic yards of soil is below the screening criteria of 10,000 cubic yards. As such, the project would not require extensive material transport requiring a considerable amount of haul truck activity.

Operational Pollutants

The 2010 Air Quality Guidelines provide operational emissions screening criteria developed for criteria pollutants and precursors. As shown in Table 5, the project's proposed land use is less than the BAAQMD's screening level for criteria air pollutants and precursors. Therefore, the project would have a less than significant impact with respect to criteria pollutants and ozone precursors.

Table 5: Criteria Air Pollutant and Precursors Screening for Operational Emissions

Land Use	Screening Size	Project Size
Apartment Mid Rise	494 DU	177 DU

Note:

DU = dwelling units

Source: BAAQMD 2011.

In summary, the project would not introduce any new impacts related to cumulatively considerable net increases of nonattainment pollutants not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Expose Receptors to Substantial Pollutants

The Supplemental EIR concluded that the project would not subject residents, neighbors, or customers and employees of nearby businesses to substantial concentrations of air pollutants after incorporation of mitigation.

Implementation of Mitigation Measure 4.B-4 requires project-specific health risk assessments and the implementation of any combination of measures required by the health risk assessment to reduce receptor exposures to a level below the threshold. Measures could include the incorporation of design features, trees, and/or high-efficiency central heating and ventilation systems. As discussed below, the project would not introduce any new substantial impacts not previously disclosed. Further analysis of the project's potential toxic air contaminant (TAC) impacts and emissions modeling output are provided below and in the Health Risk Assessment prepared by Illingworth & Rodkin, Inc. on October 30, 2013 (Appendix B), consistent with Mitigation Measure 4.B-4.

Sensitive receptors near the project site include Hart Middle School north of the project site, commercial uses on either side of the project site, and residential uses south of the project site, across the Arroyo Mocho Canal.

Construction Localized Fugitive Dust

Activities associated with site preparation and construction would generate short-term emissions of fugitive dust resulting in increased dust fall and locally elevated levels of PM₁₀ and PM_{2.5} downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. Consistent with BAAQMD's 2010 Air Quality Guidelines, the Supplemental EIR included Mitigation Measure 4.B-1a to ensure that the current best management practices (BMPs) would be implemented to reduce fugitive dust emissions from construction activities to less than significant. Implementation of Mitigation Measure 4.B-1a by the project would ensure impacts would remain less than significant.

Construction Toxic Air Contaminants Generation

As discussed in the BAAQMD's Air Quality Guidelines, construction activity using diesel-powered equipment emits diesel particulate matter (DPM), a known carcinogen. A 10-year research program (Air Resources Board (ARB), 1998) demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. Moreover, the current methodological protocols required by ARB when studying the health risk posed by DPM assume the following: (1) 24-hour constant exposure; (2) 350 days a year; (3) for a continuous period lasting 70 years.

The majority of heavy diesel equipment usage would occur during the grading phase of construction, which would occur over a brief duration. Nearby sensitive receptors that surround the project site would be exposed to construction contaminants only for the duration of construction. This brief exposure period would substantially limit exposure to hazardous emissions. In addition, construction-emitted pollutants would rapidly disperse from the project site. The brief exposure period presented by the project is substantially less than the exposure period typically assumed for

the health risk analysis, as provided above. Further, Mitigation Measure 4.B-1 requires the preparation of an air quality plan and submittal to the City that demonstrates BAAQMD recommended control measures will minimize risks to sensitive receptors. Therefore, impacts from exposure to construction-generated DPM would be less than significant.

Operational Toxic Air Contaminants Exposure

The project is not a land use known to generate TACs in substantial quantities; therefore, risks to adjacent receptors from the project would be less than significant. The project would result in the construction of a sensitive receptor land use. As such, this impact analysis focuses on the potential impacts to onsite residents from nearby sources of TACs. The BAAQMD provides three tools for use in screening potential sources of TACs. These tools are:

- **Surface Street Screening Tables.** The BAAQMD pre-calculated potential cancer risk and PM_{2.5} concentration increases for each county within their jurisdiction. The look-up tables are used for roadways that meet the BAAQMD's 'major roadway' criteria of 10,000 vehicles or 1,000 trucks per day. Risks are assessed by roadway volume, roadway direction, and distance to sensitive receptor.
- **Freeway Screening Analysis Tool.** The BAAQMD prepared a Google Earth file that contains pre-estimated cancer risk, hazard index, and PM_{2.5} concentration increases for highways within the Bay Area. Risks are provided by roadway link and are estimated based on elevation and distance to the sensitive receptor.
- **Stationary Source Risk and Hazard Screening Tool.** The BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, the BAAQMD provides conservative cancer risk and PM_{2.5} concentration increase values.

The BAAQMD recommends the use of these three tools in a screening process to identify whether further environmental review of potential TAC or PM_{2.5} concentration risk for a project is warranted. Specifically, emissions sources within 1,000 feet of the project boundary should be evaluated.

For project-level analysis, BAAQMD specifies both individual and cumulative-level thresholds of significance for risks and hazards. The BAAQMD's individual cancer risk threshold of significance is 10 in a million, and the cumulative risk threshold is 100 in a million. For projects that consist of new receptors, it is generally appropriate to only use the cumulative-level threshold because the project itself is not a source of TACs and, thus, the individual project-level threshold is not relevant. The cumulative risk threshold accounts for all potential sources of TACs and PM_{2.5} in proximity to new receptors. Because the project is a residential development and is not considered a source of TACs, this analysis is focused to the cumulative impact of nearby sources of TACs to the project.

Consistent with the requirements of Supplemental EIR Mitigation Measure 4.B-4, a Health Risk Assessment (HRA) was prepared by Illingworth & Rodkin, Inc. to assess community risks and hazards related TACs (Appendix B). Mitigation Measure 4.B-4 requires that exposure to TACs fall below "BAAQMD's threshold of significance at the time of project approval." The following evaluates impacts from potential offsite sources (stationary and mobile sources within 1,000 feet of the project's boundary) on new onsite sensitive receptors.

Permitted Stationary Sources

The BAAQMD database for permitted stationary sources indicates that there are two permitted sources of air pollutants within the 1,000-foot zone of influence of the project with non-trivial TAC emissions, Zantaz and Verizon Wireless Pleasanton Switch. The potential risks from those sources are provided in Table 6.

Mobile Sources

The BAAQMD provides screening tables and data to determine if roadways with traffic volumes of over 10,000 vehicles per day may have a significant effect on sensitive receptors. Table 6 provides the potential risk for residences within 10 feet of an east-west roadway with an ADT count of 20,000 vehicles as indicated by BAAQMD’s thresholds.

Table 6 includes West Las Positas Boulevard, because this roadway has an average daily traffic (ADT) count of 18,500 vehicles in the vicinity of the project site (City of Pleasanton, 2013), which is close to the 20,000 ADT threshold. (Note that proposed apartment units would be 30 feet from the roadway, rather than 10 feet assumed for the purposes of screening).

Health Risk Assessment Results

As shown in Table 6, the maximum estimated total cancer risk for new residents due to stationary and mobile sources is 29.79 in a million, and does not exceed the cumulative significance threshold of 100 in a million. Similarly, the estimated chronic hazard index and the annual average PM_{2.5} concentrations fall below the corresponding cumulative significance thresholds. Detailed analysis is provided in Appendix B.

Table 6: Stationary and Mobile Risk Hazard Analysis

Source	Lifetime Excess Cancer Risk (in a million)	Chronic Hazard Index	PM _{2.5} Concentration (µg/m ²)
Stationary Sources			
Zantaz (17686)	2.77	0.001	0.003
Verizon Wireless Pleasanton Switch (14691)	21.55	0.008	0.038
Mobile Sources			
W Las Positas Blvd	5.47	<0.03	0.223
Total Risk from All Local Sources	29.79	0.039	0.264
<i>Cumulative Risk Threshold</i>	100	10	0.8
<i>Exceeds Threshold?</i>	No	No	No

Source: Illingworth & Rodkin 2013, BAAQMD 2011.

In summary, the project has complied with mitigation measure 4.B-4 by preparing an HRA. As indicated in the HRA the project would not expose on-site residents to significant cumulative risks from adjacent sources of TACs, and impacts would be less than significant.

Odors

The Supplemental EIR indicated that residential development on the rezoned sites could potentially expose occupants to sources of substantial odors. The project site is within the BAAQMD recommended one-mile buffer of the sewage treatment plant located between Johnson Drive and I-680. The Supplemental EIR concluded that Policy 8, Program 8.1 and Program 8.2 of the Air Quality Element of the Pleasanton General Plan require odor generators within the City to minimize impacts. Furthermore, the City has indicated that it has not received any recent odor complaints associated with this source. Impacts would continue to be less than significant and no mitigation is necessary.

Conclusion

The project would not result in any air quality impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation as contained within the Supplemental EIR, and as cited below.

Mitigation Measure

The following mitigation measure appears in the Supplemental EIR, and applies to the project:

Mitigation Measure 4.B-1a: Prior to the issuance of a grading or building permit, whichever is sooner, the project Applicant for a potential site for rezoning shall submit an air quality construction plan detailing the proposed air quality construction measures related to the project such as construction phasing, construction equipment, and dust control measures, and such plan shall be approved by the Director of Community Development. Air quality construction measures shall include Basic Construction Mitigation Measures (BAAQMD, May 2011) and, where construction-related emissions would exceed the applicable thresholds, Additional Construction Mitigation Measures included on all grading, utility, building, landscaping, and improvement plans during all phases of construction.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Biological Resources				
<i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Ecologically, the project site consists of urban/developed land, including an office building and parking lot with mature landscaping. The project site is surrounded by urban/developed land, including other residential and commercial properties, and a school. The Arroyo Mocho Canal borders the project site to the south. This segment of the Arroyo Mocho Canal is unlined, with moderate to shallow vegetated banks. Vegetation is limited to low growing shrubs and grasses;

there are no trees within the Canal or on the adjacent banks, and riparian vegetation is limited to the bottom of the canal.

Wildlife within the project area is limited to those adapted to urban activities and human disturbance. As with most urbanized environments, landscape features such as trees, bushes, grasses, and ruderal vegetation, may provide roosting habitat for bird or bat species and may provide foraging habitat. Riparian corridors such as the Arroyo Mocho Canal may provide food, water, migration and dispersal corridors, breeding sites, and thermal cover for wildlife. Development adjacent to riparian habitat may degrade the habitat values of stream reaches throughout the project area through the introduction of human activity, feral animals, and contaminants that are typical of urban uses.

Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have a less than significant impact related to local policies or ordinances protecting biological resources, or habitat conservation plans. The Supplemental EIR concluded that the project would have a less than significant impact related to sensitive species, riparian habitat, wetlands, and fish or wildlife movement with the implementation of mitigation. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Candidate, Sensitive, or Special Status Species

The project would remove some onsite trees and landscaping and would provide new landscaping throughout the common areas. The majority of existing trees along West Las Positas would be preserved.

The Supplemental EIR concluded that removal of trees or other vegetation associated with the project could result in direct losses of nesting habitat, nests, eggs, nestlings, or roosting special-status bats; and that such impacts would be considered significant. As indicated in the Supplemental EIR, these impacts would require the implementation of Mitigation Measures 4.C-1a and 4.C-1b to ensure that any impacts to special-status bird and bat species are avoided or minimized to a level of less than significant. With the implementation of these mitigation measures, the project's potential impacts would also be less than significant.

Riparian Habitat or Other Sensitive Natural Community

The Supplemental EIR concluded that construction of the project may result in degradation of water quality and aquatic habitat; degradation of wetland habitat; and accidental discharge of sediment or toxic materials into the Arroyo Mocho Canal. As indicated in the Supplemental EIR, these impacts would require implementation of Mitigation Measure 4.C-2, which requires 20-foot setbacks from the edge of riparian vegetation or top of bank whichever is further from the creek centerline.

The project would also be required to comply with the City's General Plan Policies related to protection of riparian habitat, which require site plans, design, and BMPs to be consistent with

applicable water quality regulations including the applicable National Pollutant Discharge Elimination System (NPDES) permit. Adherence to these policies would provide further protection for identified riparian habitat along Arroyo Mocho.

Areas that would be disturbed by the project include landscaping and parking areas, and would be redeveloped with similar uses. The distance from the top of bank to the project site's property line is greater than 20 feet. Therefore, no new grading or development would occur onsite within 20 feet of Arroyo Mocho Canal's top of bank. The project as designed is consistent with the requirements of Mitigation Measure 4.C-2. Therefore, the project's impacts would continue to be less than significant as concluded in the Supplemental EIR and no mitigation is necessary.

Federally Protected Wetlands

There are no wetlands onsite. The project would be required to comply with the City's General Plan Policies related to protection of water quality, which require site plans, design, and BMPs to be consistent with applicable water quality regulations including the applicable NPDES permit. Adherence to these policies would ensure that impacts would continue to be less than significant and no mitigation is necessary.

Species, Wildlife Corridors, or Wildlife Nursery Sites

The Supplemental EIR concluded that while the project site is developed and lacks habitat value, Arroyo Mocho and landscaped areas within the vicinity provide wildlife corridors for fish, waterfowl, other birds, bats, and mammals. As indicated in the Supplemental EIR, implementation of Mitigation Measures 4.C-1a, 4.C-1b, and 4.C-2 would ensure that any impacts to special-status species within the Arroyo Mocho riparian corridor are avoided or minimized. Therefore, the project's impacts would continue to be less than significant as concluded in the Supplemental EIR with the implementation of applicable mitigation.

Local Policies or Ordinances

The Supplemental EIR indicated that residential development on rezoned sites could occur in locations where heritage trees would be adversely affected through damage to root zones, tree canopy, or outright removal. The Supplemental EIR concluded that impacts to heritage trees would be less than significant with adherence to the Tree Preservation Ordinance included in Chapter 17.16 of the Pleasanton Municipal Code, which provides adequate protection for heritage trees in the City of Pleasanton.

According to the Tree Report prepared by Hort Science (Appendix C), the project site contains 103 trees, of which 27 are considered heritage trees. Of the heritage trees, 13 evergreen ash trees (*Fraxinus uhdei*) and one cork oak tree (*Quercus suber*) are the best candidates for preservation, as they are located along the West Las Positas Boulevard frontage and the southwestern corner of the project site, respectively (Hort Science, 2013). In addition, six red Ironbark (*Eucalyptus sideroxylon*) and five Callery Pear (*Pyrus calleryana*) heritage trees would be preserved or replanted (Hort Science, 2013). The remaining two heritage trees would be removed as a part of the project. Overall, 46 onsite trees would be preserved.

The heritage trees proposed for removal either are in poor condition or are located in such a manner that they prohibit the construction of project improvements for the economic benefit of the property. The landscaping plan includes the planting of additional trees to offset the removal of mature vegetation and heritage trees, consistent with the Tree Preservation Ordinance. Therefore, removal of onsite trees and heritage trees would be implemented in accordance with Chapter 17.16 of the Pleasanton Municipal Code. Impacts would be less than significant and no mitigation is necessary.

Habitat Conservation Plan, Natural Community Conservation Plan, or other Approved Plan

The Supplemental EIR concluded that no impact would occur with respect to conflicts with a habitat or natural community conservation plan because the City is not located within such a designated area. No changes have occurred that would alter this conclusion.

Conclusion

The project would not introduce any biological resource impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of applicable mitigation from the Supplemental EIR, as cited below.

Mitigation Measures

The following mitigation measures appear in the Supplemental EIR, and apply to the project:

- Mitigation Measure 4.C-1a:** Pre-construction Breeding Bird Surveys. The City shall ensure that prior to development of all potential sites for rezoning (Sites 1-4, 6-11, 13, 14, and 16-21) and each phase of project activities that have the potential to result in impacts on breeding birds, the project Applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:
- If grading or construction activities occur only during the non-breeding season, between August 31 and February 1, no surveys will be required.
 - Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31). During the breeding bird season (February 1 through August 31), a qualified biologist will survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys will include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.

- Based on the results of the surveys, avoidance procedures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.
- Bird nests initiated during construction are presumed to be unaffected, and no buffer would be necessary, except to avoid direct destruction of a nest or mortality of nestlings.
- If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed.

Mitigation Measure 4.C-1b: Pre-Construction Bat Surveys. Conditions of approval for building and grading permits issued for demolition and construction [of the project] shall include a requirement for pre-construction special-status bat surveys when large trees are to be removed or underutilized or vacant buildings are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. Bat roosts initiated during construction are presumed to be unaffected, and no buffer would be necessary.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Cultural Resources				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

No historic properties, archaeological resources, or paleontological resources were identified on the project site during the cultural resource assessment conducted for the Supplemental EIR. Historical aerial photographs indicate that the project site was primarily agricultural until construction of the current use in 1984. The Hewlett Canal formerly crossed the northwest corner of the project site, but was filled sometime in the 1970s (ENGE0 2013b).

Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would result in less than significant impacts to archaeological resources and human remains after the implementation of mitigation.

The Supplemental EIR concluded that a significant and unavoidable impact would occur with the demolition of a potentially significant historic resource on Site 6. The project is located on Site 13, and would not contribute to the impact to Site 6.

The Supplemental EIR concluded that no impact to paleontological resources or unique geologic features would occur as a result of development of the project site.

The project would not disturb any areas that were not previously disturbed by construction of the current onsite facilities, which occurred in 1984. Coupled with the fact that the area was disturbed by agricultural activities prior to 1984, there is a reduced likelihood of any intact cultural resources beneath the existing development. As discussed below, the project would not result in any new

substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Historical Resource

The current one-story, vacant office building and the associated parking lot were constructed in 1984 and do not meet the threshold for consideration as a potential historic resource.

The Supplemental EIR concluded that the project site is located in a “Low Sensitivity” zone for cultural resources, which includes historical resources, because the site is not located within the Downtown Historic Neighborhoods and Structure Area, and no historical structures are located in the project vicinity (refer to Figure 4.D-1 of the Supplemental EIR). Therefore, no impacts to historic resources are anticipated and no mitigation is necessary.

Archaeological Resource

The Supplemental EIR indicated that project-related construction activities involving ground disturbance during construction could result in significant impacts if any unknown culturally significant sites are discovered.

The City requires a standard condition of approval for projects requiring Planning Department approval that would require that all construction stop in the event that cultural resources are uncovered during excavation. With implementation of this standard condition, the project would be expected to have a less than significant effect on unknown cultural resources. Therefore, the project would not introduce any new impacts to archaeological resources that were not previously disclosed in the Supplemental EIR. Impacts would be less than significant and no mitigation is necessary.

Unique Paleontological Resource or Site or Unique Geologic Feature

The Supplemental EIR indicated that the City has moderate paleontological sensitivity. While shallow excavation or grading is unlikely to uncover paleontological resources, deeper excavation into older sediments may uncover significant fossils.

The City implements a standard condition of approval that requires all construction to stop in the event that paleontological resources are uncovered during excavation. With implementation of this standard condition, projects would be expected to have a less than significant effect on unknown paleontological resources. The Supplemental EIR included Mitigation Measure 4.D-3, which requires construction to temporarily stop if paleontological resources are encountered and assessment by a qualified paleontologist occurs.

With the implementation of the City’s standard conditions of approval regarding paleontological discovery and Mitigation Measure 4.D-3, potential impacts would be reduced to less than significant, consistent with the conclusions of the Supplemental EIR.

Human Remains

The Supplemental EIR states that there is no indication in the archaeological record that the project site has been used for human burial purposes in the recent or distant past. The City implements a standard condition of approval that requires all construction to stop in the event that human remains are uncovered during excavation. In addition, the Supplemental EIR included Mitigation Measure 4.D-4, which requires construction to temporarily stop and actions in accordance with California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98 to be implemented. With the implementation the City's standard conditions of approval and Mitigation Measure 4.D-4, the project's potential impacts to inadvertently disturb human remains would be less than significant.

Conclusion

The project would not introduce any new substantial or more severe impacts to cultural resources than those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation from the Supplemental EIR, as cited below.

Mitigation Measures

The following mitigation measures appear in the Supplemental EIR, and apply to the project:

Mitigation Measure 4.D-3: In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated by the Lead Agency. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources.

Mitigation Measure 4.D-4: The site has no known human remains, including those interred outside of formal cemeteries. However, it is impossible to be sure about the presence or absence of human remains on a site until site excavation and grading occurs. As required by State law, in the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The County Coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Geology and Soils				
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is generally flat and is located in an area with minimal topographical relief. According to the General Plan, active faults in or near the Pleasanton Planning Area include the Calaveras, Verona, Concord-Green Valley, Greenville, Hayward, Mt. Diablo Thrust, and San Andreas Faults. Figure 5-3 of the General Plan indicates that the project site is located in an area susceptible to severe to violent intensity of peak ground shaking during earthquakes. The Calaveras and Verona

Faults are the nearest faults designated as Alquist-Priolo Earthquake Fault Zones; however, these faults do not traverse the project site (City of Pleasanton 2012).

The project site contains soils that are classified as Sycamore silt loam over clay and Clear Lake clay 0 to 3 percent slopes (Natural Resources Conservation Service 2013).

Figure 5-4 of the City of Pleasanton General Plan indicates the Arroyo Mocho Canal, located directly south of the project site is susceptible to liquefaction (City of Pleasanton 2013).

ENGEO conducted a Geotechnical Feasibility Evaluation for the project (Appendix D).

Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have less than significant impacts related to fault rupture, seismic ground shaking, seismic-related ground failure, landslides, erosion, or unstable soils. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Fault Rupture

The Supplemental EIR indicated no fault lines traverse the project site. No changes have occurred to the project site that would alter this conclusion. Furthermore, the Geotechnical Feasibility Evaluation determined that the project site would not be at risk to fault rupture. Therefore, the project would not result in any impacts related to fault rupture.

Seismic Ground Shaking

The Supplemental EIR concluded implementation of goals and policies of the Public Safety Element of the Pleasanton General Plan would minimize the risk from ground shaking, including a requirement for site-specific soil and geological studies that include recommendations for minimizing seismic hazards.

Consistent with Goal 2, Policy 5 of the Public Safety Element of the Pleasanton General Plan, a site-specific Geotechnical Feasibility Evaluation has been completed by ENGEO (Appendix D). The Geotechnical Feasibility Report indicated that compliance with the California Building Code would mitigate structural failure resulting from potential seismic-related ground shaking. The project would not introduce any new impacts related to seismic ground shaking not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Seismic-related Ground Failure

The Supplemental EIR concluded that the project site is not located within a liquefaction hazard zone. In addition, the Geotechnical Feasibility Evaluation concluded that onsite liquefaction risks are minor. Nonetheless, compliance with the soil and foundation support parameters in Chapter 16 and 18 of the California Building Code (CBC), as well as the grading requirements in Chapter 18 of the CBC, as required by city and state law, would ensure the maximum practicable protection available

from ground failure for structures and their foundations. Therefore, the project would not introduce any new impacts related to seismic ground shaking not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Landslides

The Supplemental EIR indicated that because of the flat topography, the development facilitated by the proposed General Plan Amendment and rezonings would not expose people or structures to landslides. No changes have occurred to the project site that would alter this conclusion. Therefore, the project would not introduce any new landslide-related impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Erosion

The Supplemental EIR concluded that the potential impacts related to erosion as the result of site grading would be less than significant. The project would be required to adhere to the NPDES General Construction Permit, which contains requirements for erosion control of exposed soils including implementation of a Stormwater Pollution Prevention Plan's (SWPPP's) BMPs. In addition, policies in the Public Safety Element of the General Plan minimize the risk of soil erosion and mitigate its effects further (Goal 1, Policy 2; Goal 2, Policy 5). No project site or regulatory conditions have changed that would alter this conclusion. Therefore, the project would not introduce any new erosion-related impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Unstable Soils

The Supplemental EIR concluded that residential development would be required to implement geotechnical tests and reports to identify the suitability of soils and measures to minimize unsuitable soil conditions. The Supplemental EIR also indicated that the design of foundation support must conform to the analysis and implementation criteria described in the CBC, Chapters 16 and 18. Adherence to the City's codes and policies would ensure maximum practicable protection from unstable soils and less than significant impacts would occur.

In accordance with Goal 2, Policy 5, and the recommendations from the Geotechnical Feasibility Evaluation, the project would include the completion of a design-level geotechnical analysis prior to the issuance of a building permit and prior to the approval of final improvement plans. Recommendations from the design level geotechnical analysis would ensure unstable soil risks are minimized. The design-level geotechnical analysis would also provide site-specific soil remediation and construction practices that would ensure geologic stability on-site. Therefore, the project would not introduce any new impacts related to unstable soils not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Expansive Soil

The Supplemental EIR indicated that expansive soils are typically found within the upper 5 feet of ground surface, and are often found in low-lying alluvial valleys such as the valley in which Pleasanton is located. The Supplemental EIR concluded that adherence to the City's codes and

policies and the California Building Code Chapter 16 and 18, would ensure maximum practicable protection from expansive soils, thereby reducing impacts to a less than significant level.

The Geotechnical Feasibility Evaluation indicated that expansive soils are a present onsite, and indicated that the project should include considerations for moisture conditioning and compaction, as well as underlayment of low- to non-expansive import fill or onsite lime treatment to mitigate expansive soil conditions. Additionally, appropriate foundation and site subdrainage and surface drainage should be considered in design. Implementation of these recommendations would ensure that appropriate earthwork is performed prior to building construction to ensure that subsidence does not occur. Therefore, the project would not introduce any new impacts related to unstable soils not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Septic Tanks

The project would be required to connect to the City sewer system and would not utilize a septic tank or alternative wastewater disposal system. Therefore, no impact would occur related to the use of a septic system or alternative wastewater disposal system and no mitigation is necessary.

Conclusion

The project would not introduce any new substantial or more severe geologic or soils impacts than those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. Greenhouse Gas Emissions				
<i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

As discussed in Section 2.3, Air Quality, of this document, the City of Pleasanton has determined that the BAAQMD's 2010 Thresholds are based on substantial evidence, as identified in Appendix D of the CEQA Guidelines, and has therefore incorporated them into this analysis.

Table 7 compares the greenhouse gas aspects of the 2010 Air Quality Thresholds to the thresholds established in 1999 (1999 Air Quality Thresholds).

Table 7: BAAQMD Operational Greenhouse Gas Thresholds

Analysis Level	1999 Air Quality Thresholds	2010 Air Quality Thresholds
Project-level	None	<ul style="list-style-type: none"> Compliance with a Qualified GHG Reduction Strategy, or 1,100 MT of CO₂e/yr, or 4.6 MT of CO₂e/SP/yr
Plan-level	None	<ul style="list-style-type: none"> Compliance with a Qualified GHG Reduction Strategy, or 6.6 MT of CO₂e/SP/yr

Notes:

MT = metric tons CO₂e = carbon dioxide equivalent
 yr = year SP = service population (employees + residents)
 Source: Bay Area Air Quality Management District 1999, 2011.

The Supplemental EIR utilized the 2010 Air Quality Guidelines and 2010 Air Quality Thresholds. As shown in Table 7, the 2010 Air Quality Thresholds are more stringent than the 1999 Air Quality Thresholds. Therefore, the 2010 Air Quality Guidelines and associated thresholds were utilized in this document for screening and analysis purposes. As with the rezonings analyzed in the Supplemental EIR, the project would result in emissions related to construction and operation.

Findings

The Supplemental EIR concluded that rezoning of the project site for residential development would have a less than significant impact related to generation of greenhouse gases, and consistency with an applicable plan, policy, or regulation of an appropriate regulatory agency adopted for the purposes of reducing greenhouse gas emissions.

As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Greenhouse Gas Generation

The Supplemental EIR determined that, because the quantifiable thresholds established in the BAAQMD 2010 Air Quality Guidelines were based on AB 32 reduction strategies, a project cannot exceed the numeric thresholds without also conflicting with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Supplemental EIR utilized the BAAQMD's 2010 plan-level threshold of 6.6 metric tons of carbon dioxide equivalent (MTCO₂e) per service population, (SP) per year to determine significance.

The Supplemental EIR quantified emissions from the development of the project site as a component of the development facilitated by the Housing Element and associated rezonings. URBEMIS 2007 and the BAAQMD's Greenhouse Gas Model (BGM) were used to quantify emissions in the Supplemental EIR. For this analysis, the CalEEMod version 2013.2.2 was used to estimate construction and operational emission of greenhouse gases for the project alone.

Construction emissions are generally considered separately from operational emissions because construction emissions are a one-time event, while operational emissions would be continuous over the life of the project. The 2010 Air Quality Guidelines do not contain a threshold for construction-generated greenhouse gases, but it recommends quantification and disclosure of these emissions. Because the Supplemental EIR included the annualized construction emissions in the significance analysis, the greenhouse gas generation from construction is included in the significance analysis below.

Operational greenhouse gas emissions by source are shown in Table 8. Total operational emissions were estimated at 1,590.97 MTCO₂e. Project construction emissions were calculated as 614 MTCO₂e. If annualized over 30 years, construction emissions equal 20.47 MTCO₂e. With an average of 2.79 persons per household, as indicated by the Supplemental EIR, the project is estimated to accommodate 493 residents. The project would generate approximately 3.3 MTCO₂e per service person at year 2020. Therefore, the project would not exceed the BAAQMD's 2010 Air Quality Threshold of 4.6 MTCO₂e for greenhouse gases, and would not have a significant generation of greenhouse gases. (The CalEEMod output is included in Appendix B.)

Table 8: Project Greenhouse Gas Emissions

Source	Annual Emissions (MTCO ₂ e)
Area Sources	9.96
Energy	241.41
Mobile (Vehicles)	1,262.61
Waste	37.04
Water	39.95
Total Operational Emissions*	1,590.97
Annualized Construction Emissions	20.47
Total Project Emissions	1,611.44
Service Population (Residents)	493
Project Emission Generation	3.3 MTCO₂e/SP
BAAQMD 2010 Threshold	4.6 MTCO₂e/SP
Does project exceed threshold?	No

Notes:

- * Based on non-rounded emissions output
- MTCO₂e = metric tons of carbon dioxide equivalent
- Source: FCS 2013, Appendix B.

Greenhouse Gas Plan Consistency

The City adopted a Climate Action Plan in 2012 as part of the adoption of the Supplemental EIR. The Climate Action Plan includes the project site in its community-wide analysis of vehicle miles traveled and associated greenhouse gas emissions, and shows that the City of Pleasanton can meet a community-wide 2020 emissions reduction target that is consistent with the provisions of AB 32, as interpreted by BAAQMD.

This project would construct 177 multi-family apartment units, which is consistent with the density analyzed by the Supplemental EIR (30-unit- per-acre). Therefore, the project would not conflict with the City’s Climate Action Plan, or any other applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses, and would result in fewer emissions than considered under the Supplemental EIR.

Applying the City’s General Plan Policies and Climate Action Plan, the project would not result in the City exceeding the levels set forth above. As a result, the greenhouse gas impacts are less than significant.

Conclusion

The project would not introduce any greenhouse gas emission impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Hazards and Hazardous Materials				
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

According to the Phase I Environmental Site Assessment (ESA) prepared by ENGEO (Appendix E), the onsite building, constructed in 1984, was previously occupied by telecommunication administrative offices. The building has been vacant since 2007, and an aboveground 2,500-gallon diesel storage tank and associated emergency generator were removed at that time.

According to the Phase I ESA, the project site is listed on four databases in relation to the former aboveground storage tank and emergency generator:

- FINDS- Facility Index System
- HAZNET - Facility and Manifest Data
- EMI – Toxics and criteria pollutant emissions data
- AST – Aboveground Petroleum Storage Tank Facilities

In addition, three sites were listed on various databases of hazardous sites within one mile of the project site; however, none of these sites were identified as posing an environmental concern to the project site.

Based on a records review and site reconnaissance, the Phase I ESA concluded that no recognized environmental conditions were identified for the project site.

Findings

The Supplemental EIR concluded that, after mitigation, implementation of housing development on sites contemplated for rezoning, including the project site, would have less than significant impacts related to hazards and hazardous materials after the implementation of mitigation. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Transport, Use, or Disposal of Hazardous Materials

The Supplemental EIR indicated that residential development consistent with the proposed Housing Element, would involve demolition activities and use of construction equipment that would require the use of hazardous materials, such as fuel or solvents. The Supplemental EIR concluded that development would be required to comply with all applicable regulations for management of hazardous materials during construction and demolition, and that these regulations would ensure potential hazards resulting from hazardous material use during construction activities would be less than significant.

Overall, the Supplemental EIR concluded that because of a limited potential for exposure of people or the environment to hazardous materials—largely as a result of compliance with federal, state, and local regulations—impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant. No changes have occurred to the project site or to the proposed development that would alter this conclusion. Therefore, the project would not introduce any new

impacts related to the routine use of hazardous materials not previously disclosed and impacts would continue to be less than significant.

Hazardous Material Upset or Accident

The Supplemental EIR indicated that construction of residences on sites for rezoning would disturb soils that could be contaminated from past releases of hazardous substances into the soil or groundwater. The Supplemental EIR required implementation of Mitigation Measure 4.G-2, which includes the preparation of a Phase I ESA to determine the potential presence of onsite contamination, and the provision of documentation indicating that any onsite contamination has been appropriately remediated. The Supplemental EIR concluded that with the implementation of Mitigation Measure 4.G-2, and adherence to General Plan Public Safety Element Policy 17, which requires contamination to be remediated prior to development, impacts related to hazardous materials or accidents would be reduced to a less than significant level.

In accordance with Supplemental EIR Mitigation Measure 4.G-2, a Phase I ESA was prepared for the project site, which found no evidence of recognized environmental conditions in connection with the property.

The project would not introduce any new impacts related to hazardous material upset or accident not previously disclosed. Mitigation Measure 4.G-2 has already been implemented through the preparation of the Phase I ESA for the project site. Impacts would be less than significant, as concluded in the Supplemental EIR, and no mitigation is required.

Hazardous Materials in Proximity to Schools

The project site is located approximately 125 feet from Hart Middle School, separated by West Las Positas Boulevard. The Supplemental EIR concluded that development facilitated by the Housing Element would not result in the handling of significant quantities of hazardous materials, substances, or wastes; therefore, risk of hazardous material releases within the vicinity of schools would be less than significant.

The project is consistent with the residential land use considered in the Supplemental EIR; therefore, the project would not introduce new impacts related to hazardous materials in proximity to schools not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Hazardous Materials Sites

The Supplemental EIR indicated that development of sites known to be contaminated by hazardous materials or wastes could occur on potential sites for rezoning. However, the project site was not identified by the Supplemental EIR as containing hazardous materials. In compliance with Mitigation Measure 4.G-2, as discussed above, a Phase I ESA has been completed for the project site, which identified no recognized environmental conditions. Therefore, the project would not introduce any new impacts related to hazardous material sites not previously disclosed. No further mitigation is required.

Public Airports

The Supplemental EIR concluded that a conflict between the Livermore Municipal Airport Land Use Compatibility Plan (ALUCP) and potential rezoning sites for housing development was not anticipated. However, at the time the Supplemental EIR was written, the ALUCP was being revised; therefore, the Supplemental EIR indicated that, without specific project site details and a newly adopted ALUCP, additional analysis regarding residential development consistency with the Livermore Municipal Airport would be speculative. Therefore, the Supplemental EIR included Mitigation Measure 4.G-5, which requires submittal of verification of compliance with the Federal Aviation Administration (FAA) Part 77 air space review.

Since the completion of the Supplemental EIR, a revised Airport Land Use Compatibility Plan (ALUCP) for the Livermore Municipal Airport has been completed. The project site is located approximately 3.5 miles west of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or Federal Aviation Regulation (FAR) Part 77 height restriction space. Furthermore, none of the buildings would exceed 200-feet in height.

Part a. and b. of Mitigation Measure 4.G-5 do not apply to the project. However, as required by part c., prior to the issuance of a grading or building permit for the project, verification of compliance with the FAA Part 77 would be required. Therefore, the project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant with the implementation of mitigation.

Private Airstrips

The Supplemental EIR indicated that no private airstrips exist near the City. Therefore, there would be no safety hazards related to the use of private airstrips and no impact would occur related to the development of housing under the General Plan Amendment and rezonings. No changes have occurred to the location of private airports near the project site. Therefore, the project would not introduce any new private airstrip safety hazards not previously disclosed. No impact would occur.

Emergency Response Plan or Emergency Evacuation Plan

The Supplemental EIR concluded that the buildout of the proposed Housing Element would not interfere with current guidelines set forth in the Pleasanton Comprehensive Emergency Management Plan, and impacts would be less than significant. No changes have occurred that would alter this conclusion. Therefore, the project would not affect the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would continue to be less than significant.

Wildland Fires

The Supplemental EIR concluded that all of the sites considered for rezoning, including the project site, are located outside of the designated wildland-urban interface threat areas within the City of Pleasanton; therefore, impacts related to wildland fires would be less than significant.

No changes have occurred to the status of the project site's location outside of the wildland-urban interface area. Therefore, the project would not introduce any new wildland fire hazards not previously disclosed and impacts would continue to be less than significant.

Conclusion

The project would not introduce any hazards or hazardous materials impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of applicable mitigation included in the Supplemental EIR as provided below.

Mitigation Measure

The following mitigation measure appears in the Supplemental EIR, and applies to the project:

- Mitigation Measure 4.G-5:**
- c. The following condition shall be included in any PUD development approval for all the potential sites for rezoning: Prior to the issuance of a grading permit or building permit, whichever is sooner, the project Applicant shall submit verification from the FAA, or other verification to the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460 review) review for construction on the project site.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Hydrology and Water Quality				
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The site currently includes 224,000 square feet of impervious surfaces, and an existing stormwater collection and discharge system. Directly south of the project site is the Arroyo Mocho Canal, which runs westward, becoming Alameda Creek, which eventually discharges to the San Francisco Bay.

Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would have less than significant impacts related to hydrology and water quality. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Water Quality, Flooding, Polluted Runoff

The Supplemental EIR concluded that development on rezoned sites could affect drainage patterns and create new impervious surfaces that could cause changes to stormwater flows and affect water quality. However, the Supplemental EIR indicated that compliance with the Alameda Countywide Clean Water Program (ACCWP) NPDES Permit, including the C.3 provision, and implementation of a Construction SWPPP would reduce impacts to a less than significant level. As part of issuance of building and/or grading permits, the project would be required to demonstrate compliance with these regulations. In addition, the City and/or San Francisco Regional Water Quality Control Board, through their review and approval of applicable permits, would ensure that the project would not substantially worsen existing water quality problems and that no net increase in stormwater rates and runoff would occur.

Because of the project, the total impervious surfaces would decrease to 223,050 square feet, a decrease of 950 feet or less than one percent, as indicated by the project's Impervious Surface Form (Appendix F). In compliance with C.3 requirements, the project includes bioretention basins located throughout the project site. The bioretention basins would slow and capture stormwater sediments, and reduce runoff rates to ensure no net increase in offsite flow during storm events. The project's grading and drainage plans must be reviewed and approved prior to construction. Implementation of any recommendations and requirements would ensure compliance with city codes regarding flooding and drainage (including properly sized storm sewers and building within FEMA flood hazard zones). As such, the project would not introduce any new water quality, flooding, or polluted runoff related impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant and no mitigation is necessary.

Groundwater

The Supplemental EIR indicated that development of impervious surfaces on rezoning sites could potentially reduce groundwater infiltration and that the addition of new housing would result in an increase in residential consumption of municipal water supply, which could potentially increase demand on groundwater supplies. However, these impacts were determined to be less than significant, because the City has already planned for the residential growth on the redevelopment sites and because the Housing Element includes policies to protect water supplies.

The project site's growth has been included in future water supply planning and would not deplete groundwater supplies. Furthermore, the project site currently contains primarily impervious surfaces and therefore does not provide substantial groundwater recharge. Implementation of the project would decrease the total impervious surface area by less than one percent, and therefore would not substantially change any existing onsite groundwater recharge. Landscaping and vegetated bioswales included in the project would allow some groundwater recharge to occur on-site. In summary, the project would not introduce any new groundwater impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

Drainage Resulting in Erosion or Flooding

The Supplemental EIR concluded that compliance with existing regulatory requirements including the NPDES Construction General Permit requirements, provision C.3 of the ACCWP NPEDES permit, and Goal 6 of the Public Facilities and Community Programs Element of the City of Pleasanton General Plan would ensure that development resulting from the Housing Element would not result in any erosion or flooding. As previously discussed under Water Quality, Flooding, or Polluted Runoff, the project would be required to demonstrate compliance with these regulations as part of issuance of building and/or grading permits. As such, the project would not introduce any new drainage impacts resulting in erosion or flooding not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

Flood Hazards

The Supplemental EIR indicated that development proposals resulting from the Housing Element must be reviewed by the City's Engineering Division of the Community Development Department. The review and implementation of any recommendations and requirements would ensure compliance with city codes regarding flooding and drainage (including properly sized storm sewers and building within FEMA flood hazard zones). The Supplemental EIR concluded that compliance with applicable regulations would ensure that development within flood hazard zones would be less than significant.

As indicated by Federal Emergency Management Agency Flood (FEMA) Insurance Rate Map No. 06001C0317G, the project site is located within Zone X and is not located within a 100-year flood zone (FEMA 2009). Arroyo Mocho Canal is located within Zone AE (within the 100-year flood zone); however, floodwaters are contained in the channel and would not affect the project site. As such, the project would not introduce any new flood hazard impacts not previously disclosed in the Supplemental EIR. Impacts would continue to be less than significant.

Levee or Dam Failure

The Supplemental EIR indicated that most of the City of Pleasanton is within the 5- to 40-minute Del Valle Dam inundation area. However, catastrophic dam failure is considered highly unlikely, as the dam is regularly maintained and inspected. Flood retention facilities, including levees, throughout the City are undergoing updates under the Stream Management Master Plan. Residential development is not allowed within levee failure zones without being designed to acceptable flood protection standards. Accordingly, the Supplemental EIR concluded that impacts related to levee or

dam failure would be less than significant. No changes have occurred that would alter this conclusion. Therefore, the project would not introduce any new levee or dam failure hazard impacts not previously disclosed in the Supplemental EIR and impacts would be less than significant.

Seiche, Tsunami, or Mudflow

The Supplemental EIR concluded that no impacts would occur related to seiche, tsunami, or mudflow because the City is inland from the ocean and in a relatively flat area. No changes have occurred that would alter this conclusion.

Conclusion

The project would not introduce any hydrology or water quality impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with adherence to applicable regulations and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Land Use and Planning				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is located in an area of residential and commercial land uses within the Hacienda Business Park. The project site has a General Plan designation of Mixed Use/Business Park, and is zoned Planned Unit Development- Mixed Use (PUD-MU).

Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts related to conflicts with applicable land use plans, policies or regulations, or the division of an established community. No impact was found regarding conflict with habitat conservation or natural community conservation plans. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Division of an Established Community

The Supplemental EIR indicated that sites selected for rezoning for high-density housing development would be compatible with surrounding residential development. The project is consistent with the scale and intensity of development analyzed in the Supplemental EIR and would not introduce any new impacts related to the division of an established community. Impacts would continue to be less than significant and no mitigation is needed.

Land Use Plan, Policy, or Regulation

The Supplemental EIR indicated that several of the potential sites for rezoning are located in areas that, if not properly addressed, could result in conflicts with General Plan policies related to air

quality and noise, due to their proximity to point sources of air pollution and to noise sources. However, the Supplemental EIR indicated that compliance with mitigation measures set forth in Section 4.B, Air Quality and 4.J, Noise, as well as consistency with applicable policies of the Housing Element would ensure that sites rezoned for residential development would be consistent with the General Plan and impacts would be less than significant. The project would implement mitigation measures from the Supplemental EIR as applicable to ensure consistency with General Plan Policies. Therefore, impacts would continue to be less than significant.

General Plan Consistency

The project site is located within the Hacienda Business Park, which includes over 7.9 million square feet of office, research, development, and commercial uses, and as many as 1,530 residential units (City of Pleasanton 2009). The development of the project's multi-family residential land use would be consistent with the existing and planned uses for the Hacienda Business Park.

The General Plan identifies mixed-Use development as the combination of various land uses such as office, commercial, hotel, institutional, and residential in a single building, on a single site, or on adjacent sites that are physically and functionally inter-related. The purpose of mixed-use development is to provide additional housing close to jobs, services, and transit as a way to create land-efficient development in-fill areas and to reduce the number of auto-related trips, compared to conventional development (City of Pleasanton 2009). The project's 177 multi-family apartment units on a single site in close proximity to existing jobs and services and the East Dublin/Pleasanton BART station would contribute to the mixed-use development envisioned for the project area. Therefore, the project would be consistent with the purpose of the mixed-use land designation.

Zoning Consistency

Since the certification of the Supplemental EIR, and because of City of Pleasanton Ordinance No. 2033 (January 4, 2012), the 5.6 acre project site has been rezoned to Planned Unit Development/Mixed Use (PUD-MU). The project's 177 multi-family apartment units are consistent with the PUD-MU zoning's allowable density of 30 units per acre.

As part of the rezoning of the project site, the City of Pleasanton adopted Ordinance No. 2047, the Housing Site Development Standards and Design Guidelines, which provide direction regarding use, density, building mass and height, setbacks, architectural features, parking, access, and street character. The project has been designed to be consistent with the Housing Site Development Standards and Guidelines, including the provision of pedestrian and bicycle connections, group usable open space, landscaping and lighting. Furthermore, the development application for the project site must be reviewed through the PUD process, which includes review and recommendations by the Planning Commission and approval or denial by the City Council. Finally, the project site would also be subject to applicable regulations of the Hacienda Business Park Design Guidelines and PUD Development Plan.

In Summary, the project has been designed to be consistent with existing General Plan and Zoning Designations, as well as the Housing Site Development Standards and Design Guidelines. Impacts would continue to be less than significant as concluded in the Supplemental EIR and no mitigation is necessary.

Habitat Conservation Plan or Natural Communities Conservation Plan

The Supplemental EIR concluded that no impact would occur with respect to conflicts with a habitat or natural community conservation plan because the City is not located within such a designated area. No changes have occurred that would alter this conclusion.

Conclusion

The project would not result in any land use impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. Mineral Resources				
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is located in the Mineral Resource Zone (MRZ) 1, which includes no significant mineral deposits (City of Pleasanton 2011).

Findings

The Supplemental EIR concluded that the residential development facilitated by the General Plan Amendment and rezoning would have no impact related to each mineral resource checklist question, and no mitigation was required. No changes have occurred that would alter this conclusion.

Conclusion

Consistent with the conclusions of the Supplemental EIR, the project would not result in any mineral resource impacts and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. Noise				
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is located in a developed area and in proximity to existing transportation and commercial noise sources. Interstate 580 (I-580) and BART are located approximately one mile to the north and I-680 is located approximately one mile to the west.

As indicated by the General Plan Figure 11-2, the project site is located within the future (2025) 60 dBA L_{dn} noise contour of West Las Positas Drive. The Supplemental EIR indicated that existing traffic noise on West Las Positas Boulevard is 67 dB L_{dn} to 69 dB L_{dn} at a distance of 60 feet from the centerline. The General Plan indicates that by year 2025, increases in traffic noise will result in noise contours of 70 dBA L_{dn} at 60 feet from the centerline, 65 dBA L_{dn} at 120 feet from the centerline, and 60 dBA L_{dn} at 260 feet from the centerline of West Las Positas Boulevard east of Hopyard Road.

The Environmental Noise Assessment prepared for the project by Charles M. Salter Associates, Inc. (Appendix G) indicates that existing onsite noise levels range from 54 dBA L_{dn} (approximately 340 feet southeast of the roadway centerline) to 65 dBA L_{dn} (approximately 85 feet southeast of the roadway centerline).

As indicated on General Plan Figure 11-4, a single-family residential neighborhood is located across the Arroyo Mocho Canal to the south, and is considered a noise sensitive receptor (City of Pleasanton 2009).

The Noise Element of the City of Pleasanton General Plan contains land use compatibility guidelines for environmental noise in the community. Table 9 below summarizes these guidelines for multi-family residential land uses.

Table 9: Noise Compatibility Guidelines for Multi-Family Residential

DNL Value in Decibels	Compatibility Level
65 dB or less	Normally Acceptable: Specified Land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements
60 to 75 dB	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.
Greater than 75 dB	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Source: City of Pleasanton 2009, as summarized by Charles M. Salter Associates, 2013.

The new residential uses are a noise sensitive land use and are subject to the following applicable General Plan guidelines:

- Interior noise goal of DNL 45 dB or lower for all residences
- Exterior traffic noise exposure limits (applied at common recreation areas) of 65 dB L_{dn} for multi-family residential uses. Acceptable exposure limits may be as high as 75 dB L_{dn} given a detailed analysis of all reasonable noise mitigation and compliance with the interior and exterior noise exposure criterion (General Plan Noise Element).

The City of Pleasanton Municipal Code also establishes noise limits summarized as follows:

- Stationary/non-transportation noise limit of 60 dB L_{max} at any point outside of the property plane (Section 9.04.030).

- Construction noise limit from individual construction equipment and tools of 83 dB L_{eq} at a distance of 25 feet or a cumulative construction noise limit of 86 dB L_{eq} outside of the project boundary (Section 9.04.100).

The State of California maintains noise standards applicable to multi-family uses. The standards are contained in Title 24, Part 2, of the State Building Code, which sets forth Noise Insulation Standards applicable to new multi-family housing. Projects exposed to an outdoor DNL greater than 60 dB require an acoustical analysis during the design phase, showing that the proposed design will limit outdoor noise to the allowable 45 dB DNL interior noise level in habitable rooms. Additionally, if windows must be closed to meet the interior standard, "the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment" (CBC 2010).

Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts related to noise with the implementation of mitigation. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Excessive Noise Levels

Construction Noise Levels

The Supplemental EIR concluded that because the development projects would be required to comply with Municipal Code 9.04.100, individual project construction equipment would not produce a noise level in excess of 83 dB L_{eq} at a distance of 25 feet, nor would total construction noise exposure exceed 86 dB L_{eq} outside of project boundaries. In addition, to ensure construction noise is minimized, the Supplemental EIR included Mitigation Measure 4.J-1, requiring compliance with the City's construction noise exposure criteria and implementation of construction BMPs.

With the implementation of Mitigation Measure 4.J-1 and compliance with construction noise limits outlined by Municipal Code 9.04.100, the project would not introduce any new impacts related to construction noise not previously disclosed. Impacts would continue to be less than significant after the implementation of mitigation.

Construction Vibration Levels

The Supplemental EIR concluded that vibration exposure at neighboring sensitive uses, which are expected to be greater than 100 feet removed from the rezoned construction sites, would not be expected to exceed the applicable criteria outlined by the Caltrans Transportation- and Construction-Induced Vibration Guidance Manual, except in situations where pile driving occurs. Should pile driving occur, the Supplemental EIR concluded that implementation of Mitigation Measure 4.J-2 would reduce construction-related vibration to a less than significant level.

The project site is more than 100 feet from nearby sensitive receptors; therefore, typical construction vibration levels would not exceed acceptable levels at nearby receptors. Furthermore,

construction would not require the implementation of pile driving. Therefore, the project would not introduce any new construction-related vibration impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Exposure to Train Vibration

The Supplemental EIR concluded that train-related vibration exposure may be substantial for sites that are close to the Union Pacific Railroad mainline tracks. The project site is not located near railroad tracks and therefore would not introduce any new train-related vibration impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Traffic Noise Increase

The Supplemental EIR indicated that increases in traffic noise resulting from traffic pattern changes would be in the range of 1 to 3 dB at 100 feet. The Supplemental EIR concluded that project-related traffic noise level increases of 1 dB along two segments (Hopyard Road between West Las Positas Boulevard and Valley Avenue, and Stoneridge Drive between West Las Positas Boulevard and Santa Rita Road) may increase traffic noise exposure to above 60 dB L_{dn} within single-family residential back yards, and therefore would be potentially significant. The Supplemental EIR included Mitigation Measure 4.J-5a, which requires rezoned residential sites that would add traffic noise in excess of 55 dBA at 100 feet from roadway centerline (as described in Table 4.J-6 of the Supplemental EIR) to conduct an offsite noise study. The noise study would determine the project's contribution to offsite roadway noise and, if required, would identify the project's fair-share contribution to mitigate the noise impact.

As indicated in the Traffic Impact Analysis, the project would increase peak-hour traffic volumes by less than one percent on each of the impacted roadway segments. A one percent increase in traffic volumes would not result in a perceptible noise increase and therefore, impacts would be less than significant.

The Supplemental EIR also considered roadway noise impacts in the cumulative noise scenario (Year 2035). As indicated in Table 4.J-7 of the Supplemental EIR, potentially significant, cumulatively considerable traffic noise increases were identified along two additional roadway segments: Stoneridge Drive between Johnson Drive and Hopyard Road, and Hopyard Road between Stoneridge Drive and West Las Positas Boulevard. At these locations, increased traffic noise exposure may exceed the City's 60 dB L_{dn} limit within neighboring single-family residential backyards. To reduce this impact to less than significant, the Supplemental EIR included Mitigation Measure 4.J-9 which, similar to Mitigation Measure 4.J-5a, required projects that would add traffic noise in excess of 55 dBA as described in Table 4.J-7 of the Supplemental EIR, to conduct an offsite noise study to determine the project's contribution to offsite roadway noise, and contribute its fair-share to mitigate the established noise impact. However, as indicated by the Traffic Impact Analysis, the project would increase peak-hour traffic volumes by less than one percent on each of the impacted roadway segments. A one percent increase in traffic volumes would not be perceptible. Therefore,

the project would not result in a cumulatively significant noise impact related to offsite traffic noise increases.

The Supplemental EIR also concluded that developments on rezoned sites may be exposed to exterior traffic noise in excess of 65 dB and interior traffic-related noise exposure in excess of the acceptable 45 dB L_{dn} threshold; therefore, impacts would be potentially significant. To ensure compliance and reduce impacts to less than significant, the Supplemental EIR included Mitigation Measure 4.J-5b and 4.J-5c, which required acoustical analysis to ensure buildings would limit interior traffic noise to 45 dB L_{dn} /CNEL or less, and also required that outdoor activity areas are designed such that traffic noise exposure does not exceed 65 dB L_{dn} .

Potential impacts related to the project's interior and exterior noise levels are discussed separately below.

Interior Noise

Residential development is required to comply with Title 24 of the California Code of Regulations, which requires an interior noise exposure of 45 dB L_{dn} /CNEL or less within any habitable room, and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. The Environmental Noise Assessment estimated that future noise at the setback of the residences ranges from DNL 56 dB in the shielded portions of the site to DNL 67 dB along West Las Positas Boulevard. These noise levels fall into the City's normally and conditionally acceptable categories for residential projects.

As recommended by the Environmental Noise Assessment, the project would employ upgraded STC rated 30 windows and doors to achieve the required DNL 45 dB or less indoors. The STC 30 rated windows and doors would be located along West Las Positas Boulevard to reduce traffic noise levels. All other locations throughout the project would incorporate STC 28 rated windows and doors. Furthermore, it is required by the CBC that all rooms where windows need to be closed to reach interior noise goals, must include ventilation or an air-conditioning unit. This requirement of the CBC would apply to both Buildings A and B. Implementation of the upgraded STC 30 rated windows and incorporation of air conditioning units would ensure that interior noise levels would not exceed 45 dB L_{dn} standards. The project design and associated Environmental Noise Assessment fulfills the requirements of Mitigation Measure 4.J-5b and ensures that impacts related to interior traffic noise would be less than significant as concluded in the Supplemental EIR. No additional mitigation is necessary.

Exterior Noise

The Environmental Noise Assessment estimated the outdoor use areas, between Buildings A and B, to be DNL 65 dB and below. This estimated level is consistent with City goals for this type of area. In addition, future noise levels in this area could vary depending on the distance and shielding from vehicles located on West Las Positas Boulevard. The submittal of the Environmental Noise Assessment fulfills the requirements of Mitigation Measure 4.J-5c, and ensures impacts related to exterior noise would be less than significant as concluded in the Supplemental EIR. No additional mitigation is necessary.

Exposure to Stationary Noise Sources

The Supplemental EIR concluded that development on rezoned sites could be exposed to stationary noise sources (e.g., industrial/commercial area loading noise and late or 24-hour operations noise) and that impacts would be potentially significant. To ensure impacts would be reduced to a less than significant level, the Supplemental EIR included Mitigation Measures 4.J-6a and 4.J-6c, which required site-specific acoustical assessment regarding non-transportation noise sources, and the implementation of noise disclosures and noise complaint procedures for new residents.

The Environmental Noise Assessment prepared for the project did not specifically quantify potential noise impacts from the adjacent land uses; however, surrounding uses include residential to the south, school to the north, and commercial offices to the east and west, which are typically compatible with residential uses. Existing noise levels range from 54 dB DNL to 65 dB DNL, (inclusive of stationary noise sources) which are within the normally acceptable range for multi-family residential uses as indicated by the Pleasanton General Plan. The project would be required to implement Mitigation Measure 4.J-6c, requiring noise disclosures and noise complaint procedures. The project does not include any stationary noise sources that would be expected to impact adjacent land uses, and any exterior mechanical equipment must adhere to the City's Municipal Code noise limits. Furthermore, a six-foot tall concrete masonry unit wall to be constructed along the Arroyo Mocho Canal would provide additional noise attenuation for the existing residences located to the south. As noted in a memorandum dated February 6, 2014 (Appendix G), the six-foot tall wall would not reflect noise from south of the existing residences back to the existing residences at a distinguishable, increased level. In conclusion, the project would not result in significant impacts related to stationary noise sources, and impacts would continue to be less than significant after the implementation of Mitigation Measure 4.J-6c as concluded in the Supplemental EIR.

Temporary or Periodic Increase In Ambient Noise Levels

As discussed in the Supplemental EIR, the existing ambient noise exposure levels at the rezoning sites are expected to be in the range of 61-79 dB L_{dn} . The ambient noise level associated with West Las Positas Boulevard was estimated to be 67-69 61-79 dB L_{dn} .

The Supplemental EIR concluded that because the development projects would be required to comply with Municipal Code 9.04.100, project construction equipment would not produce a noise level in excess of 83 dB L_{eq} at a distance of 25 feet, and total construction noise exposure would not exceed 86 dB L_{eq} , outside of project boundaries. In addition, the Supplemental EIR included the Mitigation Measure 4.J-1 in order to ensure less than significant impacts. The project would not introduce any new impacts related to construction noise not previously disclosed. Impacts would continue to be less than significant after the implementation of mitigation.

Aviation Noise

The Supplemental EIR concluded that maximum noise levels from aircraft departures to the west from Livermore Municipal Airport may exceed the applicable 50/55 dB L_{max} criteria within habitable rooms at sites near the left-hand pattern of Runway 25L. The project is not located near the left-

hand pattern of Runway 25L and, therefore, would not be exposed to aircraft-related noise. Impacts would continue to be less than significant and no mitigation is necessary.

Private Airstrips

There are no private airstrips located in the project vicinity. Therefore, there would be no impact and no mitigation measures are required.

Conclusion

The project would not introduce any new substantial or more severe noise impacts than noise considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation as provided below.

Mitigation Measures

The following mitigation measures appear in the Supplemental EIR, and apply to the project:

- Mitigation Measure 4.J-1:** In addition to requiring that all project developers comply with the applicable construction noise exposure criteria established within the City's Municipal Code 9.04.100, the City shall require developers on the potential sites for rezoning to implement construction best management practices to reduce construction noise, including:
- a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.
 - b. Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
 - c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and federal holidays. If complaints are received regarding the Saturday construction hours, the Community Development Director may modify or revoke the Saturday construction hours. The Community Development Director may allow earlier "start-times" for specific construction activities (e.g., concrete foundation/floor pouring), if it can be demonstrated to the satisfaction of the Community Development Director that the construction and construction traffic noise will not affect nearby residents.
 - d. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.

- e. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

Mitigation Measure 4.J-6c: For all of the potential sites for rezoning, the City shall require noise disclosures and noise complaint procedures for new residents at the project site. The requirement shall include a) a disclosure of potential noise sources in the project vicinity; b) establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Population and Housing				
<i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

According to the California Department of Finance, as of January 2013, the City of Pleasanton had a population of 71,871 persons, an average of 2.82 persons per household, and 26,174 housing units (California Department of Finance 2013).

Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts related to population and housing, and no mitigation was required. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Population Growth

The Supplemental EIR indicated that development of all the sites considered for rezoning could result in substantial population growth. However, only nine of the 21 sites contemplated for rezoning under the Supplemental EIR have been rezoned. The remaining sites considered for rezoning are not currently needed to meet the City of Pleasanton's Regional Housing Needs Allocation. The project site is one of the nine sites that have been rezoned to ensure the City meets its Regional Housing Needs Assessment (RHNA) housing allocations. The Supplemental EIR assumed that the project site would be developed at a density of 30 units per acre, and evaluated the construction of up to 378 residences on the full 12.6 acres. Consistent with this density, the project includes 177 multi-family apartment units on 5.9 acres. Therefore, the likely population of the project is within the assumptions of the Supplemental EIR. The project would not include the extension of road or infrastructure that could result in indirect population growth. The project has been designed to be

consistent with the policies included in the Housing Element and would assist the City in meeting the housing allocation as determined by RHNA. Therefore, impacts would continue to be less than significant and no mitigation is necessary.

Displacement of Housing

The project would not require the displacement of any housing. Impacts would continue to be less than significant and no mitigation would be necessary.

Displacement of People

The project site does not contain any existing housing, and would not result in the displacement of people. Impacts would continue to be less than significant and no mitigation would be necessary.

Conclusion

The project would not introduce any population or housing impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Public Services				
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Fire protection is provided by the Livermore-Pleasanton Fire Department (LFPD). The nearest fire station to the project site is located at 3200 Santa Rita Road, approximately 1.1 mile northeast of the project site.

Police services are provided by the City of Pleasanton Police Department. The nearest police station is approximately 1.8 miles south of the project site, located on Bernal Avenue.

The Pleasanton Unified School District provides education services for the project area.

The City of Pleasanton offers 42 community and neighborhood parks, the closest of which are Creekside Park, located on West Las Positas Boulevard, and Pleasanton Sports and Recreation Park located south of Parkside Drive. Park facilities are intended for community wide use and offer a variety of amenities. The city also has approximately 24 miles of trails, the closest of which is the Arroyo Mocho Trail along the south side of Arroyo Mocho, adjacent to the south side of the project.

Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would have less than significant impacts related to fire, police, school, parks, and other public service facilities. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Fire Protection

The Supplemental EIR concluded that impacts to fire protection services would be less than significant because all proposed rezoning sites, including the project site, are located within a 5-minute response radius of a fire station. No changes have occurred to alter this conclusion. The

project would not introduce any new impacts related to fire services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Police Protection

The Supplemental EIR concluded that impacts to police protection would be less than significant because the General Plan Public Safety Element's Program 26.2 requires that all new development pay for police safety improvements required of that development. Payment of this required fee would effectively mitigate any increase in demand for services. The project would not introduce any new impacts related to police protection not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Schools

The Supplemental EIR indicated that new development on sites proposed for rezoning, such as the project site, would increase enrollment at schools, which could require additional facilities and staff. The Supplemental EIR concluded that with the payment of developer fees as collected by the Pleasanton Unified School District, impacts to schools would be less than significant.

The project developer would be required to pay the Pleasanton Unified School District developer fees that would cover related facility costs. Therefore, the project would not introduce any new impacts related to school services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Parks

The Supplemental EIR indicated that additional population resulting from sites rezoned for residential development, including the project site, could result in impacts to park services. The Supplemental EIR concluded impacts to park services would be less than significant because the City plans to build approximately 131 acres of new community parks in Pleasanton by 2025.

The project would provide onsite recreation opportunities to serve the existing residents. Furthermore, the project would be subject to park fees that would support the City's plans to construct additional parks to serve the expected population growth of the City, including the population growth of the project. Therefore, the project would not introduce any new impacts to park services not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Other Public Facilities

The Supplemental EIR did not specifically address public facility services other than fire, police, school, and recreation. However, the project is located in an urbanized area currently served by a variety of public facilities; therefore, the project would not be expected to significantly change or impact public services or require the construction of new or remodeled public service facilities. As previously noted, the project would be required to pay applicable development fees related to incremental increases in demand on public services. Therefore, impacts would be less than significant and no mitigation is required.

Conclusion

The project would not introduce any public services impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

There are no existing recreational or park facilities on the project site. The Arroyo Mocho Trail is located south of Arroyo Mocho, which borders the project site to the south. Parks nearest to the project site include Creekside Park and the Pleasanton Sports and Recreation Park.

Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would result in less than significant impacts related to the use or construction of recreational facilities. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Use of Recreational Facilities

The Supplemental EIR indicated that rezoned sites, such as the project site, would result in additional residents and a corresponding increased demand for park and recreational facilities. Based on the City’s plans for expansion of park facilities, the Supplemental EIR concluded that impacts to recreational facilities associated with buildout of the rezoned sites would be less than significant.

Although the Supplemental EIR indicates that recreational impacts would be less than significant, the project would provide additional onsite recreational amenities to serve the existing residents, decreasing the overall demand for public recreational facilities. The project would not introduce any new impacts related to the substantial physical deterioration of a recreational facility. Impacts would continue to be less than significant and no mitigation is necessary.

Construction or Expansion

The Supplemental EIR indicated that future park development has been planned and accounted for in the General Plan, and that impacts of this development have been analyzed in the General Plan EIR. Therefore, the Supplemental EIR concluded that adverse physical impacts associated with new parks and recreational facilities would be less than significant.

The project includes recreational amenities. The environmental effects of constructing these components have been considered in this document, and implementation of mitigation and compliance with applicable regulations as discussed throughout would ensure that any potential impacts are reduced to less than significant. Furthermore, increased offsite recreational facility use resulting from the project has been planned for in the General Plan and analyzed by the General Plan EIR. Therefore, the project would not introduce any new impacts related to the construction or expansion of recreational facilities not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Conclusion

The project would not introduce any recreation impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Transportation/Traffic				
<i>Would the project:</i>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is currently accessed via a right-in/right-out only driveway on West Las Positas Boulevard and the signalized intersection of West Las Positas Boulevard and Hacienda Drive. The project would maintain these same access points.

Local roadways that serve the project site include West Las Positas Boulevard, Stoneridge Drive, Hacienda Drive, Willow Road and Hopyard Road. The project site is located approximately 1 mile

south of the East Dublin/Pleasanton Bay Area Rapid Transit (BART) station. The project site is served by the Livermore-Amador Valley Transit Authority (LAVTA) Wheels Bus Service (Wheels). All streets in the project vicinity have sidewalks and crosswalks at signalized intersections. Class I multi-use bike paths include Iron Horse Trail, Alamo Canal Trail, and Arroyo Mocho Trail near the study area. Within the project vicinity, Class II bike lanes exist on West Las Positas Boulevard west of Hacienda Drive, Willow Road, and Stoneridge Drive. Currently, bike lanes do not exist on West Las Positas Boulevard between Stoneridge Drive and Hacienda Drive.

Information and analysis in this section are based on a Traffic Impact Analysis prepared by Whitlock and Weinberger Transportation, Inc. dated February 10, 2014 (Appendix H).

Study Area and Analysis Scenarios

The following intersections were analyzed in the Traffic Impact Analysis as they provide access to the project site and are likely to be affected by the project:

1. Stoneridge Drive at Hacienda Drive
2. Willow Road at Gibraltar Drive (south)
3. Hacienda Drive at Gibraltar Drive (south)
4. West Las Positas Boulevard at Hopyard Road
5. West Las Positas Boulevard at Willow Road
6. West Las Positas Boulevard at Hacienda Drive
7. West Las Positas Boulevard at Stoneridge Drive

Study intersection operations were evaluated during the peak hour of traffic for weekday morning (7:00 a.m. to 9:00 a.m.) and weekday evening (4:00 p.m. to 6:00 p.m.) peak periods for the following scenarios:

- **Existing Conditions.** Existing conditions based on the City's traffic volume model.
- **Existing plus Project Conditions.** Project traffic volumes were added to the existing conditions traffic volumes to represent existing plus project conditions.
- **Existing plus Approved Project Conditions.** The City of Pleasanton traffic model reflects all approved development in the city, including the Housing Element update (which includes the project). Therefore, the existing plus approved conditions (without project) traffic volumes were estimated by subtracting the traffic generated by the project from the traffic model volumes.
- **Existing plus Approved Projects plus Project Conditions.** All approved development in the city, including the project as included in the Housing Element update. (No adjustments to traffic model volumes.)
- **Cumulative Conditions.** The cumulative without project conditions were estimated by subtracting the traffic generated by the project from the cumulative traffic model volumes.
- **Cumulative plus Project Conditions.** All future traffic volume data includes the project-generated traffic; therefore, no adjustments were made to the cumulative traffic model volumes.

Trip Generation

As shown in Table 10, the project is expected to generate 1,177 daily vehicle trips, with 90 trips occurring during the AM peak hour and 110 trips occurring during the PM peak hour. Details regarding project trip distribution are shown in Appendix H

Table 10: Project Trip Generation Estimates

Land Use	Size	Daily	Rate		Daily Trips	AM Peak Hour			PM Peak Hour		
			AM	PM		In	Out	Total	In	Out	Total
Apartments	177 Units	6.65	0.51	0.62	1,177	18	72	90	71	39	110

Note:

Rates based on ITE Trip Generation, 9th Edition, 2012: average rates for Apartments (ITE 220).

Source: Whitlock and Weinberger Transportation, Inc., 2014.

Findings

The Supplemental EIR concluded that development facilitated by the General Plan Amendment and rezonings would have less than significant impacts to the LOS at local intersections under existing plus project conditions and cumulative plus project conditions. The Supplemental EIR also concluded that less than significant impacts would result related to traffic safety hazards, emergency vehicle access, temporary construction traffic, and consistency with adopted policies, plans, or programs supporting alternative transportation. The Supplemental EIR concluded that no impact would result related to air traffic.

The Supplemental EIR concluded that impacts to the regional roadway network under cumulative plus project conditions would be significant and unavoidable. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Plan, Ordinance, or Policy Consistency

The Supplemental EIR concluded that development facilitated by the rezoning of sites for residential development would be consistent with applicable transportation policies establishing effectiveness.

As discussed below, upon payment of fair-share fees consistent with General Plan Circulation Element Program 1.1, the project would not cause any study intersections to operate below an acceptable LOS. Furthermore, because the project is consistent with the Housing Element of the General Plan, it is also consistent with other applicable transportation related policies of the General Plan and would not introduce any new impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Congestion Management Program

Level of Service Standards

The Supplemental EIR concluded that development facilitated by rezonings would result in less than significant impacts to LOS at the local study intersections under existing plus project conditions, as all of the study intersections would continue to operate at LOS D or better during both peak periods evaluated.

As indicated in the Traffic Impact Analysis and shown here in Table 11, all of the study intersections would continue to operate at acceptable LOS during the AM and PM peak hours under all analysis scenarios. This conclusion is based on the incorporation of the project's intersection improvements to West Las Positas Boulevard at Hacienda Drive, and the cumulative scenario planned traffic impact fee (TIF) improvements at the intersections of West Las Positas Boulevard at Hopyard Road, and West Las Positas Boulevard at Stoneridge Drive.

Table 11: Peak-Hour Intersection Levels of Service

Intersection	Control	Peak Hour	Existing		Existing + Project		Existing + Approved No Project		Existing + Approved With Project		Build-out – No Project		Build-out – With Project	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Stoneridge Drive and Hacienda Drive	Signal	AM	21.4	C	21.7	C	27.0	C	27.1	C	27.7	C	27.9	C
		PM	25.7	C	25.9	C	23.5	C	23.9	C	21.5	C	21.8	C
2. Willow Road and Gibraltar Drive (south)	Signal	AM	1.2	A	1.2	A	1.2	A	1.1	A	1.6	A	1.6	A
		PM	3.5	A	3.5	A	3.5	A	3.5	A	3.5	A	3.5	A
3. Hacienda Drive at Gibraltar Drive (south)	Signal	AM	6.8	A	6.8	A	7.4	A	7.4	A	7.9	A	7.9	A
		PM	6.1	A	6.0	A	6.4	A	6.4	A	6.5	A	6.5	A
4. West Las Positas Boulevard at Hopyard Road	Signal	AM	29.0	C	29.3	C	24.7	C	25.1	C	25.7	C	26.0	C
		PM	23.5	C	23.7	C	32.9	C	33.3	C	28.4	C	28.6	C
5. West Las Positas Boulevard at Willow Road	Signal	AM	16.0	B	16.3	B	15.0	B	15.2	B	16.3	B	16.4	B
		PM	10.7	B	10.7	B	8.5	A	8.4	A	8.5	A	8.4	A
6. West Las Positas Boulevard at Hacienda Drive	Signal	AM	14.8	B	17.8	B	17.4	B	20.5	C	19.3	B	22.6	C
		PM	15.6	B	17.7	B	17.5	B	18.8	B	18.7	B	20.1	C
7. West Las Positas Boulevard at Stoneridge Drive	Signal	AM	19.0	B	19.0	B	29.4	C	29.4	C	33.2	C	33.3	C
		PM	24.0	C	24.1	C	36.6	D	25.2	D	30.4	C	30.7	C

Notes:
 Delay is measured in average seconds per vehicle.
 LOS= Level of Service
 Source: Whitlock and Weinberger Transportation, Inc., 2014

The Supplemental EIR concluded that development facilitated on the potential sites for rezoning, would result in significant and unavoidable impacts to the regional roadway network, under both Year 2015 and Year 2025 scenarios to the Sunol Boulevard (First Street) roadway segment between Vineyard Avenue and Stanley Boulevard, and the Hopyard Road roadway segment (Year 2025 only) between Owens Drive and I-580. At both of these locations, development would worsen pre-existing LOS F conditions and would increase the volume to capacity ratio by more than 0.03. As indicated in the Supplemental EIR, widening of these roadways is not feasible or desirable because of the surrounding built environment, and improvements to nearby parallel corridors to create more attractive alternative routes and additional capacity is preferred. Therefore, the Supplemental EIR included Mitigation Measure 4.N-7, requiring developers to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional TIFs to help fund future improvements to local and regional roadways.

The project would be required to pay any applicable fair-share funds as required by Mitigation Measure 4.N-7 and General Plan Transportation Element Program 1.1. Further, the Sunol Boulevard (First Street) roadway segment between Vineyard Avenue and Stanley Boulevard and the Hopyard Road roadway segment between Owens Drive and I-580, identified in the Supplemental EIR as having potentially significant and unavoidable impacts, are not located within the vicinity of the project. In summary, the project would not introduce any new impacts related to LOS not previously disclosed and implementation of Mitigation Measure 4.N-7 from the Supplemental EIR is required.

Vehicle Queues

A vehicle queuing analysis was conducted for the study intersection of West Las Positas Boulevard and Hacienda Drive to determine adequate left-turn lane storage (Appendix H). Results from the analysis show that with the inclusion of project roadway and traffic signal improvements, left-turn lane storage would be adequate at this intersection during both peak hour traffic periods, with and without the addition of project-generated traffic under all analysis scenarios. Therefore, no significant impact would occur.

Air Traffic Patterns

As discussed in Section 8, Hazards and Hazardous Materials of this document, the Supplemental EIR concluded that a conflict between the ALUCP and potential rezoning sites for housing development was not anticipated. However, at the time the Supplemental EIR was written, the ALUCP was being revised; therefore, the Supplemental EIR indicated that without specific project site details and a newly adopted ALUCP, additional analysis regarding residential development consistency with the Livermore Municipal Airport would be speculative. Therefore, the Supplemental EIR included Mitigation Measure 4.G-5, which requires submittal of verification of compliance with the FAA Part 77 air space review.

Since the completion of the Supplemental EIR, a revised ALUCP for the Livermore Municipal Airport has been completed. The project site is located approximately 3.5 miles west of the Livermore Municipal Airport and is not located within Airport Protection Area, Airport Influence Area, or FAR Part 77 height restriction space as indicated by the ALUCP. Furthermore, none of the projects onsite buildings would exceed 200 feet in height. Nonetheless, as required by part c. of Mitigation Measure

4.G-5, prior to the issuance of a grading or building permit for the project, verification of compliance with the FAA Part 77 would be required. Therefore, the project would not introduce any new impacts related to air safety not previously disclosed. Impacts would continue to be less than significant with the implementation of mitigation.

Design Feature or Incompatible Use

The Supplemental EIR concluded that impacts related to roadway hazards and traffic safety would be less than significant because each individual residential development would be required to adhere to design standards and traffic safety protocols outlined in the City's General Plan, Caltrans's Highway Design Manual, the California Manual of Uniform Traffic Control Devices, and the City Standard Specifications and Details. The project does not include any features that would result in unanticipated roadway hazards. As indicated by the Traffic Impact Analysis, sight distances at the existing signalized project driveway on West Las Positas Boulevard are adequate in both directions. Furthermore, a collision history analysis indicates that all study intersections experience collision rates lower than the statewide averages for similar facilities. Impacts would be less than significant and no mitigation is necessary.

Emergency Access

The Supplemental EIR concluded that impacts related to emergency access would be less than significant because development facilitated by the proposed Housing Element, such as the project, would not significantly alter or modify the circulation system in the planning area and therefore would not adversely affect travel times of emergency vehicles. Further, compliance to the City's Fire Code and Subdivision regulations would ensure adequate onsite emergency vehicle access.

The project's roadways and circulation infrastructure have been designed in accordance with the applicable regulations and would not be expected to result in any roadway hazards or traffic safety issues. Emergency access to the project site would be provided via the signalized intersection of West Las Positas Boulevard at Hacienda Drive, as well as the right-in/right-out only driveway on West Las Positas Boulevard. The signalized intersection of West Las Positas Boulevard at Hacienda Drive is a common driveway easement. Based on the level of access to the site, and the extent of the internal roadway system, the project is not expected to result in inadequate emergency access. However, project plans are subject to review by the City and the Fire Department, as part of the standard building permit process, to ensure consistency with the City's Fire Code to allow apparatus access and maneuverability. Therefore, the project would not introduce any new impacts related to roadway hazards not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Public Transit, Bicycle, or Pedestrian Facilities

The Supplemental EIR concluded that residential development resulting from rezoned sites would not eliminate or modify existing or planned pedestrian or bicycle facilities, and that existing transit services have sufficient capacity to accommodate future increases in ridership. . Further, future residential development would be required to adhere to General Plan policies regarding alternative transportation. Therefore, the Supplemental EIR concluded that impacts to alternative

transportation would be less than significant. According to the Traffic Impact Analysis, existing pedestrian, bicycle and transit facilities would adequately serve the project site. The project does not conflict with any adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities. Therefore, the project would not introduce any new impacts related to alternative transportation not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Conclusion

The project would not introduce any transportation or traffic impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation from the Supplemental EIR, as cited below, with the exception of cumulative LOS impacts, which would remain significant and unavoidable, as disclosed in the EIR.

Mitigation Measures

The following mitigation measure appears in the Supplemental EIR, and applies to the project:

Mitigation Measure 4.N-7: The City shall require developers on the potential sites for rezoning to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional traffic impact fees to help fund future improvements to local and regional roadways.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Utilities and Service Systems				
<i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Utilities and services including water, sewer, stormwater, and solid waste collection are provided to the project site by the City of Pleasanton. The project site currently has onsite utilities serving the existing office building.

Findings

The Supplemental EIR concluded that the rezoning of the project site for eventual residential development would require mitigation to reduce impacts related to water supply, but that impacts to wastewater treatment, stormwater, landfills, and solid waste regulations would be less than

significant. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR.

Wastewater Treatment Requirements

The Supplemental EIR indicated that the rezonings would result in a less than significant impact regarding wastewater treatment requirements of the RWQCB.

The project would be served by the City of Pleasanton's sewer collection services, which directs wastewater to the Dublin-San Ramon Services District's Regional Wastewater Treatment Facility. The Treatment Facility treats and disposes of wastewater in accordance with applicable requirements of the RWQCB. As noted in the Supplemental EIR, the treatment facility has adequate capacity to serve the buildout demand associated with the rezonings. Therefore, impacts related to the exceedance of wastewater treatment requirements would be less than significant and no mitigation is necessary.

Construction or Expansion of Water or Wastewater Treatment Facilities

The Supplemental EIR indicated that development on rezoned sites would increase demand for water. The Supplemental EIR concluded that because the City of Pleasanton has planned for such residential growth by supporting Zone 7's capital improvement projects, impacts related to the construction or expansion of water treatment facilities would be less than significant. The Supplemental EIR also concluded that because sufficient wastewater treatment capacity is available now and in the future at the Dublin-San Ramon Services District Regional Wastewater Treatment Facility, impacts related to the construction or expansion of wastewater treatment facilities would be less than significant.

The project would include the construction of 177 multi-family apartment units, all of which were considered as part of the demand generated by the rezonings contemplated in the Supplemental EIR. Therefore, the project would not result in impacts related to the construction or expansion of water or wastewater treatment facilities not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Stormwater Drainage Facilities

The Supplemental EIR discussed stormwater drainage in Section 4.H, Hydrology and Water Quality. As indicated therein, development on rezoned sites would be required to implement C.3 provisions of the ACCWP NPDES Permit, requiring that there be no net increase in stormwater rates and runoff after project construction. The City and/or the RWQCB would ensure compliance with the NPDES Permit through review and approval of applicable permits and grading and drainage plans. As such, the Supplemental EIR concluded that impacts related to stormwater drainage facilities would be less than significant.

The project includes bioretention basins to ensure no net increase in offsite stormwater flow would occur in accordance with C.3 guidelines. Furthermore, the City has reviewed the project's grading and drainage plan for compliance with C.3 guidelines. Therefore, the project would not require or

result in the construction of new offsite water or wastewater treatment facilities or expansion of existing facilities. Impacts would continue to be less than significant and no mitigation is necessary.

Water Supply

The Supplemental EIR indicated that new development as facilitated on the potential sites for rezoning would increase demand for water and could require new water supply sources. However, because the City has already planned for this growth by supporting Zone 7's capital improvement projects to secure more water, and the residential development contemplated in the Supplemental EIR would not exceed Zone 7's allocation of contractual water supply, sufficient water supply exists and impacts would be less than significant. To further ensure supply is adequate, the City's 2011 Water Supply Assessment (WSA) includes a condition of approval for residential development on the potential sites for rezoning, including the project site. The WSA's condition of approval, which requires written verification of water availability for the project, was included in the Supplemental EIR as Mitigation Measure 4.L-2. With the implementation of this mitigation measure and applicable water conserving programs included in the General Plan's Water Element, the Supplemental EIR concluded that impacts on water supply would be less than significant.

The project is consistent with the density considered in the Supplemental EIR and planned for by the City of Pleasanton with regards to potable water needs. In addition, the project would include water saving features such as low-flow fixtures, high-efficiency irrigation systems, drought-tolerant native landscaping, and minimized turf areas. Therefore, impacts would continue to be less than significant with the implementation of Mitigation Measure 4.L-2.

Landfill Capacity

The Supplemental EIR indicated that development on rezoned sites would contribute to an increase in solid waste generation within the City of Pleasanton. The Supplemental EIR concluded that because waste would be diverted from landfills pursuant to AB 939, sufficient space remains at the Vasco Landfill for waste that cannot be diverted. Residential projects are required to implement a Waste Diversion Plan consistent with General Plan Program 26.18; therefore, impacts related to landfill capacity would be less than significant.

Solid waste from the project would be disposed of at the Vasco Road Landfill via the Pleasanton Garbage Service. The project would implement a Waste Diversion Plan consistent with General Plan Program 26.18, which would include onsite disposal, composting, and recycling facilities, as well as construction debris and disposal recycling. This plan will be reviewed and approved by the City as part of the land entitlement process. Therefore, the project would not introduce any new impacts related to landfill capacity not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Solid Waste Statutes and Regulations

The Supplemental EIR concluded that impacts related to solid waste regulations would be less than significant because of the City's compliance with AB 939, and the General Plan's Program 26.18 requiring Waste Diversion Plans to be implemented by residential development.

As indicated, the project would implement a Waste Diversion Plan consistent with General Plan Program 26.18. This plan will be reviewed and approved by the City as part of the land entitlement process. Therefore, the project would not introduce any new solid waste regulation impacts not previously disclosed. Impacts would continue to be less than significant and no mitigation is necessary.

Conclusion

The project would not result in any utilities impacts beyond those considered in the Supplemental EIR. All impacts would continue to be less than significant with the implementation of mitigation from the Supplemental EIR, as cited below.

Mitigation Measures

The following mitigation measure appears in the Supplemental EIR, and applies to the project:

Mitigation Measure 4.L-2: Prior to the recordation of a Final Map, the issuance of a grading permit, the 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. This approval does not guarantee the availability of sufficient water capacity to serve the project.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is located in an urban area and contains a commercial office building. The project proposes the demolition of the existing structure and associated parking lot and landscaping, and the subsequent construction of 177 multi-family apartment units and associated amenities.

Findings

The Supplemental EIR concluded that rezoning of the project site for eventual residential development would require mitigation associated with adverse effects on human beings. The implementation of these mitigations would reduce impacts to less than significant. The Supplemental EIR also concluded that cumulatively considerable and unavoidable impacts would result related to regional transportation and historic resources. As discussed below, the project would not result in any new substantial impacts and would not exceed the level of impacts previously identified in the Supplemental EIR, due to project modification, physical changes on the project site, new information, or changed circumstances.

Impacts to the Environment, Animals, Plants, or Historic/Prehistoric Resources

The Supplemental EIR concluded that development of the sites considered for rezoning would result in less than significant impacts regarding the potential to significantly degrade the quality of the environment, including effects on animals or plants, or the elimination prehistoric resources. The Supplemental EIR also concluded that significant and unavoidable impacts would occur related to historical resources.

As discussed in the preceding sections, the project would not contribute to the significant and unavoidable impact related to historical resources. With the implementation of mitigation measures from the Supplemental EIR, the project does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or the elimination of prehistoric resources.

Cumulatively Considerable Impacts

The Supplemental EIR concluded that development of the sites considered for rezoning in combination with potential development in the surrounding areas would result in significant and unavoidable impacts under cumulative conditions related to transportation. As indicated in the Supplemental EIR, transportation impacts are considered significant and unavoidable on regional roadways under the buildout of the General Plan. The project's generation of traffic on regional roadways was considered as part of the Buildout Scenario in the Supplemental EIR, and was therefore identified as a contributor to this significant and unavoidable cumulative impact. The project as currently proposed is consistent with the level of impact already identified, and would not result in a greater effect than has already been disclosed and evaluated as part of the Supplemental EIR.

Adverse Effects on Human Beings

The Supplemental EIR concluded that development of the sites considered for rezoning would have less than significant impacts related to direct or indirect adverse effects on human beings, after the implementation of mitigation.

The project would result in similar impacts that may affect human beings including air quality emissions and noise. Implementation of the Supplemental EIR's applicable mitigation measures, as included herein, would ensure impacts to human beings remain less than significant.

Conclusion

The project would not introduce any impacts beyond those considered in the Supplemental EIR. Implementation of the Supplemental EIR's applicable mitigation measures and conditions of approval as defined by the City, as well as consistency with applicable General Plan policies and project plans, would ensure that impacts related to mandatory findings of significance would be less than significant with the exception of cumulatively considerable impacts related to regional transportation impacts.

Mitigation Measures

Refer to mitigation measures throughout this document.

SECTION 3: REFERENCES

- Bay Area Air Quality Management District (BAAQMD). 1999. California Environmental Quality Act Air Quality Guidelines.
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- Charles M. Salter Associates, Inc. 2013. Environmental Noise Assessment 5850 West Las Positas Boulevard.
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- Pleasanton, City of. 2012. Housing Element Background.
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http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_5YR_B08301&prodType=table. Accessed January 2014.
- W-Trans. 2014. SummerHill Apartment Project Traffic Impact Analysis.

SECTION 4: LIST OF PREPARERS

FirstCarbon Solutions - Environmental Consultant
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Walnut Creek, CA 94597
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Fax: 925.357.2572

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Project Manager Janna Waligorski
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Reprographics José Morelos

ORDINANCE NO. 2030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF THE CM CAPITAL PROPERTIES SITE (5758 AND 5850 WEST LAS POSITAS BOULEVARD), AS FILED UNDER CASE P11-0923

WHEREAS, the City of Pleasanton has initiated the rezoning of the CM Capital Properties site (Site 13) located at 5758 and 5850 West Las Positas Boulevard (APN 941-2762-006-00 and APN 941-2762-011-01) from the Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) District to the Planned Unit Development – Mixed Use (PUD-MU) District; and

WHEREAS, a Supplemental Environmental Impact Report was prepared for this project, and a resolution certifying the Environmental Impact Report as complete and adequate in compliance with the California Environmental Quality Act was adopted on January 4, 2012; and

WHEREAS, at its meeting of January 4, 2012, the City Council received the Planning Commission's positive recommendation for approval of the rezoning of the CM Capital Properties site; and

WHEREAS, a duly noticed public hearing was held on January 4, 2012; and

WHEREAS, after consideration of the staff report, review of the materials presented, and comment at the public hearing, the City Council determined that the proposed rezoning of the CM Capital Properties site is appropriate; and

WHEREAS, the rezoning of the CM Capital Properties site is consistent with the General Plan, adopted on July 21, 2009.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the rezoning of the CM Capital Properties site is consistent with the General Plan, adopted on July 21, 2009.

Section 2. Approves the rezoning of the CM Capital Properties site (Site 13) located at 5758 and 5850 West Las Positas Boulevard (APN 941-2762-006-00 and APN 941-2762-011-01) from the Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) District to the Planned Unit Development – Mixed Use (PUD-MU) District.

Section 3. The uses allowed and development standards applicable to this site are those specified in the Hacienda PUD and Design Guidelines for Hacienda sites 18A and 19, and multifamily residential with a minimum density of 30 units per acre is authorized.

Section 4. Except as modified above, all present conditions of the approved Hacienda PUD development plans and design guidelines and City-approved major and minor modifications shall remain in full force and effect.

Section 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 487, attached hereto as Exhibit A, dated January 4, 2012, and incorporated herein by this reference.

Section 6. The full text of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation within the City of Pleasanton.

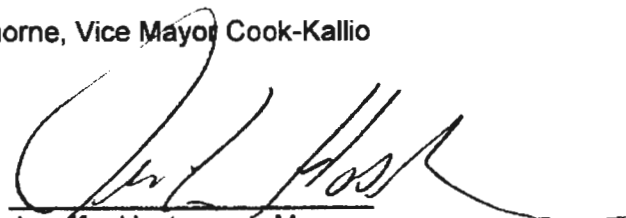
Section 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on January 4, 2012 by the following vote:

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

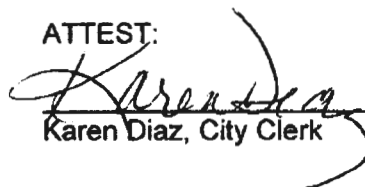
And adopted at a regular meeting of the City Council of the City of Pleasanton on January 10, 2012 by the following vote:

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



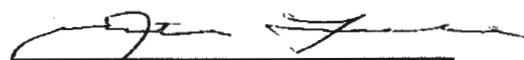
Jennifer Hosterman, Mayor

ATTEST:

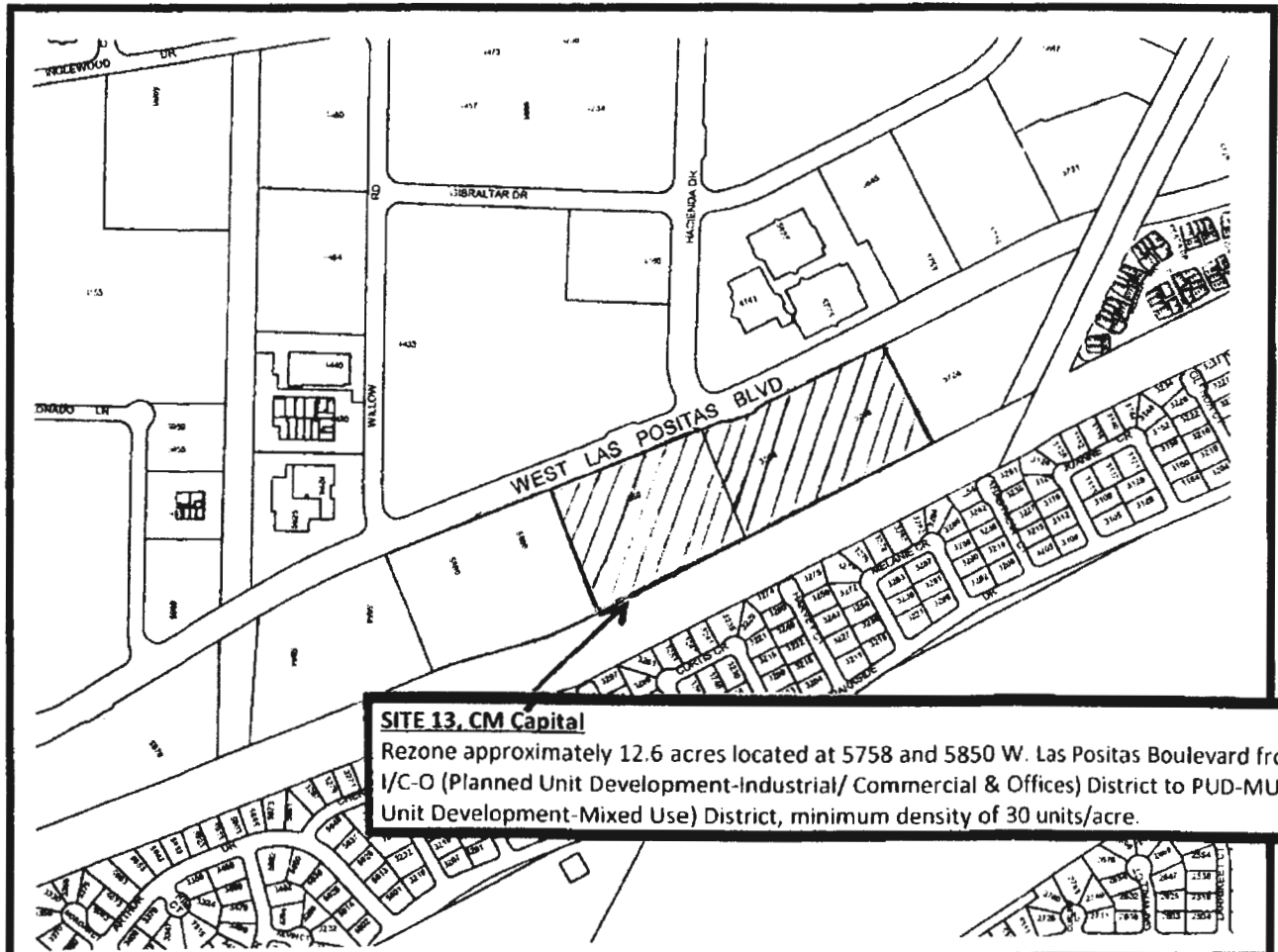


Karen Diaz, City Clerk

APPROVED AS TO FORM:



Jonathan P. Lowell, City Attorney



SITE 13, CM Capital
 Rezone approximately 12.6 acres located at 5758 and 5850 W. Las Positas Boulevard from PUD-I/C-O (Planned Unit Development-Industrial/ Commercial & Offices) District to PUD-MU (Planned Unit Development-Mixed Use) District, minimum density of 30 units/acre.

**CITY OF PLEASANTON
 PLANNING DIVISION**

**Ordinance No. 2030
 Zoning Unit Map No. 487**

DRAWN BY:
 T. Snyder

SCALE:
 1" = 300'

APPROVED BY:
Brian De...
 DIRECTOR of
 COMMUNITY DEVELOPMENT

DATE:
 January 4, 2012

SEC. NO.:
 P11-0923 (Rezone)



February 12, 2014

Ms. Janicc Stern
Planning Manager
City of Pleasanton
200 Bernal Avenue
Pleasanton, CA 94566

Re: Preliminary Design Review Approval
5850 West Las Positas Apartments
Site 19

Dear Janicc:

This letter is being provided in accordance with the Declaration of Covenants, Conditions and Restrictions for Hacienda, Article III, Section 3.2, Paragraph 3.2.1, Preliminary Plans. The Design Review Committee for the Hacienda Owners Association has reviewed the Preliminary Plans dated January 24, 2014, prepared by KTG Y Group, Inc., on behalf of SHAC Las Positas Apartments LLC, Site 19. Landscaping, Building Elevations, Site Grading and Utility Plans have been designed in substantial compliance with the guidelines set forth in the Design Guidelines and Covenants, Conditions and Restrictions.

Prior to the time of Final Design Review the Hacienda Owners Association will want to see the following issues addressed:

Architecture

1. Consider minor modifications to the building elevations in various locations to create additional interest including: enhanced use of base materials, increasing the variation in color, accentuating verticality and providing greater contrast between architectural components.
2. Provide details on the decorative building components including light fixtures, wrought iron gates and pot shelves.
3. Eliminate the carports along the western edge of the project in accordance with the site design guidelines or develop a mutually agreeable plan for carport design and placement with the adjacent property.
4. Provide a comprehensive sign program for all site signage including the demolition of any existing signs.
5. Provide a site lighting plan with details on fixtures, locations and conformance with minimum illumination requirements.
6. Provide details on ADA compliant ramps.

Landscape Architecture

1. Provide details as needed to demonstrate conformance with the city's proposed Landscape Design Guidelines and Submittal Checklists.
2. Show all trees with double stakes as per Hacienda Design Guideline standards.
3. Clearly indicate all trees proposed for removal within the W. Las Positas Public Service Easement on the landscape plan and verify that tree coverage requirements, as specified in the Design Guidelines, will be met with the remaining plantings.
4. Indicate screening for all utilities.
5. Add details to demonstrate conformance with all future reclaimed water use requirements as stipulated in Hacienda's Design Guidelines.



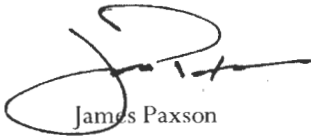
Civil Engineering

1. Relocate backflow at the western driveway to the back of the landscape berm and screen from the street.
2. Provide hydraulic grade lines at all catch basins and manholes.

Two exceptions to the criteria outlined in the Design Guidelines and Housing Site Development and Design Standards have been approved for this application. The first exception is being granted to allow a 1' planting strip adjacent to the duplex carriage houses in the drive courts. This width is smaller than the required 3' planting strip and is being allowed to accommodate requests to decrease the number of stories along the south side of Buildings "C" and "D." A second exception is being granted to allow a change to the internal circulation plan for the project to include designing the primary eastern access to the project as an internal street and designing the secondary western access to the project as an alley. This is being done in order to allow for the project to collectively meet the development requirements unique to the site as requested by the Pleasanton Planning Commission.

This application is hereby approved by the Hacienda Owners Association and may be processed for necessary approvals by the City of Pleasanton. Please feel free to contact me at the Association's office if I can be of any assistance in this matter.

Sincerely,



James Paxson
General Manager, HBPOA

cc: Kevin Ebrahimi
John Hickey
Marilyn Ponte
Manny Gonzalez

MEMORANDUM

date: 20 February 2014 **pages:** 1

name: Kevin Ebrahimi **company:** SummerHill Homes **email:** kebrahimi@shhomes.com

from: Joshua M. Roper, PE, LEED AP

subject: **5850 West Las Positas Boulevard – Pleasanton, California**
Southern Property Line Noise Barrier
CSA project number: 13-0602

As requested, this memo discusses specific acoustic concerns for the planned six-foot tall noise barrier along the southern property line of the residential project at 5850 Las Positas Boulevard in Pleasanton. The barrier will separate the project site from the adjacent Arroyo Mocho Canal, as well as the existing single-family residences beyond. An environmental noise assessment was prepared for the project which is summarized in a report dated 12 December 2013. For reference, a 3-decibel change in environmental noise is generally considered a just-perceivable difference. Consider the following:

- **Barrier Height:** You have asked whether increasing the barrier height from six to eight feet would provide a practical benefit in shielding the existing residences across the canal from on-site activity. The project includes a vehicle circulation path and parking in the southern portion of the site. Increasing the barrier height would reduce vehicle noise by approximately 1 to 2 decibels, which would not be distinguishable at the existing residences.
- **Barrier Reflections:** You have asked if noise from the roadways and sports fields south of existing residences (across the canal) will be reflected back to those residences. The noise barrier will be precast concrete with a textured "grapestake" surface. Planted vines will be added on-site, and will grow to the canal side of the wall. These features will help reduce reflectivity of the barrier. In addition, shielding from the intervening houses (generally one to five rows) and distance attenuation from the reflected path-of-travel across the canal will help limit reflected noise. The noise barrier is estimated to increase average noise levels from vehicles on these roadways, and occupants moving around the sports fields, by 2 decibels or less, which would not be distinguishable at the existing residences.

Please call with any questions.

Acoustics
Audiovisual
Telecommunications
Security

* * *

100 W. San Fernando
Suite 430
San Jose, CA
95113
T 408.295.4944
F 408.295.4949
www.cmsalter.com



MEMORANDUM

date: 6 February 2014

pages: 1

name:
Kevin Ebrahimi

company:
SummerHill Homes

email:
kebrahimi@shhomes.com

from: Joshua M. Roper, PE, LEED AP

subject: 5850 West Las Positas Boulevard – Pleasanton, California
Southern Property Line Noise Barrier
CSA project number: 13-0602

As requested, this memo discusses specific acoustic concerns for the planned six-foot tall noise barrier along the southern property line of the residential project at 5850 Las Positas Boulevard in Pleasanton. The barrier will separate the project site from the adjacent Arroyo Mocho Canal, as well as the existing single-family residences beyond. An environmental noise assessment was prepared for the project and is summarized in a report dated 12 December 2013. For reference, a 3-decibel change in environmental noise is generally considered a just-perceivable difference. Consider the following:

- **Barrier Height:** You have asked whether increasing the barrier height from six to eight feet would provide a practical benefit in shielding the existing residences across the canal from on-site activity. The project includes a vehicle circulation path and parking in the southern portion of the site. Increasing the barrier height would reduce vehicle noise by approximately 1 to 2 decibels, which would not be distinguishable at the existing residences.
- **Barrier Reflections:** You have asked if noise from roadways and the sports fields south of existing residences (across the canal) will be reflected back to those residences.
 - Based on our visit to the site and review of aerial images of the neighborhood, one to five rows of homes generally separate Parkside Drive and the sports fields from the project site. Reflected noise would be both shielded by the homes and attenuated by the added distance of the canal. The estimated potential increase in noise level, due to wall reflections, is 2 decibels or less, which would not be distinguishable.
 - An exception to the shielding is at the end of Harvey Court, where there is a line-of-sight between the project site (barrier location) and both the roadway and sports fields. The estimated potential increase in average noise levels from vehicles along Parkside Drive and occupants moving around the sports field is not expected to noticeably increase at the residences.
 - The project will include planted vines along the barrier, which will grow over top and help to scatter noise on the canal side, thereby reducing focused reflections to the existing residences.

Acoustics
Audiovisual
Telecommunications
Security

Please call with any questions.

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EXHIBIT I

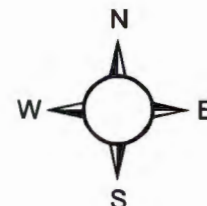
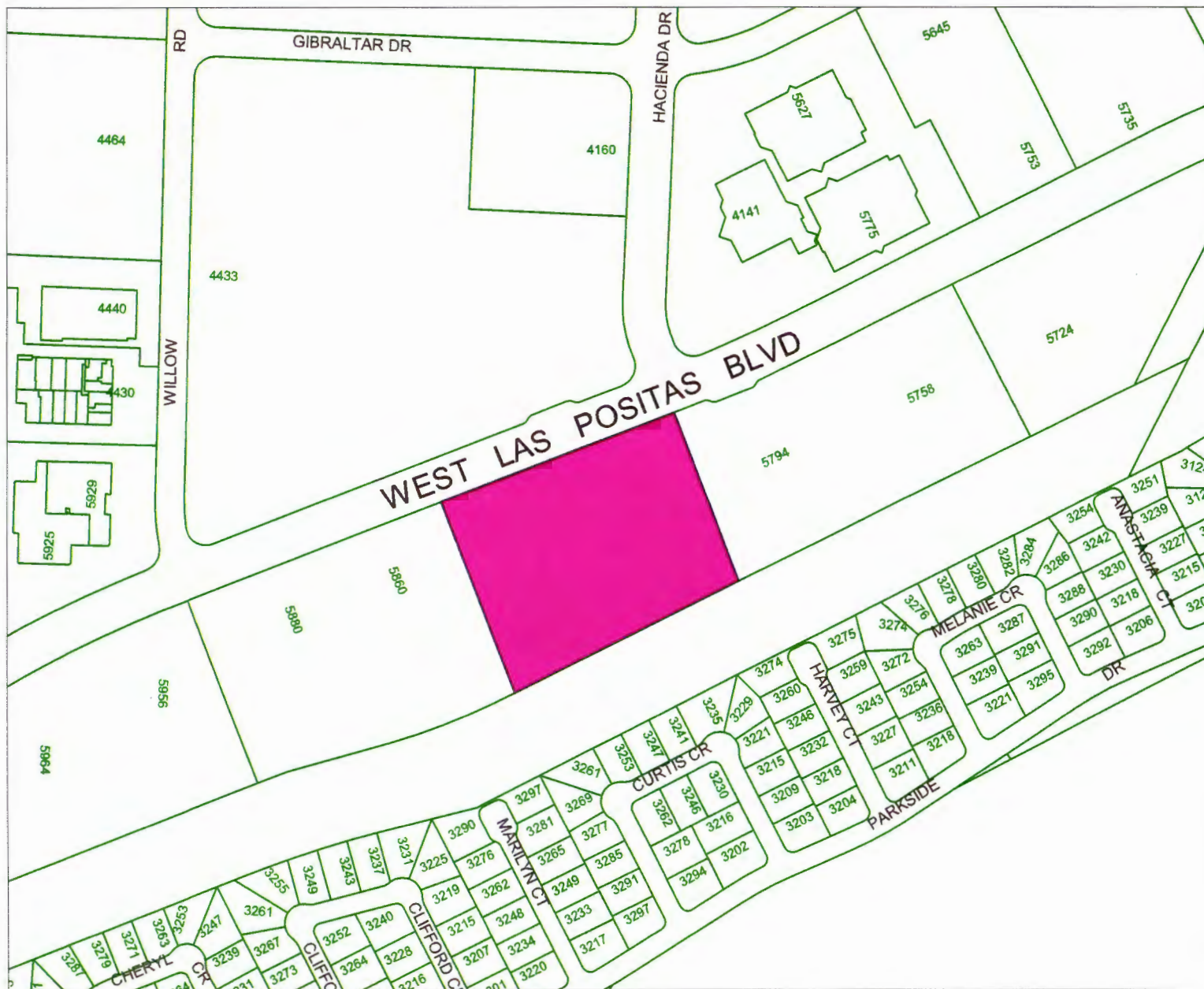
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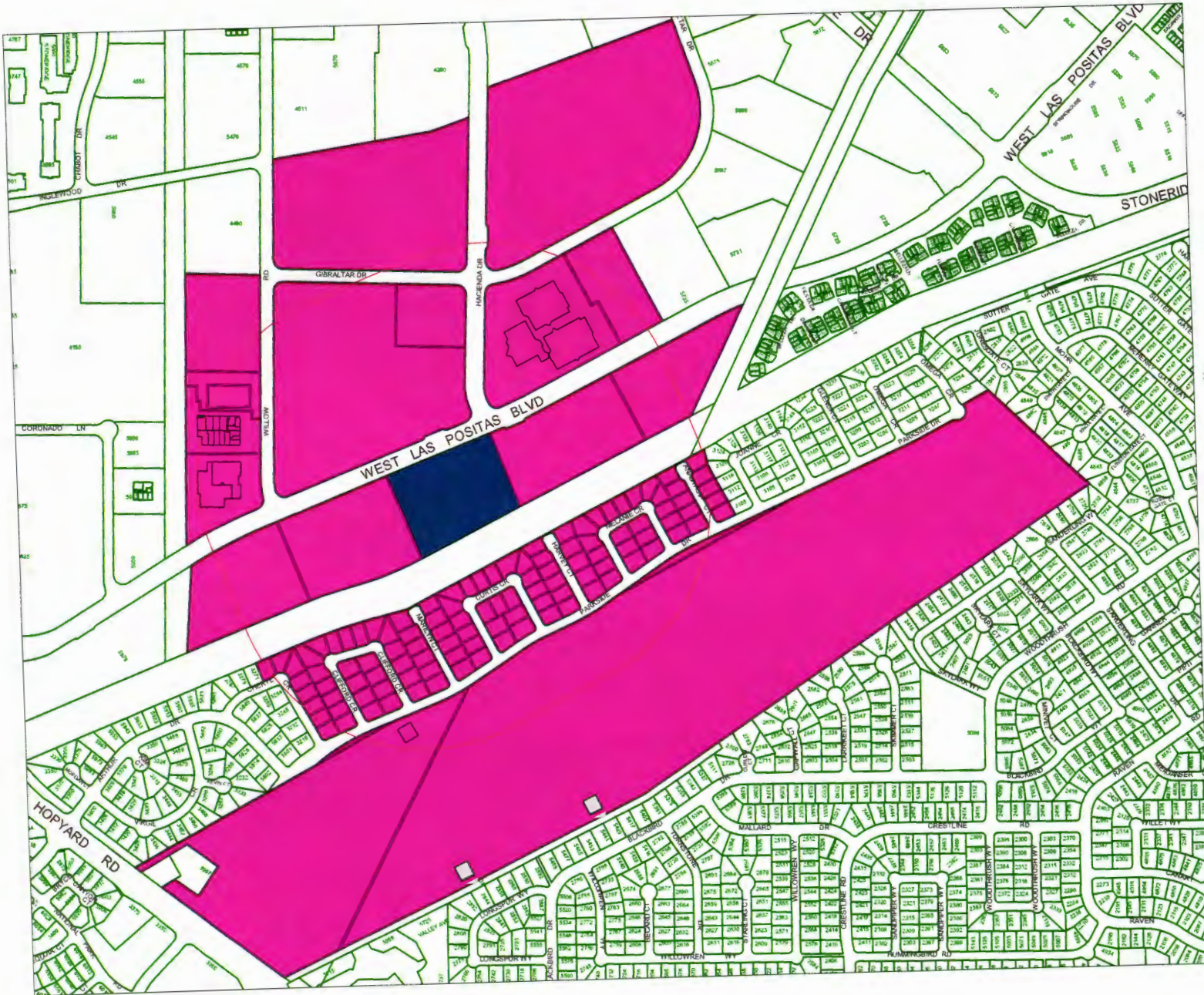
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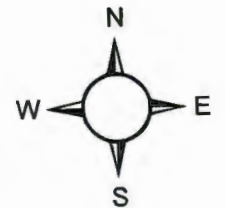
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