

## Planning Commission Staff Report

August 14, 2013

Item 6.a.

**SUBJECT:** PUD-96 (PUD Development Plan) and P13-1928 (Development Agreement).

**APPLICANT:** Pleasanton Gateway, L.L.C. (Scott Trobbe)

**PROPERTY OWNER:** Pleasanton Gateway, L.L.C. (Scott Trobbe)

**PURPOSE:** Applications for: 1) Planned Unit Development (PUD) Development Plan to construct 210 apartment units, 97 single-family detached units, and related on- and off-site improvements on an approximately 26.72-acre site; and 2) Development Agreement for the project.

**GENERAL PLAN:** Medium Density Residential (2 to 8 dwelling units per acre) on 19.72 acres and High Density Residential (minimum density of 30.0 dwelling units per acre) on 7.0 acres.

**SPECIFIC PLAN:** Bernal Property Specific Plan – Medium Density Residential (2 to 8 dwelling units per acre) on 19.72 acres and High Density Residential (minimum density of 30.0 dwelling units per acre) on 7.0 acres.

**ZONING:** PUD-HDR and MDR (Planned Unit Development-High Density Residential and Medium Density Residential) District.

**LOCATION:** 1600 Valley Avenue (south side of the Pleasanton Gateway Shopping Center).

**EXHIBIT:**

- A. Draft Conditions of Approval for PUD-96, PUD Development Plan, dated August 14, 2013.
- B. Proposed PUD Development Plan dated, "Received July 30, 2013."
- C. Development Agreement for the Commons at Gateway Development, dated August 14, 2013.
- D. Excerpts of the minutes of the Planning Commission workshop held on May 22, 2013.

- E. Addendum to the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezoning Supplemental Environmental Impact Report for the Commons at Gateway (PUD-96), City of Pleasanton, Alameda County, California, prepared by FirstCarbon Solutions, dated August 1, 2013.
  - F. Transportation Assessment for the Commons at Gateway, dated July 3, 2013, prepared by Fehr & Peers.
  - G. Environmental Noise Assessment, Commons at Gateway, dated June 11, 2013, prepared by Charles M. Salter and Associates.
  - H. Climate Action Plan Checklist for the Commons at Gateway.
  - I. Separate GreenPoint Rated Scoresheets for the Apartments, Row House Homes, and Single-Family Homes.
  - J. Housing Commission Agenda Report, dated July 23, 2013.
  - K. Location and Notification Map.
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## **I. BACKGROUND**

The Commons at Gateway property is located in the Bernal Property Specific Plan area. A brief description of the development approvals that have occurred on this property follow.

### **Bernal Property Specific Plan and PUD Development Plan (PUD-02)**

On August, 2000, the City Council approved the Bernal Property Specific Plan, PUD Development Plan (PUD-02), Final Environmental Impact Report, and Pre-Annexation Development Agreement for a multi-use development of the 516-acre Bernal Property Specific Plan area.

Land for the Bernal Community Park was dedicated to the City with the Development Agreement. The Specific Plan developer, GHC Bernal Investments, L.L.C., completed or funded the area wide infrastructure serving the Specific Plan developments including City streets, intersections, and traffic signals, and public utility infrastructure including the area wide storm water detention/treatment ponds. The City completed Fire Station #4 on Bernal Avenue, the open space area by the fire station, and completed the lighted ball/sports fields on the Bernal Community Park. Private developers completed the Bernal Corners service station, Kensington apartments and Wild Rose Park, and the Canyon Oaks, Carlton Oaks, Pheasant Ridge, and Walnut Hills residential developments.

South Bay Development was the owner/developer of the entire 39.6-acre Pleasanton Gateway site, which was zoned PUD – C (Planned Unit Development – Commercial) District and, with the Bernal Property PUD Development Plan, was approved for eight, four-story tall office buildings with a total floor area of 745,000 square feet and a maximum height of 65 feet. Construction was not started on this development.

### **Pleasanton Gateway Commercial/Office Development (PUD-02-07M)**

On October 19, 2010, the City Council introduced Ordinance 2014 for PUD-02-07M that modified the PUD Development Plan for the South Bay Development site from the approved eight-building office development to the Pleasanton Gateway combined office/commercial development with uses and services including administrative, business and professional offices, a Safeway grocery store, and a variety of commercial uses that included a drive-through bank, a drive-through restaurant/coffee shop, and a drive-through pharmacy.

The PUD Development Plan for the Pleasanton Gateway Development was divided into two phases: Phase I, the shopping center on 12.88 acres, and Phase II, the office development on 26.72 acres. Phase II incorporated seven, three- and four-story tall office buildings with a total floor area of approximately 588,782 square feet and a maximum building height of up to 66 feet. Figure 1, below, is the overall site plan for the Pleasanton Gateway development approved under PUD-02-07M. (Figure 1 does not include the Safeway Service Station added later under PUD-02-09M.)



**Figure 1: Phase I (Shopping Center) and Phase II (Office) of PUD-02-07M**

As construction proceeded on the shopping center, the City discussed with South Bay Development the feasibility of modifying the PUD Development Plan for the Phase II office site to allow medium and high density residential land uses. Staff considered this to be a workable concept in that a residential development on this site would be within a one-half-mile to a one-mile distance of existing and planned City trails and parks including the Bernal Community Park, Hearst Elementary and Pleasanton Middle Schools, and the Pleasanton Gateway shopping center, and to public transit modes such

as the Wheels 8A and 8B routes and the Wheels connection to the BART and ACE train stations. It also has easy access to the I-680 freeway and downtown Pleasanton.

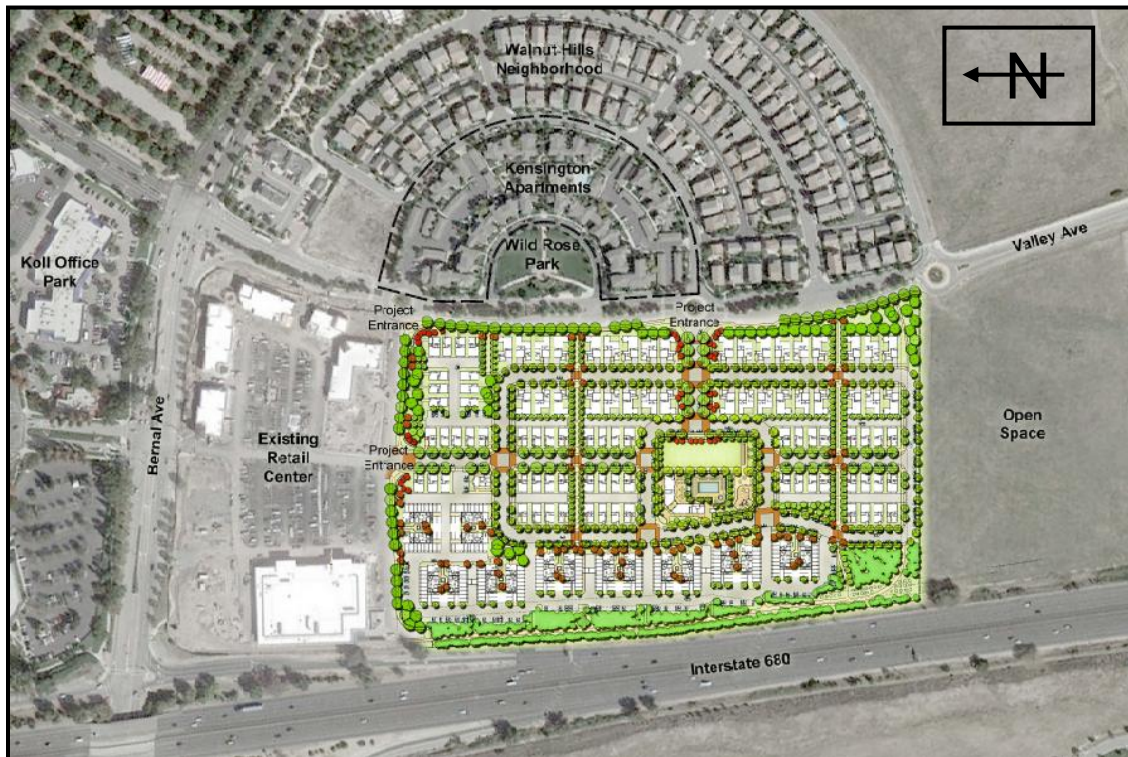
### **P11-0915 and PUD-02-10M**

On January 4, 2012, the City Council introduced Ordinance 2031 for P11-0915 that rezoned 7 acres of the subject property for high-density residential land uses (minimum density of 30 dwelling units per acre) with a maximum density of 245 dwelling units and rezoned the remaining 19.72 acres for medium density residential land uses (2 to 8 dwelling units per acre). On September 4, 2012, the City Council introduced Ordinance 2048 for PUD-02-10M that modified the PUD Development Plan for the subject property to incorporate the Housing Site Development Standards and Design Guidelines to guide the high density development on the 7-acre portion of the project site. The Standards designated the High Density Residential portion as Site #5 with a density range varying from 30 to 35 dwelling units per acre.

## **II. SUBJECT PROPERTY AND SURROUNDING AREA**

### **Project Location**

Figure 2, below, is an aerial photograph of the proposed project with the surrounding streets and intersections, driveway entrances, and land uses including the Pleasanton Gateway shopping center under construction when the photograph was taken.



**Figure 2: 2010 Aerial Photograph of the Commons at Gateway Property with Surrounding Land Uses**

The subject property is a relatively flat, vacant 26.72-acre site visible to the I-680 freeway, Valley Avenue, and to the adjacent Bernal Community Park property along its

south side. With the public streets and infrastructure construction for the entire Bernal Property, Valley Avenue was extended from Bernal Avenue across the entire project site with curb, Livermore-Amador Valley Transportation Authority (LAVTA) bus pull-out and enclosure, and one driveway opening located opposite Whispering Oaks Way for the previously approved office development. Existing vegetation includes grasses that are cut annually to reduce potential fire hazard.

**Surrounding Land Uses**

Table 1, below, describes the surrounding land uses.

**Table 1: Surrounding Uses**

Direction	Land Use
North	Pleasanton Gateway shopping center with commercial uses including a Safeway grocery store and service station, restaurants, retail, and personal services.
East	Vacant land, Kensington apartments, Wild Rose Park, and the Walnut Hills single-family homes.
South	Bernal Community Park, future public trails, and the City's storm water retention/treatment ponds for the Bernal property developments.
West	I-680 freeway and the Bernal Avenue/I-680 off-ramp.

Figure 3, below, is a photograph of the project site from the west side of the Valley Avenue traffic circle located opposite Oak Vista Way.



**Figure 3: Project Site from the Valley Avenue Traffic Circle Opposite Oak Vista Way.**

Figure 4 and Figure 5, below, are photographs of the nearby developments from Valley Avenue.



**Figure 4: Kensington Apartments from the East Side of Valley Avenue.**



**Figure 5: Walnut Hills Development from the West Side of Valley Avenue.**

The San Francisco Public Utilities Commission (SFPUC) owns a 25-foot wide easement along the west side of the project site and owns and maintains an 18-inch diameter water line within the easement. The SFPUC uses this water line to transport water from its wells located in the Bernal Business Park to the Castlewood golf course, country club, and homes. The water line and easement may not be modified without SFPUC approval.

### **Public Street Access**

The project site is accessed from Valley Avenue by two driveway entrances, one entrance proposed to be located at the approximate mid-point of the site and the other entrance to the driveway aisle shared with the Pleasanton Gateway shopping center. Access to Bernal Avenue is provided by the main north/south access driveway aisle through the Pleasanton Gateway shopping center to the Bernal Avenue/Koll Center Drive intersection. The subject property retains ingress/egress easements, plus shared maintenance responsibilities, over the shared driveways and entrances to/from Bernal Avenue and Valley Avenue. These rights and responsibilities would be transferred to the proposed development upon recordation of the first Final Subdivision Map.

The Bernal Avenue/Koll Center Drive intersection allows complete ingress/egress to/from Bernal Avenue and then the northbound/southbound directions of the I-680 freeway. All Valley Avenue driveway entrances are located opposite a traffic circle, which were designed to slow traffic speeds on Valley Avenue.

### **III. PLANNING COMMISSION WORK SESSION**

The Planning Commission reviewed the proposed project at a public work session held on May 22, 2013. Exhibit D is the excerpts of the minutes of the Planning Commission's discussion at the work session. Scott Trobbe, representing South Bay Development, was present to answer questions on the proposed project. Mr. Trobbe introduced to the Planning Commission the project architect, landscape architect, and civil engineer.

Prior to the Planning Commission's discussion, Chair Blank stated that the perspective view from the I-680 freeway looks like the whole development will be visible to the freeway, and wanted to know if that was due to the view angle or that the trees were not shown. Staff replied that approximately 50 percent of the trees proposed to be planted along the I-680 freeway right-of-way were not shown on the perspective in order to clearly show the proposed apartment buildings. Chair Blank stated that it might be helpful to have a visual of what the project will actually look like to I-680 laterally (i.e., perpendicular to the freeway) as opposed to angularly. (Staff notes that the applicant complied with the Commission's request and the visuals of I-680 are provided on Sheet A0-17 of Exhibit B.)

The following summary of the Planning Commission's discussion and comments are organized by the list of topics presented to the Planning Commission at the work session.

1. Is the site plan acceptable as to building locations, circulation, parking, and feathering of densities?

Chair Blank and Commissioners O'Connor, Olson, and Pearce said yes. Commissioner Posson stated "yes," but questioned staff on the rationale for not supporting a solid wall along Valley Avenue. Brian Dolan replied that the plans had evolved to include a solid wall but were revised to a low brick wall with wrought iron above it. He noted that the revised design is more open and not so closed off from Valley Avenue with a clear delineation of space.

2. Are the open space areas and amenities acceptable? Should a public park be provided on the project site?

Commissioner O'Connor stated that when the Commission talks about open space, he always wishes that there was a little more room between the homes as far as yard space. With respect to a public park being provided, he stated that there is a huge one just outside the development and so he is fine with what is proposed because of the project's proximity to the Bernal Community Park.

Commissioner Pearce stated she thinks the open space options and amenities are acceptable. She noted that the project is adjacent to the Bernal Property so she does not see the need for an additional public park. Commissioner Olson agreed. Commissioner Posson inquired what the future planning or zoning for the area south of this development would be. Mr. Dolan replied that that area is part of the Bernal Community Park. Commissioner Posson stated that he is in favor of the proposed project's open space and amenities. Chair Blank agreed, stating that it is not like the project is a long way to the nearest public park. He noted that the open space within the development is pretty good.

3. Does the Planning Commission support the proposed building architectural designs?

Commissioner Posson said yes; Commissioners O'Connor and Olson stated that they love it; Commissioner Pearce indicated that she thinks it is great; and, Chair Blank stated that it has a fair amount of the Pleasanton look so he is pretty happy with it, although it could always look more like Pleasanton.

4. Are the house sizes, lot sizes, and floor area ratios for the proposed single-family homes acceptable?

Commissioner Olson said yes. Commissioner O'Connor stated that, again, he always likes bigger lots, but yes, he likes it. Commissioner Pearce stated that she really likes the three-story row houses and thinks that it is an interesting model that Pleasanton does not have. She added that she thinks it is going to be pretty



popular. Commissioner Olson agreed. Commissioner Posson inquired how this compares with the density and lot sizes of the houses in Walnut Hills (on the east side of Valley Avenue). Staff stated that the proposed project is comparable to the proposed Walnut Hills development. Commissioner Posson stated that he is good with it. Chair Blank stated that they were acceptable.

5. Does the Planning Commission support granting the exceptions from the Standards:

- Standard A4.5. Where head-in parking occurs, a landscaped finger with street tree is required an average of every ten spaces.
- Standard A5.b. Garage doors should be recessed at least two feet from building façade.
- Standard A8.b. Publicly accessible parks, plazas, and/or open spaces are encouraged for all sites greater than five acres, especially those sites not in close proximity to public parks.

Chair Blank requested confirmation that with respect to parking, the applicant is requesting a landscaped finger every 12 to 14 spaces, and that with respect to the garage doors, the applicant is requesting that recessed garages not be required as they face one another. Staff stated that was correct.

Commissioner Pearce stated that she is comfortable with these exceptions. She noted that the Commission has granted more exceptions for a variety of developments that have come forward and, quite frankly, if this is all the applicant is asking for, it seems minor for what they are providing on the site. Commissioners Posson, Olson, and O'Connor indicated that they are fine with the exceptions.

Chair Blank stated that he was fine as well. He noted that the Commission has granted the exception for garage doors before with other projects, but he thinks the Commission has not done the landscape fingers before. He stated that it is very important to make sure that the landscape really does work and that the applicant plants large trees. He noted that the visuals should be high quality so that the Planning Commission is equipped to support the project, and that the applicant has a good sense of what the Commission desires.

### **Public Comment**

John Moore stated that the proposal looks like a quality development. He noted that they can already see the type of development the developer is able to produce in the Gateway property, and that the shopping center is a nice place to do business at. He added that the proposed development will be a nice place to live in and can only enhance the value of his property.

Sean Sowell stated that the project looks really good and nice and he's anxious to see how it unfolds. He suggested, referencing the comment in the staff report on moving the Valley Avenue bus stop farther on Valley Avenue, that Livermore-Amador Valley Transit

Authority (LAVTA) should be incorporated in the process. (Staff notes that the LAVTA bus stop will remain in its present location on Valley Avenue.)

Skip Shieh stated that he thought the proposed development was perfect so that anyone looking for the best place in which to live, can be guaranteed a place in Pleasanton. He stated that the plan is a balanced approach and commended the developers for doing a good job.

#### **IV. PROJECT DESCRIPTION**

##### **PUD-96, PUD Development Plan**

Pleasanton Gateway, L.L.C. (Scott Trobbe) has submitted its request for approval of a PUD development plan to construct 210 apartment units, 97 single-family detached units, a central recreation area, and pedestrian trails and walkways on the approximately 26.72-acre property located in the Bernal Property Specific Plan area of Pleasanton. The overall proposed project density would be approximately 11.5 dwelling units per acre.

The proposed project provides a leasing office building for the apartments, recreation area including a recreation building containing a business center, conference facilities, gymnasium, and media center, a private 1.3-acre neighborhood park for the entire development, and outdoor amenities such as swimming pool/spa, barbeque and fire pit areas, tot lot, cabanas, outdoor seating, and a bocce ball court.

A detailed description of the project proposal is covered in the following **ANALYSIS** section of the Planning Commission staff report.

##### **P13-1928, Development Agreement**

Pleasanton Gateway, L.L.C. (Scott Trobbe) has also submitted its request for approval of a Development Agreement to vest the entitlements of the proposed project, including the PUD development plan and conditions of approval, Affordable Housing Agreement, and Growth Management approval for 10 years.

California state law authorizes cities and counties to enter into binding development agreements with any person having a legal or equitable interest in real property for the development of the property. Development agreements are primarily utilized on large, master planned developments, such as the applicant's proposal, that will be constructed in a phased manner over a relatively long period of time. A development agreement is a commitment between the City and a property owner/project developer to proceed with a specific development in accordance with the terms of an agreement that describe such items as land use, fees, and related processes that will be applicable to the development and the phases of the development over the duration of the development agreement.

The developer gains certainty, through the development agreement, of the continuity of regulations that will be in force over the period of time covered by the development agreement and prior to the commitment of substantial investment. In exchange, the City gains certain benefits and concessions that it might not be able to require through the typical development review. The development agreement process requires that the

Planning Commission find that the Development Agreement is consistent with the General Plan and provide a recommendation to the City Council for its action on the proposed Development Agreement.

## **V. ANALYSIS**

### **Pleasanton General Plan**

#### Land Use Element

The Land Use Element of the Pleasanton General Plan designates 7.0 acres of the Commons at Gateway property for High Density Residential (minimum density of 30.0 dwelling units per acre equaling 210 dwelling units and Medium Density Residential (2 to 8 dwelling unit per acre) on the remaining 19.72 acres equaling 39 units to 157 units. The applicant proposes 210 units on the site's HDR portion and 97 units on the site's MDR portions, which conform to the Land Use Element of the Pleasanton General Plan.

While not a mixed-use development per sé, by locating the proposed residential development near the Pleasanton Gateway shopping center and providing direct links from the development to the shopping center for vehicles, pedestrians, and bicyclists, the Commons at Gateway development supports Policy 16 of the Land Use Element that,

“Encourages mixed-use development which encompasses any combination of commercial development, housing units, or community facilities in an integrated development. In areas served by transit, encourage mixed use and residential densities that support affordable housing and transit.”

Following are some of the additional General Plan Goals, Programs, and Policies that the project is consistent with or would promote:

#### Sustainability

- Program 2.1: Reduce the need for vehicular traffic by locating employment, residential, and service activities close together, and plan development so it is easily accessible by transit, bicycle, and on foot.
- Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- Program 2.4: Require higher residential and commercial densities in the proximity of transportation corridors and hubs, where feasible.
- Program 2.6: Require design features in new development and redevelopment areas to encourage transit, bicycle, and pedestrian access, such as connections between activity centers and residential areas, and road design that accommodates transit vehicles, where feasible.

- Program 2.8: Require land development that is compatible with alternative transportation modes and the use of trails, where feasible.

#### Overall Community Development

- Policy 4: Allow development consistent with the General Plan Land Use Map.

#### Residential

- Policy 9: Develop new housing in infill and peripheral areas which are adjacent to existing residential development, near transportation hubs or local-serving commercial areas.
- Policy 10: Provide flexibility in residential development standards and housing type consistent with the desired community character.

#### Housing Element

##### Housing Variety, Type, and Density

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

##### Housing Location

- Policy 35: Disperse high-density housing throughout the community, in areas near public transit, major thoroughfares, shopping, and employment centers.
- Program 35.1: Provide and maintain existing sites zoned for multi-family housing, especially in locations near existing and planned transportation and other services, as needed to ensure that the City can meet its share of the regional housing need.

#### **Housing Site Development Standards and Design Guidelines**

The Housing Site Development Standards and Design Guidelines, hereinafter referred to as Standards, designated the 7-acre higher density portion of the subject property as Site #5, with the following development standards:

- Consider a feathering of densities in areas close to single-family development.
- Consider architectural style of the existing residential neighborhood when reviewing the design of any development plan.
- New street connection should be made to Safeway shopping center.
- A public park is strongly encouraged.
- Incorporate view corridors.

- New streets should connect to existing intersections along Valley Avenue (including all traffic circle intersections and Whispering Oak Way).

The remaining 19.72-acre portion of the site is designated for Medium Density Residential (MDR) land uses and, therefore, is not covered by the Standards. However, staff reviewed the MDR portion of the proposed project for its compatibility with surrounding land uses – for example, comparing it to the homes in the Walnut Hills development on the east side of Valley Avenue. Staff also evaluated the MDR portion of the project as it relates to the Standards for such items as “feathering” density towards the single-family homes on the east side of Valley Avenue, interior paséos, parking, perimeter setbacks, and view corridors.

#### Exceptions Requested by Applicant

The applicant requests the following exceptions from the Standards:

1. Standard A4.5. Where head-in parking occurs, a landscaped finger with street tree is required an average of every ten spaces.

The applicant is requesting a landscape finger every 12 to 14 spaces. Staff supports this exception given the large area of the proposed landscape fingers, varying from approximately 500 square feet to approximately 1,100 square feet.

2. Standard A5.b. Garage doors should be recessed at least two feet from building façade.

Staff supports this exception given that the garage doors for the apartments' garages face each on both sides of an internal court and the upper two floors of the apartment buildings overhang the line of garage entrances thereby decreasing their visibility.

3. Standard A8.b Publicly accessible parks, plazas, and/or open spaces are encouraged for all sites greater than five acres, especially those sites not in close proximity to public parks.

Staff supports this exception given the development's close proximity within walking distance of Wild Rose Park on the east side of Valley Avenue and the nearby Bernal Community Park.

The Planning Commission supported granting these exceptions at the work session.

#### **Site Plan**

The proposed site plan in conjunction with the building designs and landscape designs discussed further in the staff report compliments the appearance and development pattern of the existing commercial and residential developments on both sides of Valley Avenue. While not a stated goal of the Standards for this site, the proposed project implements the land use/design goal of the Bernal Property Specific Plan whereby the

appearance and designs of individual developments should work together visually and physically as an integrated whole.

### Site Design

Figure 6, below, is a copy of the site plan for the proposed development.



**Figure 6: Proposed Site Plan**

The proposed site plan implements the goal of the standards to “feather” building heights and densities in a west to east direction from the I-680 freeway to the single-family homes on the east side of Valley Avenue: three-story tall apartments by the I-680 freeway, to the three-story tall row-house units in the central areas of the project, to the two-story tall single-family homes along Valley Avenue opposite the existing single-family homes.

The proposed site plan also implements the following standards addressing the general layout of the buildings’ orientations to the public streets and to each other:

- Standard A2.a, where the proposed buildings face the internal public streets and private paths and generally face each other;
- Standard A2.b, where the front building elevations include door entries and porches, which face the public streets and open space areas; and,

- Standard A2.c., where residential frontages including public streets, internal streets, pedestrian walks/paséos, and open space areas shall have a minimum 75% of the building façade “fronted” with a livable residential space, i.e., not garages.

The proposed project minimizes the appearance of garages for the apartments and the three-story row houses with their garages facing the interior private courts. For the two story homes facing A Street, the garages are designed with minimally 50% of the building elevation devoted to living/entrance areas and with the garage recessed 10 feet behind the living areas of the home to minimize their visibility to A Street.

Lot B on the proposed site plan shows a 16-foot tall combined berm (8-foot height) and sound wall (8-foot height) to mitigate I-680 traffic noise to development’s exterior areas. The proposed berm/sound wall is shown on the “View – 1: Alongside Interstate 680” perspective. Staff worked with the applicant to eliminate the berm/wall or at least reduce its height thereby reducing its appearance to the freeway, but was not successful. To minimize the berm/wall’s visibility, the applicant proposes to plant a combination of vines, shrubs, and trees to buffer the wall’s appearance. Staff is satisfied with the proposed design and will continue to work with the applicant to hide the berm/wall with landscaping to achieve a natural appearance to the landscape design.

### Setbacks

The proposed perimeter and interior building setbacks comply with the Standards for the entire development as follows:

- Standard A3.1.: Public streets shall have a minimum 6-foot planting strip and 5-foot sidewalk on each side of the street. Planting strip can have an average minimum width of 6 feet to accommodate a meandering sidewalk where applicable.

The applicant would install a separated sidewalk on Valley Avenue parallel to the street curb, consisting of a 6-foot wide sidewalk and a 5-foot wide landscape area between the sidewalk and curb for shade trees. The sidewalk will not be a meandering sidewalk as was constructed on the east side of Valley Avenue but will parallel the curvilinear alignment of Valley Avenue. The landscape area between the sidewalk and curb is required to be maintained by the owners association for this development.

- Standard A3.2. Residential front setbacks shall be a minimum 10 feet from the back of sidewalk providing enough room for planting and privacy while still allowing a strong relationship between the units and the street. 15 feet is preferred to allow for a second row of trees.

The proposed building setbacks from Valley Avenue – considered to be the front setback for the proposed homes – would vary from 33 feet by the north property line, narrowing to 11 feet where Valley Avenue “bows” inward towards the project site, and then increasing to 95-feet at the south property line. The proposed

building setbacks compliment the Walnut Hills homes, which were constructed with a minimum setback to the front porch of 8 feet increasing to 11 feet to the building.

- Standard A3.3. Low entry landscape walls, not to exceed 3 feet in height, may encroach up to back of sidewalk.

The applicant will install a combined 3-foot tall brick wall with a 3-foot tall wrought-iron style fence placed on top of the wall. The combined brick wall/open fence is divided into panels with the panel segments defined by brick pilasters. Staff supports this design treatment along the Valley Avenue project frontage – the proposal is attractive, open to Valley Avenue, while maintaining a clear delineation of space.

- Standard A3.4. Public streets shall be designed to include planned improvements in the *Pleasanton Pedestrian and Bicycle Master Plan*

The west side Valley Avenue was constructed with a bicycle lane. The project's private pedestrian/bicycle trail system is designed to connect with the bicycle lane on Valley Avenue.

- Standard A4.1. Internal streets shall have at minimum 4 feet plantings strip and 5 feet sidewalk on each side of the street.

The applicant proposes a 5-foot wide landscape strip with a 5-foot sidewalk on the internal public streets. Where a building or unit may not be adjacent to a proposed public street, such as one of the courts, the applicant will provide a trail or the Aleé/Greenway (Paseo) for pedestrians.

- Standard 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 the street.

The Standard is achieved.

- Standard A4.3. Parallel or head-in parking is required on at least one side of internal streets. Head-in parking is not allowed on both sides of internal streets except for stand-alone retail areas. Parallel parking is allowed on both sides of street.

Perpendicular parking is provided on the west and partially on the north sides of Court L for the apartments, on the east side of Court I for the row house units, and off Court U for the apartments leasing office. Parallel parking is provided on both sides of A Street, B Street, and C Street, but not on either side of D Street the project's main entrance from Valley Avenue.



- Standard A4.5. Where head-in parking occurs, a landscaped finger with street tree is required an average of every 10 spaces.

The Planning Commission supported an exception for a landscaped finger every 12 to 14 spaces.

### Open Space

The applicant proposes private open space for all 307 units of the proposed project as covered patios or balconies for the apartments and for the row house units and single-family homes. The private open space ranges from approximately 68 square feet for the apartments to approximately 723 square feet for the row house units and the single-family homes. The proposed site plan implements the following standards:

The Standards require 300 square feet of group usable open space per dwelling unit, equaling approximately 92,100 square feet or 2.1 acres for this project. (Although this Standard applies specifically to the proposed apartments, staff applied it to the entire development.) The proposed project would offer approximately 235,224 square feet (5.4 acres) of group open space, 47,916 square feet (1.1 acres) of common apartment open space, and approximately 69,696 square feet (1.6 acres) of private patio and side yard open space for the row the row-house and single-family homes.

Per the Group Usable Open Space Standard, the private open space for projects up to 40 dwelling units per acre is considered equivalent to two square feet of group usable open space (139,392 square feet or 3.2 acres for the single-family homes) and may be substituted as such. Using this substitution, the project would offer approximately 422,532 square feet or 9.7 acres of total open space, which exceeds the minimum 2.1-acre open space requirement for this project.

The design of the central open space area complies with the following Standards as to location, accessibility, and design:

- Standards A8.a., A8.h., and A8.3, where the central open space/recreation area is the fundamental organizing element of the site plan, includes recreational facilities such as a swimming pool, soccer field, tot lot, weight rooms, etc., and is the central focus of the project.
- Standard A8.c., where the central open space/recreation area is accessible for all units, and is linked to the Bernal Community Park by paths to the park and to Valley Avenue.
- Standards A8.d. and A8.g., where the central open space/recreation area is defined by Streets A and B and is visible to Street D, the main project entrance from Valley Avenue.
- Standard A8.f., where the design of the private open space areas such as patios, balconies, and yards are usable and accessible from the units' interior areas.

- Standard A8.i., where the tot lot is visible to the project's streets ensuring informal surveillance by residents.

Open space/pedestrian links, called Aleés/Greenways by the applicant or Paseos (Pedestrian Walks) by the Standards are provided to link the internal areas of the proposed development with the public sidewalks on Valley Avenue and, ultimately, to the Bernal Community Park. The proposed Aleés/Greenways (Paseos) comply with the following Standards:

- Standard A6.1. and A6.b.: Whereby the Aleés/Greenways (Paseos) vary in width from 30 to 40 feet, exceeding the minimum width of from 25 to 30 feet, and supplements the streets and drives in the circulation network.
- Standard A6.c.: Whereby the Aleés/Greenways (Paseos) are easily and directly accessible to building entries, common open space areas, and the on-street visitor parking areas.
- Standards A6.d. and A6.e.: Whereby the Aleés/Greenways (Paseos) include consistent street furnishings and are designed with special paving and pedestrian-scaled lighting.
- Standard A6.f.: Whereby the buildings lining the Aleés/Greenways (Paseos) are designed with windows along the building elevations facing the Aleés/Greenway (Paseo).

The proposed open spaces would be private and maintained by an owner's association. The applicant would grant a public access easement over the pedestrian/bicycle trail along the west side of the project site connecting to the existing trail between the Safeway grocery store and the I-680/Bernal Avenue off-ramp and eventually connecting to a future trail on the adjoining Bernal Community Park to the south.

Figure 7, below, is a photograph of the bicycle/pedestrian trail behind the Safeway grocery store.



**Figure 7: Bicycle/pedestrian Trail between I-680 and the Safeway Grocery Store.**

#### View Corridors

EIR Mitigation Measure 4.A-1 for Site #5 states that the City shall require the Site 5 residential development incorporate view corridors through the site to maintain views of the ridgelines from Valley Avenue. The proposed project complies with Mitigation Measure 4.A-1 as follows:

- The proposed building heights – 39 feet (two story buildings) to 45 feet (three-story buildings) to 43 feet (three-story apartment buildings) from Valley Avenue to I-680 – provide views of the Pleasanton Ridge from Valley Avenue.
- Two perspective views looking southwest and northwest from Valley Avenue and a view perspective from the west side of the traffic circle opposite the main project entrance are provided that show the proposed project and the view corridors to Pleasanton Ridge.

Figure 8, below, is the rendering (Exhibit B, Sheet A0-14) of the project's entrance from the Valley Avenue traffic circle looking towards Pleasanton Ridge.



**Figure 8: Project Entrance from the West Side of the Valley Avenue Traffic Circle.**

Figure 9, below, is the perspective rendering (Exhibit B, Sheet A0-15) of the project looking southwest from the Valley Avenue traffic circle.



**Figure 9: Perspective Looking Southwest from the Valley Avenue Traffic Circle.**

Figure 10, below, is the perspective rendering (Exhibit B, Sheet A0-16) of the project looking northwest from the Valley Avenue traffic circle.



**Figure 10: Perspective Looking Northwest from the Valley Avenue Traffic Circle.**

The three perspective renderings demonstrate that the proposed project implements SEIR Mitigation Measure 4.A-1 preserving the views of Pleasanton Ridge from Valley Avenue.

### **Landscaping**

Preliminary landscape plans are provided for the proposed development, including photos of the proposed tree and shrub species, and photos and enlargements of the bio-treatment swales, landscape bulb-outs on the private streets, entrance, alleys, and recreation area, and preliminary monument signs and motor court signs.

Figure 11, below, is a copy of the preliminary landscape plan.



**Figure 11: Proposed Landscape Concept Plan**

The proposed landscape plans are designed in compliance with the Standards A9.1., A9.a., and A9.b. pertaining to project landscaping.

The proposed plant species provide a variety of seasonal color, include a combination of deciduous and evergreen tree species totaling approximately 2,000 new trees, would have low watering requirements, as well as being an attractive asset to the area and surrounding uses. Features include:

- Sycamore trees are proposed in the landscape areas along Valley Avenue matching the Sycamore trees planted in the median islands and along the east side of Valley Avenue in front of the Walnut Hills development.
- The applicant would arrange the plantings along the I-680 freeway, Valley Avenue, shopping center, and City park frontages in clusters and groupings that achieve a varied appearance in terms of heights and density, and which would soften and frame the views of the site and of the buildings from the freeway, park, and valley Avenue.
- The trees and shrubbery between the apartment buildings and the I-680 freeway will filter particulates from the air.
- Limited turf areas will be provided according to the Standards.

- Deciduous trees are used where summer shade is needed and winter solar access desired, and evergreen trees are used for constant tree cover.
- The project applicant or developer shall comply with the State of California’s Model Water Efficient Landscape Ordinance.

As requested by the Planning Commission at the work session, Figure 12, below, are the perpendicular views of the proposed project from the west side of the I-680 freeway (Exhibit B, Sheet A0-17).



**Figure 12: Perpendicular Views of the Project from I-680.**

The views are of the proposed landscaping 5 years and 10 years after planting. After 10 years, the majority of the apartment buildings will be hidden from view with only the roof and upper gable areas of the buildings still visible to the freeway. As measured by staff, the separations from the apartment buildings to edge of the freeway pavement vary from approximately 130 feet for the southernmost apartment building to approximately 200 feet for the northernmost apartment building. (Staff notes that the proposed trees shown in Figure 12 would not be planted in the SFPUC easement. The two trees shown in the northeastern corner of the site were shown in error and will be removed.)

## **Building Types and Designs**

### Building Types and Designs

The Standards encourage property owners to “mix and match” building types on very large developments. The Standards also allow developers the flexibility to “...incorporate a new Building Type not indentified in the Residential Building Matrix...” provided that the “...proposal conforms to the adopted standards and guidelines.” The three building types proposed by the applicant implement this policy of the Standards.

The proposed project would include three building types described as follows:

1. Garden Style Apartments with Tuck-Under Garage Parking:

The proposed apartments follow the Standards for “Tuck-Under Podium” apartments.

The applicant proposes 210 stacked flat apartments in nine, 18-unit and 24-unit, three-story tall buildings with tuck-under garage parking, and with a maximum building height of approximately 43 feet, 6 inches. The proposed apartment buildings would face the I-680 freeway and the shared access driveway with the Pleasanton Gateway shopping center. The location and heights of the proposed apartment buildings would assist in mitigating I-680 freeway noise levels to the single-family homes of this development as well as the existing residential developments and neighborhoods on the east side of Valley Avenue. The nine buildings would include a combination of:

- Plan 1 – One-bedroom/one-bathroom units (three floor plans) varying in floor area from 695 square feet to 799 square feet;
- Plan 2 – Two-bedroom/two bathroom units (three floor plans) varying in floor area from 1,006 square feet to 1,180 square feet; and,
- Plan 3 – Three bedroom/two bathroom units (one floor plan) with 1,343 square feet of floor area.

Each unit will have a one-car garage, will open onto the buildings’ interior courtyards, and will be accessible by stairs or by elevator to the ground floor. Private open space is provided by open balconies ranging in area from 68 square feet to 173 square feet.

2. Detached Three-Story Single-Family Detached Homes:

The proposed three-story homes are designed according to the Standards of the “Attached Row Houses/Tuck Under” Building Type and “B1. Attached Rowhouse/Townhouses.” The applicant refers to this proposed building type as row-house-style homes because it closely follows the Standards even though the proposed buildings are separated from each other by a side yard and do not have the common/shared wall construction of a true townhouse/rowhouse.

The applicant proposes 62, three-story tall single-family homes with a maximum height of approximately 45 feet. The proposed buildings are generally located along the central area of the project site, on the north and south sides of the recreation center, and would face portions of Valley Avenue and the shared access driveway with the Pleasanton Gateway shopping center. The proposed units would include two floor plans:

- Plan 1 – Three bedrooms, an optional fourth bedroom, and three and a half bathrooms, with 2,830 square feet of floor area, an attached two-car garage,



and private open space provided by a 174-square-foot covered second-floor patio; and,

- Plan 2 – Three bedrooms, two and a half bathrooms, with 3,054 square feet of floor area, an attached two-car garage, and private open space provided by a 349-square-foot second floor patio.

The proposed units will be designed and constructed to accommodate an elevator accessing all three floors of the residence.

3. Two-Story Single Family Detached Homes:

As previously stated, the proposed two-story homes addressed the Site #5 design standard to feather densities towards the single-family homes on the east side of Valley Avenue. However, the Standards did not include design guidelines for single-family homes. The applicant also designed the two-story homes according to the Standards of the “Attached Row Houses/Tuck Under” Building Type and “B1. Attached Rowhouse/Townhouses.”

The applicant proposes 35, two-story tall single-family homes with a maximum building height of approximately 38 feet, 7 inches. The buildings are located along Valley Avenue on the north and south sides of the main access driveway from Valley Avenue. The proposed units would include two floor plans:

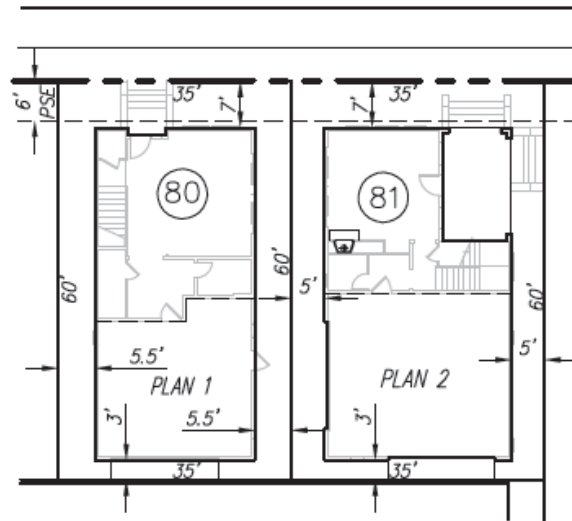
- Plan 1 – Four bedrooms, three and a half bathrooms, with 3,541 square feet of floor area, an attached two-car garage, a two-car driveway apron, and private open space provided by a ground floor patio and a second-floor balcony totaling 542 square feet; and,
- Plan 2 – Four bedrooms, three and a half bathrooms, with 3,654 square feet of floor area, and attached two car garage, a two-car driveway apron, and private open space provided by a ground floor patio and a second floor covered balcony totaling 723 square feet.

**Floor Area Ratios, Side Yards, and Rear Yards**

Figure 13, below, is the typical lot plan with setbacks and floor area ratios for the proposed Plan 1 and Plan 2 three-story homes.

LOT 80  
 PLAN TYPE = PLAN 1  
 # OF STORY = 3  
 LOT AREA = 2,100 SF  
 LIVING FLOOR AREA = 2,830 SF  
 (NOT INCLUDING GARAGE/DECK/PATIO)  
 FAR = 135%

LOT 81  
 PLAN TYPE = PLAN 2  
 # OF STORY = 3  
 LOT AREA = 2,100 SF  
 LIVING FLOOR AREA = 3,054 SF  
 (NOT INCLUDING GARAGE/DECK/PATIO)  
 FAR = 145%

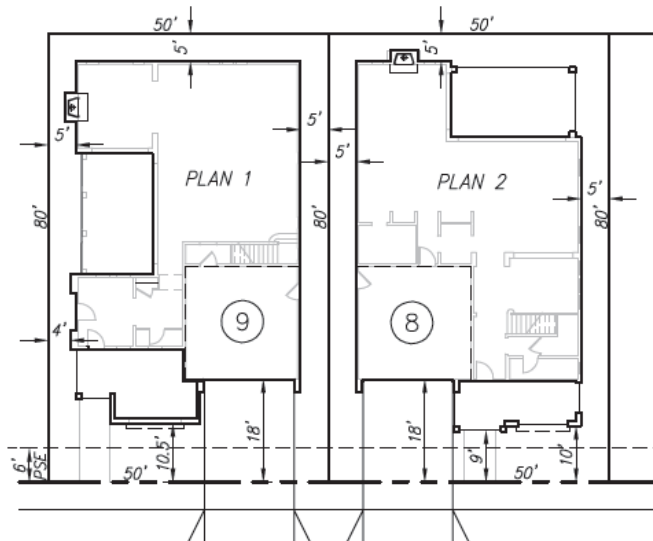


**Figure 13: Typical Lot Plan for the Three-Story Single-Family Homes.**

Figure 14, below, is the typical lot plan with setbacks and floor area ratios for the proposed Plan 1 and Plan 2 two-story homes.

LOT 8  
 PLAN TYPE = PLAN 2  
 # OF STORY = 2  
 LOT AREA = 4,000 SF  
 LIVING FLOOR AREA = 3,654 SF  
 (NOT INCLUDING GARAGE/DECKS/PATIO)  
 FAR = 91%

LOT 9  
 PLAN TYPE = PLAN 1  
 # OF STORY = 2  
 LOT AREA = 4,000 SF  
 LIVING FLOOR AREA = 3,531 SF  
 (NOT INCLUDING GARAGE/DECKS/PATIO)  
 FAR = 88%



**Figure 14: Typical Lot Plan for the Two-Story Single-Family Homes.**

As shown in Figure 13 and Figure 14, a 5-foot side yard is generally provided for each row house and each single-family home. (Lot 9 in Figure 10, above, shows the chimney and building trim encroaching into the side yard by 2 feet and 1 foot, respectively; both of these encroachments into the side yard are acceptable.) To create a larger side yard for the owners of these lots, the subdivision map and CC&R's for the single-family lots would grant to the adjacent property owner an easement over the adjoining side yard creating a 10-foot wide yard area. Referring to Figure 11, above, as an example, the owner of Lot 8

would be able to use the 5-foot side yard on Lot 9. The conceptual side yard designs shown on Sheets A0-12 and A0-13 of Exhibit B show examples of the possible design treatments. (Staff notes that the side property line fences were shown in error on Sheet A0-13.) While an adjacent owner would be able to use the entire side yard as a patio, accessory structures such as pools, spas, and patio covers would not be able to straddle the property line. The proposed project is conditioned to provide site development standards for accessory structures on the single-family lots. The applicant concurs with this requirement.

The two- and three-story tall single-family homes would provide a 5-foot deep rear yard. The proposed depth of the rear yards are off-set by the proposed side yards, private patio/balcony areas, and the proposed common open areas, and the existing and planned facilities at the nearby Bernal Community Park. Staff finds the proposed development standards including setbacks, side and rear yard areas, and the overall placement and massing of the proposed buildings on the individual lots acceptable.

#### Design Elements, Materials, and Colors

The proposed building designs achieve a very high level of design quality and interest as well as complimenting and integrating well with the designs of the surrounding commercial and residential developments. The applicant followed a traditional New England design style for the proposed development. Each of the three building types include building forms, materials and colors, and detailing to create a separate identity for each building type while tying the designs of the individual building types with each other and with the residential developments on the east side of Valley Avenue.

There would be a total of ten different material/color palettes used on the buildings of the entire development: one material/color palette for the apartments, five material/color palettes for the three-story row house homes, and four color palettes for the two-story homes. Full-size building material/color boards will be presented to the Planning Commission at the public hearing.

Design elements used throughout the proposed development include walk-up porches, liberal use of masonry wall surfaces, detailed entrances, bay windows and wall pop-outs, and varied building forms and roof lines for visual interest. Materials and colors generally follow a New England design theme – deep red brick, medium brown and very dark gray asphalt shingles, terra cotta colored standing seam metal roof material, building colors including white, light- to medium-blue grays, tans and browns, and deep reds. Building designs provide significant articulation and variation of building heights, volumes, and massing, and are designed with four-sided architectural design massing and detailing on all building sides, and with design details and elements that establish a “pedestrian scale” to the first floor areas of the structure.

The Standards stated for Site 5 that the architectural style of the proposed project should consider the architectural style of the existing residential neighborhoods on the east side of Valley Avenue. The applicant addressed this requirement well with brick materials, stucco finishes, and wood trim that match or compliments the designs of the nearby shopping center, apartment, and single-family homes. As previously stated, the

proposed building design compliments the building designs of the adjacent shopping center as to materials and colors.

### **Universal Design**

Universal Design is a design principle that addresses the needs of people with reduced mobility, agility, and/or strength such as the elderly and persons with disabilities. It is usually applied to residential development types not normally covered by the ADA requirements of the California Building Code (CBC) such as single-family homes.

Although the City does not have an ordinance mandating Universal Design, the Housing Element contains Program 41.8, which states:

“Require some units to include Universal Design and visitability features for all new residential projects receiving governmental assistance, including tax credits, land grants, fee waivers, or other financial assistance. Consider requiring some units to include Universal Design and visitability features in all other new residential projects to improve the safety and utility of housing for all people, including home accessibility for people aging in place and for people with disabilities.”

Recently approved apartment projects, such as the Civic Square apartment’s expansion, St. Anton, California Center, BRE Properties, Auf de Maur, and Windstar’s PUD extension, were conditioned to provide Universal Design features for all of the required adaptable apartment units. Staff has included a similar condition for the proposed apartments. For the proposed row house units and single-family homes, staff has conditioned the applicant to use their best effort in incorporating Universal Design principles into their construction. Staff notes that the applicant has already addressed Universal Design with the three-story row house units by designing and constructing the unit to accommodate an elevator with the units’ purchase or in the future.

### **Development Agreement**

Exhibit C is the proposed development agreement for the Commons at Gateway development. The proposed development agreement will reference the draft Growth Management Agreement and the draft Affordable Housing Agreement to be reviewed by the City Council with the development agreement and the PUD development plan.

In summary, the proposed development agreement would grant the following entitlements and restrictions to the property owner and their successors:

- Vests the project for a 10-year time period.
- References the PUD development and conditions of approval covering traffic improvements, uses and development standards, mitigation measures, etc.
- Deferred payment of the project’s impact fees such as low-income housing fee, in lieu park dedication fee, City traffic impact fee, and the Tri-Valley Transportation Committee fee to the occupancy permit for each apartment building and each row

house and single-family home. The amount of the in-lieu park dedication fee will comply with the terms of the City's Park Land Fee Ordinance No. 1605. The park fees would be applied to the acquisition of parkland or to improvements to the Bernal Community Park or any other City park.

- Required payment of the City development fees, such as the Zone 7 and City of Pleasanton water and sewer connection fees, with the issuance of the building permit. (Note that the applicant has credits for 103.5, 5/8-inch water meters that the applicant will apply to the purchase of water meters for this development.)
- Allows the processing of permits and entitlements including, but not limited to, vesting tentative and final subdivision maps, improvement plans, grading permits, building permits, sewer and water connection permits, necessary to complete this development.
- Includes the terms of the draft Affordable Housing Agreement recommended for approval by the Housing Commission.
- Allows for periodic cost of living or similar indexed increases, decreases, or adjustments to these development fees as are applicable and in effect at the time such fees would be payable to City.

Staff supports the proposed development agreement and believes that the Planning Commission should provide a positive recommendation to the City Council.

**Affordable Housing and Housing Commission Recommendation**

On July 23, 2013, the Housing Commission reviewed and recommended to the City Council for approval the draft Affordable Housing Agreement for the number of apartments and their affordability. Exhibit J is a copy of the Housing Commission agenda report and the draft Affordable Housing Agreement. A total of 32 of the 210 apartment units (15%) are proposed to be affordable.

The proportion of 1, 2, and 3-bedroom units is summarized in Table 2, below.

**Table 2: Number and Type of Affordable Units**

Unit Type (Bedrooms)	Very Low Income 50% AMI	Low Income (60% AMI)	Total	%
One Bedroom Apartments	9	9	18	56%
Two Bedroom Apartments	6	7	13	41%
Three Bedroom Apartments	1	0	1	3%
<b>Total Units</b>	16	16	32	100%

The Standards require a minimum of 10% of the total affordable units be three-bedroom, a minimum of 35% of the total affordable units be two-bedroom, and the remaining affordable units be one-bedroom units. The proportion of 3-bedroom units (3%) does not

meet the minimum 10% requirement. However, the number of affordable 2-bedroom units exceeds the 35% minimum requirement of the Design Guidelines. As noted in the Housing Commission staff report, staff acknowledged that the one, 3-bedroom unit is provided for very low-income households and that the 1- and 2-bedroom units – 97% of the total – are typically in higher demand. Therefore, the number and type of proposed affordable units is acceptable.

The draft Affordable Housing Agreement provides in perpetuity the 32 affordable apartment units. One of the terms of the Affordable Housing Agreement requires one, 1-bedroom unit, one, 2-bedroom unit, and the one, 3-bedroom unit be fully accessible for the physically disabled, and would 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/or other similar features. The draft agreement exempts the developer from paying the low-income housing fee for the remaining 178 apartments.

The draft Affordable Housing Agreement requires the developer to pay the City's Lower Income Housing Fee of \$5,356 for each row house and single-family home for a total of \$519,532. In determining the appropriate way for the proposed development to meet its overall affordability requirement, staff determined that "exchanging" the total amount of fees paid on ownership units (\$10,713 per unit for a total of \$1,039,161) for more rental affordability, i.e., 60% AMI for Low Income households, was acceptable.

The draft Affordable Housing Agreement is reviewed and acted on by the City Council. The Housing Commission reviewed and recommended approval of the draft agreement at its public hearing held on July 22, 2013. As such, the Planning Commission does not have a defined role in the process and the proposed level of affordability is provided to the Commission for information.

## **Traffic, Circulation, Parking, and Pedestrian/Bicycle Trails**

### Vehicular Circulation

Pedestrian and vehicular access to the proposed development would be provided from the existing driveway entrances from Valley Avenue and from Bernal Avenue through the Pleasanton Gateway shopping center to the proposed development. The driveway entrances will connect to the internal public streets and private courts of the development. Pedestrian/bicycle connections are provided from the proposed project to:

- the future Valley Avenue sidewalk including the LAVTA bus stop and enclosure;
- adjoining Pleasanton Gateway shopping center including the pedestrian/bicycle trail between the Safeway grocery store and the I-680/Bernal Avenue off-ramp; and,
- to the planned public trails on the adjoining Bernal Community Park.

A Street through D Street will be public streets and will be maintained by the City. Courts A through Court U will be private courts and will be maintained by an owners association.

Circulation is arranged in the following hierarchy:

1. B Street and D Street provide the main driveway connections to Valley Avenue and to Bernal Avenue. D Street will be located opposite the traffic circle on Valley Avenue. B Street is generally aligned with the shopping center's main north/south driveway from Bernal Avenue.
2. A Street is designed as an internal ring road accessing the driveway courts and garages of the development. A Street adjoins the south project boundary to maintain an open view of the Bernal Community Park property on the development's south side.
3. C Street and a portion of A Street surround and define the recreation area and maintain views of the recreation area from the development.

Except for the courts, all streets are designed with parallel parking on both sides of the street, a planting area, and a private sidewalk. D Street as the main entrance from Valley Avenue is not designed to provide on-street parking. A Street on the south side of the project site only provides parking on its north side.

The Standards require a 24-foot driveway width for the courts with a minimum 3-foot deep planting strip adjacent to building garages. The proposed courts conform to the Standards except for Courts I, J, and K, which are 26 feet in width to provide turning access for Livermore-Pleasanton Fire Department vehicles.

#### Traffic

Exhibit F is the "Transportation Assessment for the Commons at Gateway" dated July 3, 2013, prepared by Fehr & Peers. As noted in the traffic impact analysis, the project is expected to generate an average of 2,180 net new trips on a daily basis, of which 177 trips would occur during the morning peak hour and 211 trips would occur during the evening peak hour. The trip estimates factored the potential "walk-in" trips from the proposed development to the adjacent shopping center.

The Bernal Avenue/Valley Avenue intersection and the Bernal Avenue/I-680 entrance/exit ramp intersections are the critical intersections for this proposal with respect to the traffic Level-Of-Service (LOS). Under the Existing + Project scenario, the study intersections are expected to continue operating acceptably at LOS A and B. Under the Cumulative + Project scenario, the study intersections will continue to operate acceptably at LOS A through D. Staff notes that the City is working with CalTrans to finalize the improvement plans to improve Levels-Of-Service at the I-680/Bernal Avenue entrance/exit ramps.

Transportation and traffic were also analyzed in the Supplemental Environmental Impact Report (SEIR) for the Housing Element update and Climate Action Plan General Plan

Amendment and Rezoning for approximately 400 units on this site. The only traffic-related mitigation measure of the SEIR requires the developer of this site to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional Traffic Impact Fee (TIF) to help fund future improvements to local and regional roadways. The applicant will pay the City's TIF and the Tri-Valley Regional TIF as documented in the Development Agreement.

### Queues

The Fehr & Peers report analyzed vehicle queues for the 50<sup>th</sup> percentile, expected to occur 15 to 20 times per a.m./p.m. peak hour, on the Bernal Avenue intersections and the project's driveway entrances on Valley Avenue and Bernal Avenue including the shared driveway entrances with the Pleasanton Gateway shopping center. Summarizing the findings of the report, the proposed project's traffic during the critical a.m./p.m. peak hour for the near-term and cumulative traffic scenarios is estimated to add only one vehicle to the queues at the following intersections:

- Westbound Bernal Avenue at the Bernal Avenue/I-680 northbound on-ramp from westbound Bernal Avenue.
- The left-turn pockets at the Bernal Avenue/Valley Avenue intersection.
- Westbound direction of the southbound I-680/Bernal Avenue exit ramp.
- The project's entrances for the northbound/southbound directions on Valley Avenue.
- The Pleasanton Gateway shopping center's entrance to Bernal Avenue/Koll Center Drive.

### Parking

Parking is provided according to the parking standards of the Pleasanton Municipal Code for multi-family and single family developments, and is located and designed in compliance with the Standards. Each apartment will have an assigned one-car garage, each three-story single-family home will have an attached two-car garage, and each two-story single-family home will have an attached two-car garage and an 18-foot long two-car driveway apron. Guest parking is provided by a combination of perpendicular parking spaces, parallel on-street parking spaces, and the previously mentioned driveway aprons.

Based on the proposed types of units, the Pleasanton Municipal Code will require a total of 351 parking spaces for the apartments and 194 parking spaces for the single-family homes, totaling 545 parking spaces for the entire project including assigned garage and open guest parking. The applicant, however, proposes 380 parking spaces for the apartments and 405 parking spaces for the single-family homes, which include the parallel parking spaces on public streets, the perpendicular parking spaces, and the driveway aprons for a total of 785 parking spaces for the entire project.

The parking analysis prepared by Fehr & Peers, however, did not include the parallel parking spaces on the proposed public streets. For this reason, the Fehr & Peers analysis calculated 602 parking spaces for the proposed development and estimated a guest parking shortfall for the apartments of 24 parking spaces. Although public on-street



parking is not typically counted towards the meeting the code required parking, the on street parking is internal to the project and, therefore, can be assumed to be available for the residents' guests. Therefore, staff is comfortable with counting the on-street parking towards the proposed project. Staff notes that the 24 parking space shortfall identified by the Fehr & Peers report for the apartments can be met by the parallel parking spaces on the west and north sides of A Street immediately facing the apartment buildings. Therefore, as sufficient private parking and guest parking is provided with the nearby street parking, the provision of additional off-street parking is not required.

The applicant proposes parking for 367 bicycles provided as 60 outdoor bicycle spaces contained in 12 outdoor bicycle racks distributed throughout the site and 307 indoor bicycle spaces provided as one bicycle space within the garage of each apartment unit and within each garage of a single-family home. The provision of bicycle parking exceeds the minimum requirement of:

- Standard C8.1.: Weather protected and secure bike parking spaces shall be provided for a minimum of 0.8 spaces per dwelling unit. Bike parking can be grouped into one structure, parking garage or located in private garages.
- Standard C 8.2.: A minimum of 2.0 public bike racks shall be provided for every 50 residential units. Bike racks shall be clearly visible from main entry and located within 100 feet of the door. If the project has multiple entries, bicycle racks shall be proportionally dispersed.

### Street Construction

Valley Avenue will be completed across the project frontage to include a 5-foot wide sidewalk separated from the existing curb with a 5-foot wide landscape area. (The east side of Valley Avenue is development with a separated sidewalk/landscape area.) The alignment of the sidewalk will parallel the alignment of the street curb. Landscaping will include sycamore trees matching the species presently planted on Valley Avenue including the median islands. The project is conditioned to replace the existing northbound left-turn pocket from Valley Avenue to the existing driveway entrance, originally planned to be provided by the previous office developments, with landscaping matching the designs in place on Valley Avenue. The applicant is also conditioned to protect the existing sycamore trees in the median island during the construction. The applicant concurs with these requirements which are reflected with recommended conditions of approval.

Figure 15, below, is a photograph of the northbound left-turn pocket that will be removed by the project.



**Figure 15: Existing Northbound left-Turn Pocket to be Removed.**

#### Pedestrian and Bicycle Circulation

The proposed site plan and circulation plan is designed with an integral pedestrian sidewalk system and bicycle routes between the development and the shopping center to the north, between the individual buildings within each area, as well as between the site and the surrounding uses and developments.

Figure 16, below, is a copy of the proposed pedestrian and bicycle circulation showing the project's on-site circulation and linkage with adjoining uses.

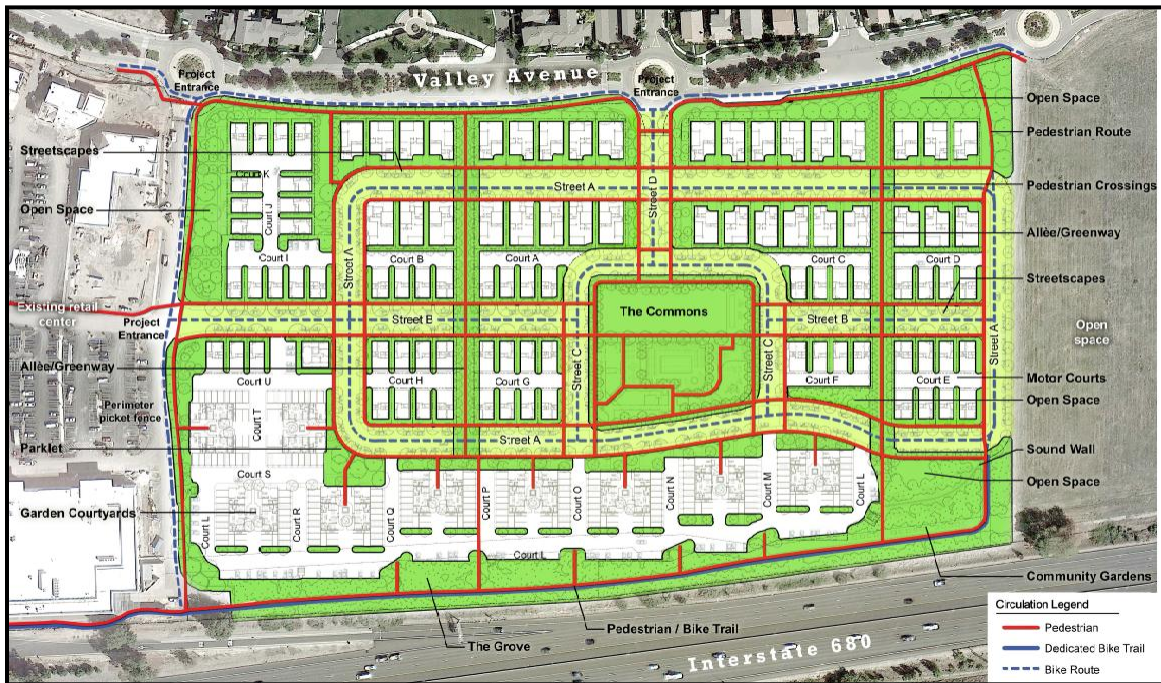


Figure 16: Proposed Pedestrian and Bicycle Circulation Plan

The applicant is required to provide a paved connection from the pathway to the Bernal Community Park to connect with the future trail system. The applicant concurs with this requirement which is reflected as a draft condition of approval.

#### Livermore Amador Valley Transit Authority (LAVTA)

The project site is served by the Livermore Amador Valley Transit Authority (LAVTA) Wheels Bus Service (Wheels) Route 8A and 8B. An existing southbound bus stop and pull-out exists on the west side of Valley Avenue, which is used by Wheels. The bus stop and enclosure will remain in its present location. As conditioned, the bus stop and enclosure will be maintained by the project's owners association.

#### **Noise**

Exhibit G is the, "Environmental Noise Assessment, Commons at Gateway," prepared by Charles M. Salter and Associates for the proposed project. As indicated in the noise analysis, the primary noise sources at the site result from the traffic levels on the I-680 freeway and on Valley Avenue, resulting in an ambient noise level varying by location from 63 dB  $L_{dn}$  from Valley Avenue to 75 dB  $L_{dn}$  from I-680. This noise level is considered to be "Conditionally Acceptable" for "Single-Family Residential" land uses – 60 dBA  $L_{dn}$  to 75 dBA  $L_{dn}$  – and for "Multi-Family Residential" land uses – 65 dBA  $L_{dn}$  to 75 dBA  $L_{dn}$  – and by the 2005 – 2025 Pleasanton General Plan.

### Interior Noise

The proposed development is required to comply with the interior noise standard of the Pleasanton General Plan and Title 24 (California Code of Regulations) of 45 dB L<sub>dn</sub>/C<sub>NEL</sub> or less within any habitable room. According to the attached noise assessment, all proposed buildings are required to be designed and constructed with a Sound Transmission Classification (STC) varying from 32 to 39 on their location on the project site for the walls, windows, and doors to ensure that interior noise levels would not exceed the 45 dB L<sub>dn</sub> noise standard. The applicant concurs with this finding and with the corresponding condition of approval.

### Exterior Noise

The Pleasanton General Plan noise standard for outdoor areas in residential projects is 60 dBA L<sub>dn</sub> for single-family development and 65 dBA L<sub>dn</sub> for multi-family development. However, as stated in the Pleasanton General Plan,

“...all residential areas cannot necessarily reach this goal due to economic or aesthetic considerations.”

Staff notes that aesthetic consideration for the proposed project was to maintain its openness to Valley Avenue and to the Bernal Community Park by not installing a perimeter sound wall. The proposed project would construct a 16-foot-tall combined earth berm (8-foot height) and a masonry noise wall (8-foot height) on Lot B in the southern portion of the site, and would construct an 8-foot-tall solid wood or masonry noise barrier between the buildings on Lots 50, 51, and 82 through 86 of the detached homes to mitigate the I-680 traffic noise from the west and south sides of the project site.

Figure 17, below, is a cropped view of Sheet A0-7 (Exhibit B) of the proposed berm/wall and screening from the I-680 freeway.



**Figure 17: Proposed Berm/Wall and Landscaping Screening from I-680.**

Staff supports this limited use of a masonry wall in order for the project to achieve the outdoor noise standard.

These measures are in addition to the noise barrier provided by the seven apartment buildings located along I-680, that would shield the community park/pool area and private outdoor yards from I-680 roadway noise. As a result, the combined noise mitigation of the apartment buildings plus the barrier and the private yard fences would reduce the estimated traffic noise from I-680 to approximately 65 dB L<sub>dn</sub> or less. Single-family units will have outdoor spaces that exceed the standard by a few dB L<sub>dn</sub>. Staff believes that these limited areas of noise above the standard are preferable to excessive noise walls and, therefore, considers the proposed noise levels to be mitigated in compliance with the Pleasanton General Plan.

#### Traffic Noise Impacts on Adjacent Properties

The Supplemental EIR indicated that the existing traffic noise on Valley Avenue is 57 dB L<sub>dn</sub>. As indicated in the Charles M. Salter Associates report, the project-generated traffic volumes associated with the project would be less than traffic levels of the two previously approved office projects for this site. For this reason, the corresponding noise levels from the project-generated traffic would be less at the residences than with either of the two previously approved office projects. The development of residential uses on the property will generate added urban noise, such as traffic, children playing, etc. However, the existing noise levels produced by street traffic will not change substantially from that currently experienced in the area.

Short-term construction noise would also be generated during construction. Measures including limiting construction hours, limiting construction access, compliance with the City's Noise Ordinance, locating stationary construction equipment as far from occupied buildings as possible, etc., are conditioned with this project.

#### Noise from the Pleasanton Gateway Shopping Center

At its closest point, the northernmost apartment building would be located approximately 65 feet from the nearest drive aisle and 145 feet from Safeway's loading dock. The nearest homes to the CVS drive-through would be approximately 150 feet away. These businesses are constrained by conditions of approval included in PUD-02-07M (Ordinance 2014, dated October 19, 2010), which includes the following provisions for loading/off-loading activities and drive through activities:

- Safeway delivery/loading/unloading hours are limited to between 6:00 am and 12:00 pm (midnight) once the proposed project begins construction;
- CVS drive-through pharmacy activity is limited to pharmaceutical purchases only;
- Parking lot sweeping and garbage pick-up is limited to between 6:00 a.m. and 10:00 p.m.; and,
- Delivery trucks and vendors to Pleasanton Gateway shopping center must access the center via Bernal Avenue.

These setbacks taken together with the limitations placed on these businesses by Ordinance 2014 and the interior noise mitigation measures including the relatively high

STC ratings for wall, window, and door assemblies would mitigate the potential noise impacts from these uses.

### Disclosures

The project is conditioned to provide disclosures in the lease agreements for the apartments and with the property deeds disclosing the noise sources affecting this development. The applicant concurs with this requirement.

### **Climate Action Plan**

On February 7, 2012, the City of Pleasanton adopted a Climate Action Plan (CAP). The CAP was reviewed by the Bay Area Quality Management District and was deemed a “Qualified Greenhouse Gas Reduction Strategy” in accordance with the District’s CEQA guidelines. Implementation of the CAP will occur over several years and will consist of amendments to regulations and policies related to Land Use and Transportation, Energy, Solid Waste, and Water and Wastewater, which will result in reductions in greenhouse gas emissions in compliance with the targets set by AB 32 California’s Global Warming Solutions Act. The applicant prepared a checklist indicating the items that would be implemented with the design and construction of the proposed project to implement the Climate Action Plan (Exhibit H).

As a mid- to high-density residential development located near a major shopping center, LAVTA bus lines including routes to the City’s BART stations and to the Alameda County Express (ACE) station, and the I-680 freeway, the project is generally consistent with Goal 1 of the CAP: to reduce vehicle miles traveled (VMT) through mixed-use, infill, and higher density development. In addition, Strategies and Supporting Actions related to parking, transit use, water conservation, and energy conservation from the CAP are implemented in the proposed project’s design or as recommended conditions of approval.

### **Green Building**

As required by the City’s Green Building Ordinance, the proposed apartment buildings are required to qualify for at least 50 points on Alameda County Waste Management Authority’s (ACWMA) “Multifamily Green Building Rating System” and the single-family homes are required to qualify for at least 50 points on ACWMA’s “Single Family Green Building Rating System.” The applicant has submitted three “GreenPoint Rated Checklists” (Exhibit I) for the apartment buildings (136 points), row house units (126 points), and single-family homes (127 points), which all exceed the 50-point minimum for residential projects. The proposed green building measures for the proposed apartments and homes include, but are not limited to:

- Water-efficient landscaping and irrigation equipment and systems;
- Water-efficient fixtures that exceed Title 24 California state energy conservation requirements;
- Energy efficient heating and air conditioning in all units and homes;
- Low volatile organic compound (VOC) paints and coatings, and environmentally preferred flooring materials;
- Energy Star dishwashers, clothes washers, and refrigerators in the apartments;

- Gearless elevators that use less energy and do not require lubricating oils in the apartment buildings and the three-story row-house units;
- Discounted LAVTA transit passes to the residents of the apartments and the single-family homes for their first year of occupancy;
- EV charging stations and reserved parking spaces for these charging stations by the recreation building and area;
- Infrastructure in the garages of the apartments and the single-family homes to accommodate an EV charging station; and,
- Diverting at least 75% of total construction material for recycling.

Staff is satisfied with the applicant’s proposal. Staff notes that a major green building measure for this development is its proximity to a major shopping center and community parks, enabling the residents to walk to these uses.

### Grading and Urban Storm Water Runoff

As proposed and conditioned, staff finds the proposed grading and drainage plan to be acceptable and in compliance with applicable storm water runoff requirements.

#### Grading

The project site slopes downward north to south from the shopping center to the future Bernal Park property. Table 3, below, compares the difference in the grade elevations of the proposed project to the existing grade elevations of adjacent uses.

**Table 3: Difference Proposed and Adjacent Property Elevations**

Property Line and Location on Property Line		Grade Elevation on Adjacent Property	Proposed Project Grade Elevation	Difference
North (Shopping Center)	Northwest Corner (I-680 Freeway)	322.4 feet	320.7 feet	-1.7 feet
	Mid-Property (at entrance)	321.4 feet	320.0 feet	-1.4 feet
East (Valley Avenue)	Northeast Corner	320.1 feet	320.5 feet	+0.4 feet
	Mid-Property (at entrance)	320.8 feet	320.8 feet	0 feet
South (Bernal Park)	Southeast Corner	319.5 feet	321.7 feet	+2.2 feet
	Mid-Property	319.2 feet	322.2 feet	+3.0 feet
West (I-680 Freeway)	Southwest Corner	325.5 feet	322.0 feet	-3.5 feet
	Mid-Property	325.5 feet	320.8 feet	-4.7 feet

The proposed project grades equal or are slightly lower than the grade elevations of the shopping center property and Valley Avenue; are lower than the grade elevations of the I-680 freeway and Bernal Avenue off-ramp; but are higher than the grade elevations of the adjacent Bernal Property at the south property line from 2.2 feet to 3.0 feet. The

applicant proposes to transition the project grades to the Bernal Property grades with a 5 to 1 slope bank located on the Bernal Property.

The southerly portions of the proposed project must be graded higher than the adjoining Bernal Property so that the development's sewer system gravity flows from the apartments, row houses, and single-family homes to the public lines in Valley Avenue. Doing this would result in approximately 73,700 cubic yards of cut and fill with 33,300 cubic yards of soil having to be imported to the site.

#### Urban Stormwater Runoff Treatment Measures

The proposed project will be graded and constructed to drain its stormwater runoff to the City's storm water treatment/detention ponds before discharge to the Arroyo de la Laguna. Landscaped bio-treatment swales and "trash-capture devices" (CDS units) would be provided in compliance with NPDES (National Pollution Discharge Elimination System) standards of the San Francisco Regional Water Quality Control Board to filter contaminants and capture litter before entering the ponds.

On-site drainage, treatment, and control measures will be reviewed by the City Engineer for NPDES compliance with the first building permit for the overall development, and then with the building permit applications for the subsequent construction phases. The bio-retention swales will be located in the private and common landscape areas of the proposed project and are required to be maintained by the homeowners association.

The stormwater treatment/detention ponds on the City's park property were designed and constructed to handle the stormwater runoff from the Bernal Avenue Specific Plan area including the previously approved Pleasanton Gateway development – shopping center and approved, but not constructed, office development – and the proposed Commons at Gateway development. The applicant reduced the impervious surface area from 951,000 square feet (21.83 acres) for the previous office development to 630,968 square feet (14.49 acres) for the proposed project a 33.7 percent reduction in impervious surface area.

#### **Growth Management Agreement**

The City's Growth Management Ordinance (GMO) regulates the number of residential building permits that can be issued each year in order to assure a predictable growth rate while providing housing to meet the needs of all economic segments of the community, regional housing needs, and employment growth. On November 20, 2012, the City Council adopted revisions to the City's Growth Management Ordinance in order to ensure the City could meet its current and future Regional Housing Needs Allocations (RHNA) by the Association of Bay Area Governments (ABAG). One of these revisions eliminated the annual 350 building permit limit which could be issued for residential units. For the current RHNA cycle (the fifth cycle, ending June 30, 2014), the GMO states that the annual unit allocation shall be equal to the number of units required to meet the City's RHNA for the fifth cycle.

The applicant will request building permits for all 307 units be issued in 2014. As the applicant's units would be used to meet the RHNA for the current cycle, the applicant's



growth management request should be approved as it is consistent with the GMO. Any growth management allocations approved for the project will be included in the proposed development agreement and extended into the future for the term of the development agreement. The Growth Management Agreement will be acted upon by the City Council. As such, the Planning Commission does not have a defined role in the process and this discussion of the application's Growth Management Agreement is provided to the Commission for information.

## **PUD DEVELOPMENT PLAN FINDINGS**

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

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

- The proposed project, as conditioned, meets all applicable City standards concerning public health, safety, and welfare.
- The subject development would install all required on-site utilities with connections to municipal systems in order to serve the new development.
- Traffic volumes generated by the proposed project can be accommodated by existing City streets and intersections in the area, and by the shared access driveways with the Pleasanton Gateway (Safeway) development.
- The structures would be designed to meet the requirements of the California Building Code, City Fire Codes, and other applicable City codes.
- The stacked flat apartments would provide a source of affordable rental housing that would help the City meet its requirements for the provision of lower income housing. The row house and single-family homes would be required to pay the in-lieu low-income housing fee that would be applied to the provision of lower income housing in the City.
- The project will include Green Building measures; will provide for the future addition of photovoltaic electrical panels and solar water heating; will provide charging stations for electrical vehicles and the provision for charging stations in the units; will provide for pedestrian connections to the shopping center to the north and to the future Bernal Community Park property to the south.

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

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

- The Pleasanton General Plan and the Bernal Property Specific Plan designates 7.0 acres of the subject property for High Density Residential land uses (minimum density of 30.0 dwelling units per acre equaling 210 dwelling units) and Medium Density Residential (2 to 8 dwelling unit per acre) on the remaining 19.72 acres equaling 39 units to 157 units. Based on these land use designations and acreages, the subject property would have a minimum density of 249 dwelling units and a maximum density of 367 units. At 307 units, the proposed project conforms to the land uses designations of the Pleasanton General Plan and the Bernal Property Specific Plan.
- The proposed project would further several General Plan Programs and Policies encouraging new infill housing to be developed and for the City to attain a variety of housing sizes, types, densities, designs, and prices which meet the existing and projected needs of all economic segments of the community.

Staff concludes that the proposed development plan is consistent with the City's General Plan and the amended Bernal Property Specific Plan, and staff believes that this finding can be made.

**3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site:**

- The proposed residential uses for the site would be compatible with the surrounding uses. The buildings have been attractively designed and would be compatible with the design of the surrounding structures. The buildings contain architectural elements/treatments to break up the building mass and height.
- New landscaping would be installed to soften the buildings' appearances to surrounding uses including Valley Avenue, the I-680 freeway, and the open space area to the south, and would assist in screening the parking areas from off-site views.
- The majority of the site is relatively level and will accommodate the proposed development with standard City practices for drainage flows and stormwater runoff treatment. Grading conducted on the site will be subject to engineering and building standards prior to any development.

Therefore, staff believes that this finding can be made.

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

- The project site is relatively flat. Grading will be limited to maintaining the present north to south drainage pattern so that storm water will drain naturally through on-site bio-retention areas that would filter contaminants before entering the City's stormwater detention/treatment ponds to the south, and ultimately to the Arroyo De La Laguna and the San Francisco Bay.
- Requirements of the California Building Code implemented by the City at the Building Permit review will ensure that building foundations and private street/on-site parking/driveway areas are constructed on satisfactorily compacted fill.
- The project site is not located within an Alquist-Priolo Earthquake Fault Zone.
- Erosion control and dust suppression measures will be documented in the final subdivision map and will be administered by the City's Building and Public Works Departments.
- City building code requirements would ensure that building foundations, on-site driveways, and parking areas are constructed on properly prepared surfaces.
- The proposed development would provide adequate drainage to prevent flooding.

Therefore, staff believes that this finding can be made.

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

- The project site is in a developed area of the City and would not involve the extension of any new public streets, except for the construction of public streets within the project and, therefore, internal to the project and not considered growth inducing.
- Except for the water line and easement of the San Francisco Public Utilities Commission along the west side of the project site, which is avoided, this relatively flat, urban infill site has no constraints to the siting of buildings, streets and parking, and landscaping.
- Development of the site complements the natural terrain by making only minor changes as necessary to the site's existing relatively flat topography to

facilitate storm drainage runoff towards the City's stormwater detention ponds to the south.

- The project "feathers" density, building height and scale from the north and west property lines to the east and south property lines. The proposed buildings are compatible in size and scale with the surrounding structures of the Pleasanton Gateway (Safeway) shopping center to the north and the Kensington apartments and the Walnut Hills development to the east, and with the open space area to the south.

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

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

- The public improvements associated with this project would be consistent with City design standards.
- The project site accesses Bernal Avenue through the Pleasanton Gateway shopping center at a signalized intersection and Valley Avenue at the two traffic circles on Valley Avenue, which provide left-turn/right-turn accessibility. The driveway entrances are designed to provide adequate line-of-sight viewing distance to facilitate efficient ingress/egress to and from the project site.
- All on-site public streets and private courts meet City standards for emergency vehicle access and turn-around. Adequate access would be provided to all structures for police, fire, and other emergency vehicles.
- Buildings would be required to meet the requirements of the California Building Code, Fire Code, other applicable City codes, State of California energy and accessibility requirements, and would be equipped with automatic fire suppression systems.

Therefore, staff believes that this finding can be made.

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

The proposed PUD development plan implements the purposes of the PUD district by ensuring that the desires of the developer and the community are understood and approved prior to construction; by providing a combined high- and medium-density residential project that is well-designed for the subject property and that meets the goals and policies of the Pleasanton General Plan and the Bernal Property Specific Plan. Input from the adjacent property owners and commercial tenants has been sought and obtained through a Planning Commission work session and a Housing Commission hearing; further opportunity for public comment will occur at the Planning Commission and City Council hearings.

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

## **VI. PUBLIC COMMENT**

Public notices were sent to the property owners, business owners, and business tenants within a 1,000-foot radius for the property and to residents in portions of the Laguna Oaks development and the Bernal Specific Plan area. Exhibit K is the noticing area for the proposal. Staff has not received any additional written public comment since the Planning Commission work session.

The applicant has met with representatives of the Pleasanton Chamber of Commerce and the Pleasanton Downtown Association, the owner/operator of the Bernal Corners Service Station, and the various neighborhood groups throughout the project review and has relayed to staff the public's support of the proposal. Staff has received several phone calls supporting the proposed project, inquiring of availability, construction date, projected rents and selling prices, and commenting favorably on the proposed building designs.

## **VII. ENVIRONMENTAL ASSESSMENT**

On January 4, 2012, the City Council certified a Supplemental Environmental Impact Report (SEIR) and adopted the CEQA Findings and a Statement of Overriding Considerations for the Housing Element update and Climate Action Plan General Plan Amendment and Rezoning. This SEIR was a supplement to the EIR prepared for the Pleasanton 2005-2025 General Plan which was certified in July 2009. The subject property was one of 21 potential housing sites analyzed in the SEIR for up to 400 multi-family and single-family housing units for this site.

Under CEQA, once an EIR has been prepared for a project, the lead agency (in this case, the City) may not require a subsequent or supplemental EIR unless:

- Substantial changes are proposed in the project that will require major revisions of the EIR;
- Substantial changes have occurred in the circumstances under which the project is being undertaken that will require major revisions in the EIR; or
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

The CEQA Guidelines further clarify the circumstances under which a supplemental or subsequent EIR may be required. Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency 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 or negative declaration 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 or negative declaration 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 or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - 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.

The California Environmental Quality Act states that a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the above-listed conditions in Section 15162 have occurred for the proposed project that would require the preparation of a subsequent EIR. Therefore, an addendum to the SEIR was prepared for this project.

Exhibit E is the, "Addendum to the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezoning Supplemental Environmental Impact Report for the Commons at Gateway (PUD-96)," prepared by FirstCarbon Solutions. The addendum to the SEIR determined that the proposed project will not trigger any new or more severe significant environmental impacts as compared to those analyzed in the context of the SEIR and confirmed that none of the conditions described in Section 15162 have occurred.

The Addendum stated that the proposed project design features required by Mitigation Measure 4.B-4, such as the proposed vegetation barrier along the west side of the I-680 freeway, installation of Medium Efficiency Reporting Value (MERV)-13 filters on the intake and return filters of all units' HVAC systems, etc. With these measures, the Addendum estimated for the residents of the proposed development a lifetime cancer risk of 17 in 1,000,000, less than the 100 in 1,000,000 threshold; a chronic hazard index of 0.1, less than the 10 threshold; and a PM<sub>2.5</sub> concentration of 0.24, less than the 0.8 threshold. Therefore, the previously prepared SEIR and Addendum to the SEIR, taken together, are adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA.

The SEIR included some mitigation measures that needed to be addressed prior to issuance of a building permit for a project, such as an air quality construction plan, on-site archaeological monitor, etc., that have been addressed in the draft conditions of approval for this project. The SEIR included a Statement of Overriding Considerations for the following significant and unavoidable impact:

**Impact 4.N-7:** Development facilitated by the General Plan Amendment and rezonings could potentially add traffic to the regional roadway network to the point at which they would operate unacceptably under Cumulative Plus Project conditions.

Traffic generated by the development facilitated under the proposed Housing Element on the potential sites for rezoning would not worsen any segment projected to operate acceptably to unacceptable conditions; however, it would increase the volume to capacity ratio (V/C) by more than 0.03 on two roadway segments projected to operate at LOS F:

- Sunol Boulevard (First Street) between Vineyard Avenue and Stanley Boulevard under Year 2015 and 2035 conditions; and,
- Hopyard Road between Owens Drive and I-580 under 2035 conditions.

Based on the significance criteria, this is considered a significant impact. Existing development surrounding these roadways would need to be removed in order to widen them, rendering such widening infeasible. There are improvements that could be made to nearby parallel corridors which could create more attractive alternative routes and lessen the traffic volumes on Sunol Boulevard and Hopyard Road. A mitigation measure of the SEIR requires developers of 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. However, because the City cannot be assured that the collected regional funds would be spent to specifically improve the nearby parallel corridors as the regional funds are used by the regional agency, the traffic impact remained significant and unavoidable.

Staff notes that the traffic impacts of the nine sites ultimately selected would be considerably less than the traffic impacts analyzed in the SEIR. Furthermore, the SEIR analyzed development of the site to include up to 400 units. The proposed project entails 307 units, 93 units less than the density that was analyzed in the SEIR, thereby reducing traffic impacts.

## VIII. CONCLUSION

Staff believes that the proposed site plan and positioning of the buildings are appropriate for the subject property. The applicant has included a large amount of usable open space, landscaped areas, and amenities within the project. The project would provide affordable rental housing and pay in-lieu fees that would help the City meet its low-income and very-low-income housing goals.

Staff finds the proposed building design to be attractive with the architectural style, colors, and materials complementing surrounding developments. The proposed project conforms to the Land Use Element, the Housing Element, and implements the applicable goals and policies of the Pleasanton General Plan; conforms to the applicable Standards for the HDR portion; and relates well with surrounding uses including the shopping center.

## IX. STAFF RECOMMENDATION

Staff recommends the Planning Commission forward Case PUD-96 and P13-1928 to the City Council with a recommendation of approval by taking the following actions:

1. Find that the conditions described in CEQA Guidelines Section 15162 have not occurred as described in the Addendum to the SEIR and find that the previously prepared SEIR, including the adopted CEQA Findings and Statement of Overriding Considerations, and the Addendum to the SEIR are adequate to serve as the environmental documentation for the proposed PUD Development Plan and Development Agreement and satisfies all the requirements of CEQA;
2. Find that the proposed PUD development plan and development agreement are consistent with the General Plan;
3. Make the PUD Development Plan Findings 1 through 7 as listed in the staff report;
4. Find that the exceptions to the Housing Site Development Standards and Design Guidelines as listed in the staff report are appropriate; and
5. Adopt the draft resolutions recommending, respectively, approval of Case PUD-96, PUD development plan, subject to the conditions of approval listed in Exhibit A, and Case P13-1928, Development Agreement, and forward the applications to the City Council for public hearing and review.

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