

## Planning Commission Staff Report

March 25, 2009  
Item 6.c.

- SUBJECT:** PUD-84-21-4M, Civic Square Apartments
- APPLICANT:** Civic Square, L.L.C., and Andy Byde (Braddock and Logan Services, Inc.)
- OWNER:** Civic Square, L.L.C., and Andy Byde (Braddock and Logan Services, Inc.)
- PURPOSE:** Application for a PUD major modification to add 12 new units in three buildings and miscellaneous site modifications at the Civic Square apartments.
- GENERAL PLAN:** High Density Residential (8+ du/ac)
- ZONING:** PUD – HDR (Planned Unit Development – High Density Residential) District.
- LOCATION:** 4800 Bernal Avenue
- ATTACHMENTS:**
1. Exhibit A, Draft Conditions of Approval, dated March 25, 2009.
  2. Exhibit B dated “Received March 11, 2009” including: “*Administration/ Clubhouse Building Floor Plans and Elevations*”, “*Apartment Building Floor Plans and Elevations*”, “*Focused Site, Landscaping, and Tree Removal Plans*”, “*Overall Site Plan*”, and “*Materials and Color Samples*”.
  3. Exhibit C, Project Photographs.
  4. Exhibit D.1., Multi-Family Green Point Checklist
  5. Exhibit D.2., Analysis of Green Point Checklist
  6. Exhibit E, Section 903.2.7 Group R of the 2007 California Building Code
  7. Exhibit F, Planning Commission and City Council staff reports and public hearing minutes for PUD-84-21.
  8. Exhibit G, Draft Moderate- and Low-Income Housing Agreement.
  9. Exhibit H, Pleasanton Housing Commission Minutes of its February 19, 2009 Public Meeting.
  10. Exhibit I, Location Map.
  11. Exhibit J, Noticing Map.

## **I. BACKGROUND**

On February 12, 1985, the City Council adopted Ordinance 1179 approving the 262-unit Civic Square Apartment development on an approximately 13.49-acre site on the southwest corner of Bernal Avenue and Case Avenue. Copies of the City Council and Planning Commission staff reports are attached to the Planning Commission's packet as Exhibit F. The approved project density is 19.4 dwelling units per acre. Since it was opened in 1987, the Civic Square Apartments have been continuously owned and operated by Braddock and Logan Services, Inc., operating as Civic Square, L.L.C.

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

### **Subject Property**

The Civic Square development was originally approved under an exemption to the City's Growth Management Program that gave a priority to projects that agreed to provide a percentage of their apartment units at below-market rents. The applicant qualified for this exemption by entering into an agreement with the City designating 25 percent of the 262 units – 66 units – for low income households, defined as 80 percent or less of the Area Median Income. The agreement originally had a 15-year term through 2001.

In 1994, the City extended the term to 2010 when Braddock and Logan Services refinanced its bonds for this development. The revised agreement also included a clause for earlier termination if Braddock and Logan Services paid off the bonds. Civic Square's below-market rental program operated successfully for 20 years until the bonds were paid off the bonds in 2007, thus fulfilling the terms of the agreement. All of the Civic Square units are now market rate units.

### **Surrounding Area**

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

The developed and vacant properties surrounding the Civic Square Apartments include the Pleasanton City Hall campus to the east across Bernal Avenue, the vacant Niles Canyon Transportation Corridor (former Southern Pacific Railroad right-of-way) to the south, the Ridge View Commons senior apartments to the west, and the Pleasanton Middle School campus to the north across Case Avenue.

Public street access to the Civic Square development is provided by three driveways from Bernal Avenue and Case Avenue, respectively. The Case Avenue driveways provide complete left-/right-turn ingress/egress. The Bernal Avenue driveways, because of the existing median island, provide right-turn ingress/egress only. Internal access to the units and carports and parking areas for vehicles and pedestrians is provided by a system of private streets and sidewalks, respectively.



Figure 1: Civic Square Apartment Development and Surrounding Uses

### III. PROJECT DESCRIPTION

The proposed residential buildings will replace an existing tennis court in the development's amenity/recreation area and a landscape area and parking area facing Bernal Avenue. Each building will have four units. The proposed units will be covered by an affordable housing agreement designating ten units for moderate income households and two units for low income households. The draft housing agreement is attached as Exhibit G.

A new administration office building will be constructed. The existing administration office building will be enlarged and converted to a fitness center building/weight room. The existing sports court, swimming pool and spa will remain. The free-standing solar pool heating panels for the pool/spa will be removed and will be replaced with new panels on the roof areas of the two proposed apartment buildings. An existing tot lot/play area will be relocated to an alternate location in the open space area and upgraded with new play equipment.

The one-building and two-building project areas are shown on the focused site plans and photographs on the following pages: Figure 2 and Figure 3 for Building Three

facing Bernal Avenue, Figure 4 and Figure 5 for Building One and Building Two facing the interior. These plans also show the new landscaping and the existing trees to be removed.

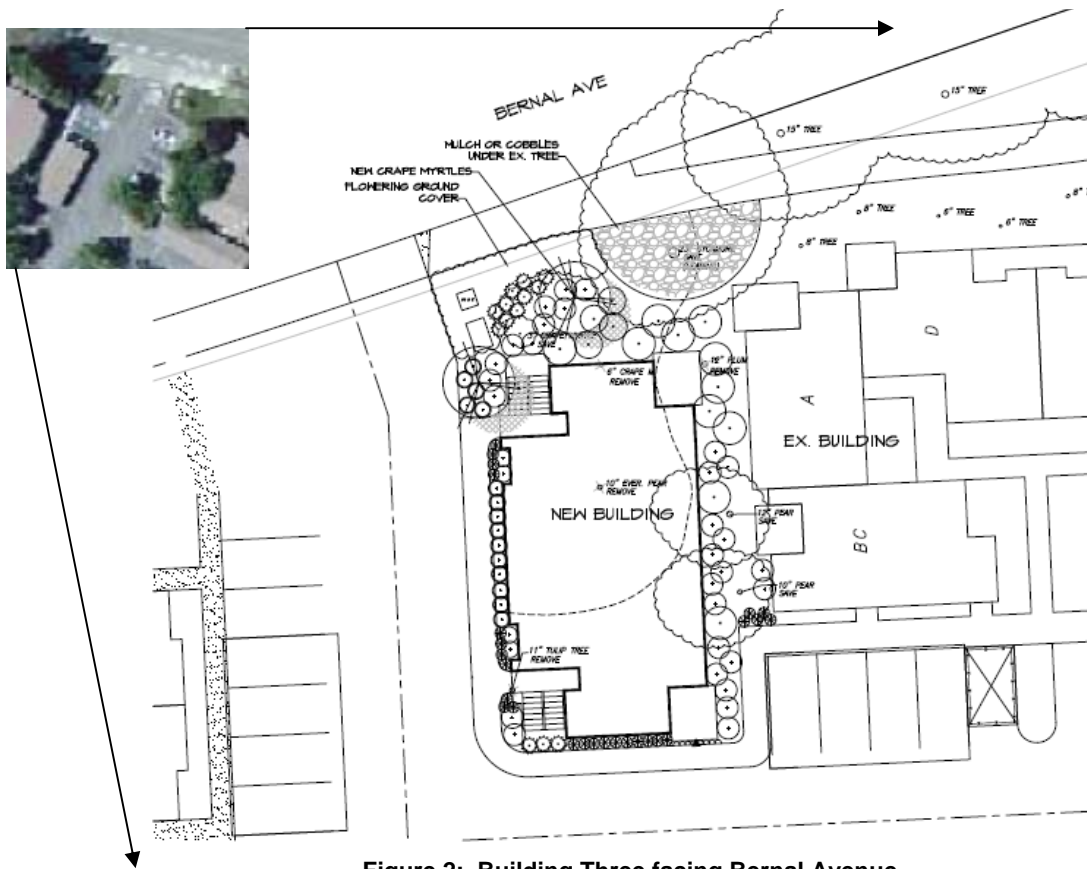
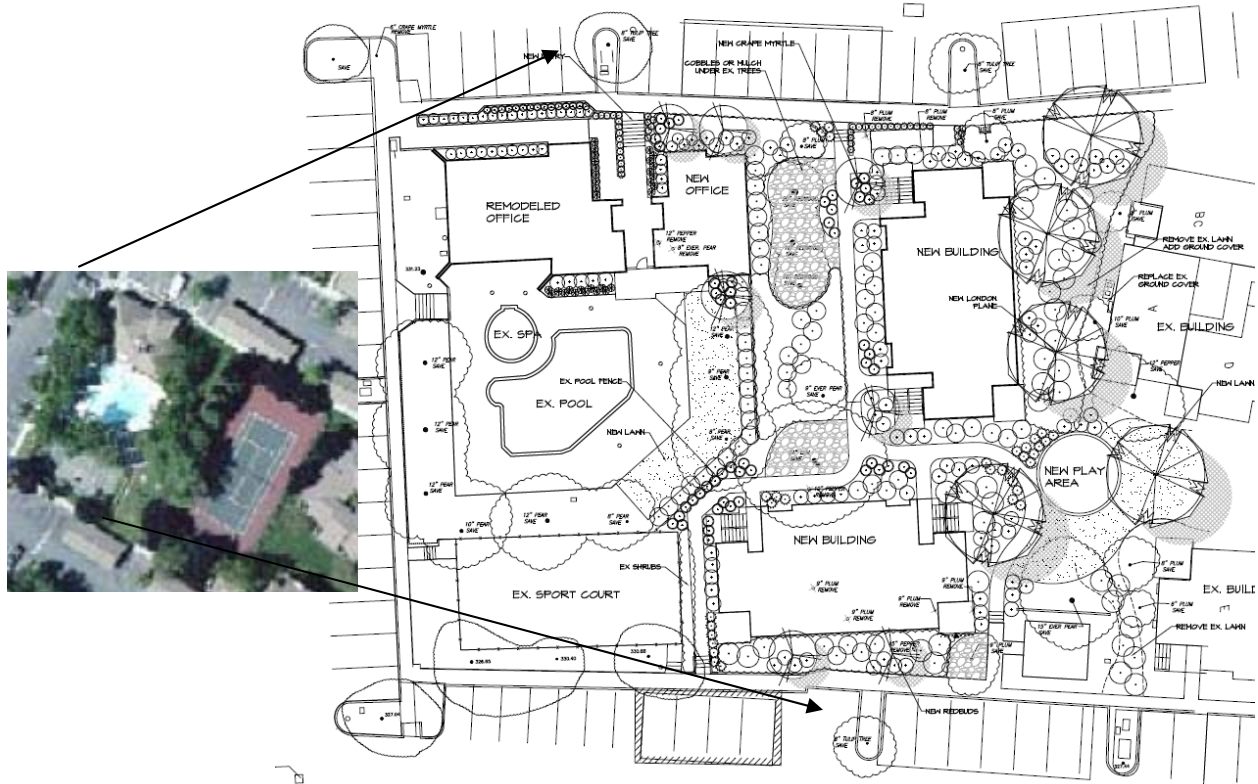


Figure 2: Building Three facing Bernal Avenue



Figure 3: Building Three Project Area – Parking and Landscape Area facing Bernal Avenue



**Figure 4: Building's One and Two Facing the Remodeled Recreation Area**



**Figure 5: Building's One and Two Three Project Area – Existing Tennis Court**

The reduced-size copies of these plans are attached to the Planning Commission's packet with Exhibit B. Photographs of the project areas are attached as Exhibit C.

## IV. DISCUSSION

### General Plan

The Civic Square Apartment site is designated by the Land Use Element of the Pleasanton General Plan as High Density Residential (8+ dwelling units per acre). The proposed project will increase the density from 262 units, or 19.4 dwelling units per acre (dwelling units per acre), to 274 units, or 20.3 dwelling units per acre, consistent with the Pleasanton General Plan. The proposal will also implement Policy 2 of the Land Use Element of the General Plan:

*“Develop new housing infill sites and peripheral areas which are adjacent to existing residential development.”*

### Traffic, Circulation, and Parking

#### Traffic

The proposed project will generate approximately ~80 daily trips or ~8 trips during the a.m./p.m. peak hour times. A traffic analysis of the Bernal Avenue/Case Avenue intersection and the Bernal Avenue/First Street/Sunol Boulevard intersection was not required by this application given its relative low trip generation and because these intersections are exempt from the City's Level-Of-Service policy as Downtown intersections by the Pleasanton General Plan. Staff notes that the Civic Square Apartments are within walking distance of the Pleasanton downtown, the Route 8 bus stops on Case Avenue for the Livermore-Alameda Valley Transit Agency (Monday through Sunday service to BART), and the Alameda County Express train thereby reducing the number of vehicle trips between this development and these amenities and public transit modes.

#### Public/Private Circulation

Staff is satisfied that the driveway locations and configurations will continue to efficiently serve the overall development with the additional density. The driveway aisle on the immediate west side of Building Three will be narrowed to 24 feet in order to increase this building's closest setback from Bernal Avenue to 16 feet from the stairs. This change will still pass emergency service vehicles. Note that the existing building setback from Bernal Avenue varies from approximately 15 feet to 55 feet to the corners of patios and buildings.

#### Parking

The project will delete five open parking spaces and will convert 15 open parking spaces to 14 carport parking spaces for the 12 new units and to replace two existing carport parking spaces removed by the proposed construction, and to convert an open parking space to a trash enclosure that will also be removed for the proposed construction. Overall, the proposed project will provide 274 carport parking spaces and 313 open parking spaces for a total of 585 parking spaces an overall parking ratio of 2.13 parking spaces per dwelling unit. (Note that the development plan states 272 carport parking spaces which is an error. The staff narrative is accurate.)

The Pleasanton Municipal Code (Section 18.88.030A.3.) defines the minimum parking requirements for multi-family developments. Table 1, on the following page, compares the existing and proposed parking for the Civic Square Apartments, and shows that the proposed parking will exceed the minimum parking required by the Pleasanton Municipal Code for multi-family developments. During the course of its review, staff conducted random site visits of the Civic Square Apartments, mornings and evenings, weekdays and weekends and observed an adequate parking supply.

**Table 1: Existing and Proposed Parking for the Civic Square Apartments**

	<b>Existing (262 units)</b>	<b>Proposed (274 units)</b>
<b>Required Parking by the Pleasanton Municipal Code</b>		
<b>Resident Parking<sup>1</sup></b>	395 parking spaces	413 parking spaces
<b>Visitor Parking<sup>2</sup></b>	38 parking spaces	39 parking spaces
<b>Total Parking Required by the Pleasanton Municipal Code</b>	433 parking spaces	452 parking spaces
<b>Required Parking Ratio</b>	1.65 parking spaces per dwelling unit	1.65 parking spaces per dwelling unit
<b>Provided Parking</b>		
<b>Covered Parking</b>	262 parking spaces	274 parking spaces
<b>Visitor Parking</b>	331 parking spaces	311 parking spaces
<b>Total Provided Parking</b>	593 parking spaces	585 parking spaces
<b>Provided Parking Ratio</b>	2.26 parking spaces per dwelling unit	2.13 parking spaces per dwelling unit

<sup>1</sup>For one/two-bedroom units, Section 1.88.030.A.3. of the Pleasanton Municipal Code requires 2.0 parking space per dwelling unit for the first four units and 1.5 parking spaces per dwelling unit for each additional unit over four units.

<sup>2</sup>For visitor parking, Section 1.88.030.A.3. of the Pleasanton Municipal Code requires 1.0 parking spaces per 7.0 dwelling units.

In conformance with Section 18.88.020 A.4., Braddock and Logan allocates one carport parking space to each one- and two-bedroom unit. The remaining open parking will be available to visitors and/or residents.

### **Building and Site Design**

The proposed project breaks down to a coverage (footprint) of 6,045 square feet for the three, four-unit apartment buildings, 181 square feet for the fitness center expansion, and 749 square feet for the new administration building equaling, overall, 6,975 square feet. The total construction area including buildings, new carports, sidewalks, etc., is 24,016 square feet or 0.55 acres. The 12 proposed units equal an overall floor area of 12,090 square feet.

The proposed buildings will be separated from the development's existing buildings, parking and driveway areas, and from Bernal Avenue by distances comparable to the existing development. New covered parking spaces will be located in close proximity to the new units commensurate with the walking distance between the existing carports

and units. Buildings and carports are designed to match to existing development as to colors, materials, and detailing.

At staff's request, the applicant flipped Building Three by Bernal Avenue placing its entrance stairways facing north and the outdoor patio areas facing south towards an existing building. This change will buffer the patio areas of this building from Bernal Avenue traffic noise and will present, in staff's opinion, the more articulated and varied façade of this building to the street. As required, all new buildings will be designed and constructed to conform to City noise standards.

### **Inclusionary Zoning Ordinance**

For this proposal, Chapter 17.44, Inclusionary Zoning, of the Pleasanton Municipal Code (PMC) states that:

*".....15 percent of the total number of units of all new multiple-family residential projects containing 15 or more units..... shall be affordable to very low and low income households. (This) requirement shall apply to both ownership and rental projects."*

The proposal, therefore, is not subject to the City's Inclusionary Zoning Ordinance. However, to assist the City in meeting its housing goals, Braddock and Logan proposes to designate ten units for moderate income households (120 percent of AMI) and two units for low income households (80 percent of AMI).

Staff notes that the 15-percent standard of the Inclusionary Zoning Ordinance will result in 1.8, i.e., 2.0, affordable units for this proposal. The draft Low-Income Housing Agreement is attached as Exhibit G. It was reviewed by the Pleasanton Housing Commission at its February 19<sup>th</sup> meeting and was recommended to the City Council for adoption. Draft minutes of the Housing Commission meeting are attached at Exhibit H.

### **Amenities**

The tennis court will be replaced with Building One and Building Two. Staff supports the proposal: the tennis court is not used; the existing pool, sports court, and tot lot will be retained; the weight-room will be enlarged and enhanced; and there will be a 30-year agreement for low- and moderate-income rental housing.

### **Residential Fire Sprinkler Systems**

The proposed buildings are required by Section 903.2.7 Group R of the 2007 California Building Code to be equipped with residential fire sprinkler system. A copy of this section is attached to the Planning Commission's packet as Exhibit E and was also provided to the applicant.

The applicant acknowledges this requirement of the building code. Staff has incorporated this requirement in the draft conditions of approval. The accessory structures are less than 5,000 square feet in floor area and are not required to be equipped with fire sprinklers.



### **Landscaping and Existing Trees**

The proposal will remove a total of 14 ornamental trees: one crape myrtle tree (6-inch diameter), one tulip tree (11-inch diameter), two evergreen pear trees (8-inch and 10-inch diameter), three California pepper trees (10-inch to 15-inch diameter), and seven flowering plum trees (8-inch to 12-inch diameter). Two, 16-inch diameter and one, 18-inch diameter redwood tree and one, 24-inch diameter elm and several ornamental fruit trees will be preserved. Tree protection measures for the redwood and elm trees will be required at the building permit stage.

A total of 15 new, 15-gallon and 24-inch box size trees, and 180 new, one-gallon and five-gallon size shrubs will be planted to replace the existing trees and shrubs to be removed. The new trees and shrubs are conditioned to feature drought-tolerant species, possibly precluding the ornamental fruit trees of the existing plant palette. All new and replacement landscape areas will be watered by a drip irrigation system.

### **Green Building Measures**

The applicant's Multi-Family GreenPoint Checklist and the staff analysis of the checklist are attached as Exhibit D.1 and Exhibit D.2, respectively. The City standard for multi-family development is 50 points. The attached staff analysis indicates 67.7 points for the proposed development, which exceeds the City's minimum.

Staff believes that additional green points can be achieved once the applicant prepares its building permit plans and submits these plans for City review. Staff, therefore, considers 75 green points achievable and has conditioned the project to achieve 75 green points as a minimum with 100 green points as a goal. Staff will verify the green building program with the building permit. The applicant concurs with this requirement.

### **Growth Management Allocations**

Development of this property would fall under the "First-Come-First-Serve" category of the City's Growth Management program, which has an annual, non-transferable allocation of 100 units. For 2009, the City has not issued any new building permits for multi-family residential units, single-family residential units, or second unit additions to an existing single-family home.

## **V. PUBLIC COMMENT**

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

## VI. ENVIRONMENTAL ASSESSMENT

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

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

## VII. PUD DEVELOPMENT PLAN FINDINGS

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

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

The proposed project will provide 10 units of moderate-income rental housing and 2 units of low-income rental housing for a 30-year time period. The development as designed and conditioned meets all applicable City standards concerning public health, safety, and welfare, e.g., vehicle access, and geologic hazards (new development not within a special studies zone).

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

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

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

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

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

The site is essentially flat varying in grade from a 0- to 2.0-percent site grade. The existing site features to be removed with the proposed construction include parking, landscaping, and a tennis court.

Therefore, staff believes that this finding can be made.

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

The site is serviced by City infrastructure including public water, sanitary sewer, and storm drain lines and is not subject to flooding. The units will be designed and constructed to achieve City noise standards. Adequate street capacity is available to serve the new units.

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

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

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

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

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

The proposed PUD Development Plan modification is consistent with the Pleasanton General Plan and with the surrounding area. The proposed PUD Development Plan implements the purposes of the City's PUD Ordinance by providing 12 new multi-family units for a combination of moderate-income and low-income households. The new units will be in relative close proximity to schools, the Pleasanton downtown area, the City library, and public transit facilities including bus and rail.

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

## **VIII. CONCLUSION**

The proposal will add 12 new units designated for moderate- and low-income households to the Civic Square Apartment development. The proposal is designed in a manner that is sensitive and compatible with the site and nearby developments. The proposed project implements the Pleasanton General Plan, and will provide affordable multi-family rental housing in close proximity to the downtown, public transit, and schools. Staff, therefore, believes that the proposed development merits a favorable recommendation from the Planning Commission.

## **IX. STAFF RECOMMENDATION**

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

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

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