



## Planning Commission Staff Report

July 10, 2013  
Item 6.b.

- SUBJECT:** PUD-87, P13-1981, P13-2065
- APPLICANT:** John Pringle for E&S Ring Management
- PROPERTY OWNERS:** Frank Auf der Maur and Konrad Rickenbach
- PURPOSE:** Applications for: (1) Planned Unit Development (PUD) Development Plan approval to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements on an approximately 16-acre site located at 3150 Bernal Avenue (southeast corner of Bernal Avenue and Stanley Boulevard); (2) Development Agreement; (3) Affordable Housing Agreement; and (4) Growth Management Approval.
- GENERAL PLAN:** High-Density Residential and Retail, Highway, Service Commercial, Business and Professional Offices
- ZONING:** Planned Unit Development – High Density Residential (PUD-HDR) and Planned Unit Development – Commercial (PUD-C) Districts
- LOCATION:** 3150 Bernal Avenue
- EXHIBITS:**
- A. Draft Conditions of Approval
  - B. Proposed Plans, Green Point Checklist, LEED Checklist, Arborist Report, Noise Assessment Study, Traffic Study, Health Risk Analysis and Air Pollutant Emissions Assessment, Climate Action Plan Checklist, Evaluation of Electric and Magnetic Fields Report, Development Agreement, Growth Management Agreement, and Affordable Housing Agreement
  - C. Minutes of the December 12, 2012, Planning Commission Work Session Meeting
  - D. June 20, 2013 Housing Commission Staff Report (with only Attachment 2)
  - E. Addendum to Supplemental Environmental Impact Report
  - F. Ordinance 2032, Rezoning the Subject Site
  - G. Public Comment
  - H. Location and Noticing Maps

## I. BACKGROUND

E & S Ring Management, on behalf of Frank Auf der Maur and Konrad Rickenbach (property owners), has submitted for a Planned Unit Development (PUD) application for the development of the approximately 16-acre subject site. The site is one of the nine sites rezoned in January 2012 for high-density multifamily development in order to meet the City's share of the regional housing need, (please see Ordinance 2032 attached to this report as Exhibit F for the rezoning).

The site is subject to the *Housing Site Development Standards and Design Guidelines* (hereafter referred to as *Design Guidelines*), adopted by City Council on September 4, 2012. The site is identified as Site #6 in the *Design Guidelines*, and has a minimum and maximum density of 30 units per acre, which results in 345 units on the approximately 11.5-acre site.

The proposed applications are subject to review and approval by the City Council, following review and recommendation by the Housing Commission (regarding the affordable housing) and the Planning Commission. The Planning and Housing Commissions' recommendations on the proposed applications will be forwarded to the City Council for review and final decision.

### **December 12, 2012 Planning Commission Workshop**

The project was reviewed and discussed at a workshop with the Planning Commission held on December 12, 2012. Outlined below are the topics discussed at the workshop (the minutes from the workshop regarding this item are attached to this report as Exhibit C).

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

All Commissioners indicated they were supportive of the exceptions outlined for the workshop, including some flexibility for the 2-foot recess required for garage doors.

B. *Are the on-site circulation, parking layout, and positioning of the buildings acceptable?*

All Commissioners indicated they were supportive of the on-site circulation, parking layout, and positioning of buildings.

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

All Commissioners indicated they found the on-site recreation facilities and amenities acceptable and that they were glad to see a large open green space for outdoor activities.

D. *Is the treatment of the corner of Bernal Avenue and Stanley Boulevard (four stone pilasters and a low-profile stone sign wall arranged in a curve, with two ornamental trees behind the pilasters and sign wall) adequate?*

Many of the Commissioners members indicated they found the corner treatment to be generally acceptable, but would like to see additional features or details to make the corner "more dramatic" or distinguished.

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

The commission generally felt the design was acceptable but that the rooflines and arches on the buildings could be better varied. One member of the Commission

commented that high quality graphics would better serve to provide perspective of the proposed project.

*F. Are the commercial building designs, colors and materials, and heights acceptable?*

The Commission indicated the design felt somewhat “flat,” but that could be attributed to the plans not being fully detailed. Several members of the commission indicated they were fine with it.

*G. Does the Planning Commission have any comments on the uses proposed in Exhibit A?*

The Commission found the list of uses to be acceptable. Two Commissioners commented that health clubs can sometimes have a more intense parking demand and thus it should be a conditional use. Another Commissioner commented that being too restrictive can lead to vacancies in commercial developments, and thus he is fine with the use list as proposed.

Work Session Public Comment

Bob Russman, representing Congregation Beth Emek across Nevada Court, commented that the applicant should not be required provide access from the subject property to the trail along the Arroyo del Valle since the synagogue had problems with parking and vandalism on their property when they were required to provide such access. Mr. Russman also commented that the driveway from the project site onto Nevada Court should be oriented such that vehicles do not shine headlights into the congregation’s building. Mr. Russman further commented that the use of the proposed driveway on Nevada Court by residents would impact pick-up and drop-off for the congregation, and thus the driveway from Nevada Court should be one-way (going out) only.

In response to a question from the Planning Commission, City Traffic Engineer Mike Tassano indicated that there will be bicycle lanes on Stanley Boulevard, Bernal Avenue, and Tawny Drive, and that cyclists will use the roadways on the internal streets within the development.

## II. SITE DESCRIPTION

The subject property is located southeast of the intersection of Stanley Boulevard and Bernal Avenue. The site is approximately 16-acres total; the zoning designation for the residential portion of the site (11.5-acres) is PUD-HDR and the remaining 4.5 acres are zoned PUD-C. Figure 1 provides a vicinity map of the area.



**FIGURE 1:** Vicinity Map

Figure 2a shows an aerial photograph of the site and provides identifiers for surrounding land uses (shown in yellow letters “a” through “h”) that correspond to Figure 2b and blue arrows with letters “i” through “l” that correspond to photos of the site shown in Figures 2c and 2d.



**FIGURE 2a:** Aerial Photograph

a. McDonald's Restaurant



b. ARCO Service Station and Convenience Market



c. Diablo Valley Auto Body



d. Bernal Retail Center



e. Quality Auto Craft/Performance Auto Repair



f. Livermore-Pleasanton Fire Station #1



g. Congregation Beth Emek



h. PG&E Substation



**FIGURE 2b:** Photographs of Surrounding Land Uses

i. View of Site Looking South (photograph taken in April of 2012)



j. View of Site Looking Northwest (photograph taken in September of 2012)



**FIGURE 2c:** Photographs of Subject Site



**FIGURE 2d:** Photographs of Areas along Street-Side Property Lines

As seen in Figures 1, 2a and 2b, the site is bound by Pleasanton Self Storage across Stanley Boulevard to the north, McDonald’s restaurant, ARCO service station and convenience market, Bernal Retail Center, and Quality Auto Craft/Performance Auto Repair across Bernal Avenue to the west, Congregation Beth Emek across Nevada Court to the south, and a PG&E substation directly to the east. The site is relatively flat (as seen in Figure 2c), but the grade near the northwestern corner (adjacent to the Bernal Avenue and Stanley Boulevard intersection) is higher than the adjacent sidewalk. Elevation points in this area range between 353-feet adjacent to the sidewalk to a high point of 359-feet. Elevation points range from 358-feet near the southern property boundary adjacent to Nevada Court to 357-feet near the eastern property line, to 357-feet near the western property line adjacent to Bernal Avenue, and to 359-feet near the northern property boundary adjacent to Stanley Boulevard.

Since the site is currently vacant, no driveways exist on Nevada Court, Bernal Avenue, or Stanley Boulevard. The site is fenced with chain link fencing around the perimeter. No mature trees are located on the property, with the exception of those located in the landscaping area between the sidewalk and Stanley Boulevard.

**III. PROJECT DESCRIPTION**

The applicant proposes to construct 345-residential units on approximately 11.5-acres and up to approximately 38,781-square-feet of commercial space on approximately 4.5-acres of the total 16-acre project site. The project characteristics are outlined below Figure 3.



**FIGURE 3:** Proposed Site Plan

- A total of 345 residential apartments units are proposed and would be dispersed between three clusters: Cluster 1 will be located near the northeastern portion of the property and will consist of 94 apartment units (Buildings B1, B2, C1, C2, D1, D2, E1, and E2), Cluster 2 will be located near the southeastern portion of the property and will consist of 160 apartment units in a podium style building (Building A), and Cluster 3 (Buildings B3, B4, D3, D4, E3, E4, F1, and F2) will be located near the southwestern corner of the property and will consist of 91 units. The density of the residential portion of the project is 30 units per acre (345 units on 11.5 acres).
- Residential units include 19 junior one-bedroom units (approximately 650-gross square feet), 142 one-bedroom units (755-gross-square-feet), 20 one-bedroom with den units (880-gross-square-feet), 29 two-bedroom units (1,075-gross-square-feet), 65 two-bedroom-split master units (between 1,115-1,132-gross-square-feet), 14 two-bedroom plus den (1,230-gross-square feet), 8 two-bedroom carriage units (1,205-gross-square-feet), 26 two-bedroom “townhome” units (1308-1390-gross-square-feet), 18 three-bedroom units (1,250-1,510-gross-square-feet), and 4 three-bedroom with den units (approximately 1,440-gross-square feet). A full breakdown of unit mix is provided on the second page (Sheet ii) of the plan set.
- A total of 611 parking spaces are proposed for the residential portion of the project (at a ratio of 1.8 parking spaces per dwelling unit). The 611 parking spaces consist of: 54 spaces in carports, 153 spaces in private garages, 191 spaces in a parking garage in Cluster 2, and 213 surface parking spaces. If reviewed by cluster, Cluster 1 has a total

of 151 spaces (92 private garages and 59 surface spaces), Cluster 2 has a total of 314 spaces (191 garage and 123 surface spaces), and Cluster 3 has a total of 146 spaces (54 carports, 61 private garages, and 31 surface spaces).

- The commercial buildings are clustered alongside Drives A and B as shown on the overall site plan (Sheet 03). Surface parking is located in front of all of the buildings and along the northern side of the Major tenant space.
- The commercial portion of the project will be divided into two parcels; the dividing line will be between the Major 1 tenant and through the surface parking area (shown on several sheets, but most clearly on Sheet C-02).
- The commercial portion of the project consists of a total of four buildings. Two different options are shown on - Sheets RA-03 and RA 04 of the project plans. The first option (shown in Figure 3 and on Sheet RA-03) would be a total of 35,169 square feet and would consist of: Pad 1 approximately 3,165-square-feet in size, two retail shop buildings totaling 17,356-square feet, and a major tenant consisting of 14,648-square-feet with drive-through for a possible pharmacy. The second option (shown on Sheet RA-04) would be a total of 38,781 square feet and would consist of: Pad 1 approximately 3,165-square-feet in size, two retail shops totaling 15,216-square-feet, and a major tenant consisting of 20,400-square-feet for a possible grocery store.
- The first option (shown on Sheet RA-03) includes a total of 171 parking spaces for the commercial portion of the project (at a ratio of 5.0 spaces per 1,000-square-feet, or 1 parking space for 200-square-feet). The second option (shown on Sheet RA-04) includes a total of 186 parking spaces for the commercial portion of the project (at a ratio of 4.7 spaces per 1,000-square-feet, or 1 parking space for 213-square-feet).
- The commercial area includes an outdoor plaza with dining, seating, and fountain in the area between Retail Shops 1 and Retail Shops 2. An outdoor dining area is also proposed between Major 1 and Retail Shops 1 in both options.
- An enlarged elevation and material palette for the commercial buildings is shown on Sheet RA-09 of the plans. The commercial buildings will feature cement plaster walls accented with brick and stone veneers, clear glazing, and a standing seam metal roof in areas where the roof is sloped. A flat parapet with cornice detailing is proposed in some areas as well.
- The heights of the commercial buildings vary between approximately 26-feet for the building on Pad 1 to a height of approximately 30-feet for the retail shop buildings and the Major 1 tenant space.
- The residential buildings vary in height. In Cluster 1, the shortest buildings are Buildings C1 and C2, proposed at 29-feet in height. The tallest buildings in Cluster 1 are E1 and E2, proposed at 35-feet. In Cluster 2, the shortest building is the commons building, proposed at a height of 20-feet and the tallest building is the residential unit

building, proposed at a height of 51-feet. The shortest buildings in Cluster 3 are Buildings F1 and F2, proposed at a height of 28-feet and the tallest building is Building E3, proposed at 37-feet in height. Increasing the massing of the Cluster 2 residential building allows for the portions of Cluster 3 adjacent to Bernal Avenue to be two-story.

- Private open space is provided by patios and balconies and group open space is distributed on the site by means of outdoor gathering areas in-between buildings within a cluster and a community swimming pool located directly east of the leasing and business center. Community gathering areas include amenities such as outdoor fireplaces, outdoor barbeque areas, fountains, and seating areas. Two tot lots are proposed: one in the center area of Cluster 1 and another near the southeastern area of the site (near Cluster 2). An Open Space Diagram provided on Sheet 04 shows a calculation of the open space for the project and details of group open space are shown on Sheets L-03 through L-06 of the project plans. Sheet L-10 of the plans show photographs of the types of details proposed in the common space areas.
- Landscape lighting is shown on Sheet L-16 and includes a variety of wall lighting, pole lighting, step lighting, and up-lighting.
- Pedestrian access to unit entries is provided via internal corridors or stairways that lead to the particular unit. Many of the ground-floor units (with some exceptions such as those units with private open space directly adjacent to public open space) have access from their private open space areas.
- A second-floor and third-floor pedestrian bridge between some buildings is proposed (e.g. a connection between Buildings D1 and E1, D2 and E2 in Cluster 1).
- Access to the site is proposed from Bernal Avenue via a three-lane drive (Drive A, one lane going into the property and two-lanes exiting onto Bernal Avenue). This drive turns into Drive B, which provides one lane in each direction for vehicular ingress and egress onto Stanley Boulevard. Drive C provides access (one lane in each direction) from Drive A, Drive B, or Drive D to Nevada Street. A second two-way driveway from Stanley Boulevard provides access to Drive E, which consists of parking areas.
- As shown on Sheet C-02, a median break on Stanley Boulevard is proposed to allow westbound vehicular traffic to make a left turn into the property (to Drive B).
- A separated sidewalk is proposed along Stanley Boulevard and the southern half of the property's frontage on Bernal Avenue. A monolithic sidewalk is proposed along the northern half of the property's frontage on Bernal Avenue.
- A total of three bus stops are proposed, one each along northbound Bernal Avenue and eastbound Stanley Boulevard, and the third approximately 400-feet west of the Stanley Boulevard – Bernal Avenue – Valley Avenue intersection along Stanley Boulevard. This stop provides an additional westbound bus stop (the next closest westbound stop would

be approximately 0.5 miles from the subject site, near the Reflections Drive and Bernal Avenue intersection).

- Community amenities are located near Clusters 1 and 2, near the center of the site. An approximately 2,200-gross-square-foot leasing office and business center will be located in the center of the three clusters, off of Drive B. An approximately 2,008-gross-square-foot community room will also be located in the same area. Floor plans of these common areas are on Sheet A-24.
- A pedestrian and bicycle path for a future connection is shown from the southeast corner of the site to the adjoining property line. An easement from PG&E would need to be secured in order to connect this pathway to the trail along the Arroyo del Valle Creek Trail. A condition of approval encourages the applicant to work with PG&E to secure this easement.
- To distinguish the corner of the project site at Stanley Boulevard and Bernal Avenue, a seat wall, brick wing wall with overhead trellises and a low-profile stone sign wall arranged in a curve are proposed. A 48-inch box size olive tree is proposed behind the wing walls and sign wall. Sheets L-09, L-12, and A-48 provide detailed drawings of this corner treatment. All signage would be reviewed under a separate Sign Design Review application.
- A retaining wall is proposed along Bernal Avenue and Stanley Boulevard in the northwestern area of the site and tapers to a point where it is no longer necessary due to the existing grade. As indicated on Sheet L-12, shrubs and trees will be planted between the retaining wall and the sidewalk. The highest portion of the retaining wall is at the corner of the two streets, where it will be 5-feet tall. A 2-foot tall vertical trellis is proposed on top of the retaining wall, resulting in a maximum total height of 7 feet.
- Future City improvements to Stanley Boulevard include widening it so that there are a total of 3 through eastbound traffic lanes. Therefore, the existing right-of-way line along the subject property's northern boundary would shift south (or "into") the property by 12-feet. Both the existing and proposed right-of-way lines are shown on the Exhibit B plans. A condition of approval requires the developer to dedicate this right-of-way.
- At each of the driveways from Stanley Boulevard, approximately 75-foot long deceleration lanes would allow traffic coming into the site to slow before making a right turn.
- The applicant has provided checklists related to green building and the Climate Action Plan. The project narrative indicates that the applicant would like to attain a minimum rating of LEED certified for the commercial portion of the project (43 points are currently proposed; 40 points are required for a LEED Certified rating). The residential portion of the project is required to attain a minimum of 50 points on BuildItGreen's Multifamily Green Building Guidelines as required by the PMC; the checklist attached to this report as part of Exhibit B proposes 139 points.

- A list of proposed uses for the commercial buildings are included with this submittal (please reference the “Zoning and Uses” section of this staff report and Exhibit A).
- The design of the residential buildings in Clusters 1 and 3 incorporate gable roofs, exposed rafters, and dormer windows. Materials include composition shingle roofing, wood veneer, lap siding, cementitious horizontal panel siding, and brick, resulting in an overall design that borrows details typically seen in craftsman style architecture.

The design of the residential building in Cluster 2 incorporates exterior walls constructed of plaster. Although Cluster 2 has similar elements to Clusters 1 and 3 such as brick and composition shingle roofing, the overall architectural style of Cluster 2 is different than Clusters 1 and 3.

In all three clusters, building walls jog in and out and balconies projecting from the facades break up the building mass and add architectural interest.

- The windows of the residential units are proposed to be vinyl. Sheet A-25 provides a visual depiction of various proposed window types. A condition of approval requires the apartment windows to be “punched” in from the exterior building wall or defined by well-designed trims, and that such details be provided for review at the time of submittal for building permits.
- All of the commercial buildings are single story and incorporate varying materials such as brick, stone veneer, storefronts with clear glazing, and metal awnings. Vertical trellises are proposed to help break up long walls and overhead “teacup” lights are proposed for the outdoor dining areas.
- Although the elevation drawings show conceptual signage, no signage is part of the subject applications. Signage will be reviewed under a subsequent entitlement application.
- The subject property is mainly void of trees, except London plane trees located in a planter strip along the northern property boundary (along Stanley Boulevard). In order to accommodate driveway entries from Stanley Boulevard, many of these trees will need to be removed. The arborist report recommends retention of 4 of the 14 London plane trees. Construction of the westbound bus stop located west of the Stanley Boulevard-Bernal Avenue-Valley Avenue intersection would entail removal of 2 (possibly 3) trees along Stanley Boulevard.
- The applicant proposes a development agreement to vest the entitlements for the project. The term of the development agreement would expire in 10 years.

## IV. ANALYSIS

### Land Use

#### Conformance with General Plan

The General Plan land use designations of the subject property are “High-Density Residential” and “Retail, Highway, Service Commercial, Business and Professional Offices.” The proposed commercial and residential uses are consistent with these land use designations. Below are some of the 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.

#### *Industrial, Commercial and Office*

- Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

### *Mixed Use*

- Policy 16: Encourage 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.

### **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.

### Zoning and Uses

City Council approved the rezoning of the site in January of 2012. The approved zoning designation for the residential portion of the property is Planned Unit Development – High Density Residential (PUD-HDR) and the approved zoning designation for the commercial portion of the property is Planned Unit Development – Commercial (PUD-C). The approved uses for the commercial property are those permitted and conditionally permitted in the C-N (Neighborhood Commercial) District. The applicant is proposing to incorporate some additional permitted uses. Some of these uses are conditionally permitted in the C-N District (and would be permitted in the subject project) and others are not listed as either permitted or conditionally permitted in the C-N District (and would be permitted in the subject project). These uses are incorporated by condition of approval for the PUD Development Plan in Exhibit A and are listed below.

*The following uses are listed conditional uses in the C-N District, but are requested as permitted uses in the subject retail development:*

- a. Carpet, drapery and floor-covering stores, with design services.
- b. Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24. This use is limited to individual tenant spaces less than 5,000-square-feet in buildings identified as Retail Shops 1 and Retail Shops 2 on Exhibit B.
- c. Food market including supermarkets, convenience markets\* and specialty stores.  
\* Exhibit A limits the hours of operation for a convenience market from 5:00 a.m. to 11:00 p.m.

*The following uses are not listed as permitted or conditionally permitted in the C-N District, but are requested as permitted uses in the subject retail development:*

- d. Building materials sales, including showrooms, shops, and stores with ancillary design services and indoor display and storage only.
- e. Drugstore and prescription pharmacies with 24-hour drive-through operation. Drive-through sales shall be limited to prescription medications only.
- f. Furniture stores
- g. Interior decorator shops and design services, including showrooms
- h. Electronic retail sales with no repair services, of telephones, pagers, cellular telephones, personal computers and software, televisions, radios, stereos, and similar items
- i. Kitchen supply stores and accessories with ancillary demonstration, classes, and cutlery sharpening.
- j. Medical offices including dental, optometry, chiropractic and other such uses typically found in neighborhood shopping centers. Total square footage of medical office tenants in the subject shopping center shall not exceed 5,000 square feet.
- k. Wine shops and tasting rooms for wineries, excluding liquor stores.

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

### Density

The Design Guidelines require a minimum and maximum density of 30 units per acre for the 11.5-acre portion of the subject site. The proposed 345 units on the residentially zoned property conform to the 30 units per acre requirement and thus the project is consistent with the Design Guidelines in this aspect.

### Exceptions Requested by Applicant

The applicant is requesting the following exceptions from the Design Guidelines. For the Commission's reference, the page and section number for each item below is noted in *italics*.

1. Storage, *Design Guidelines page 43, Section C10.1*: Each residential unit is required to have at least 40 cubic feet of enclosed storage area. The proposed project incorporates a mixture of 30 and 40-cubic feet of storage area.

*Comments:* Staff finds the mixture of storage sizes acceptable and can support this exception.

2. Garage Door Recess, *Design Guidelines page 22, Section A.5.b.*: Garage doors should be recessed from the building facade by at least 2-feet.

*Comments:* At the December 12, 2012 workshop, the applicant indicated the project would incorporate a variety of measures to meet the intent of this guideline. Sheet A-26 of Exhibit B provides a 3D schematic to show options for enhancing the area around garages. These options include: trellises, enhanced balconies, and exterior lighting. Staff finds these measures acceptable, but would also like to see some of the garage doors recessed as required by the Design Guidelines. A condition of approval requires the applicant to employ a minimum 1-foot recess and at least 1 enhanced feature (e.g. trellises, enhanced balconies, exterior lighting) as illustrated on Sheet A-26 of Exhibit B for every three garage doors. These measures would be shown on plans submitted for permits and, as conditioned, would be subject to the review and approval of the Director of Community Development.

3. Public Streets Setback and Landscaping, *Design Guidelines page 19, Standards A3.1 and A3.2:* Public streets are required to have a minimum 6-foot planting strip, 5-foot sidewalk, and 10-foot setback. As shown on Sheets A-01 and A-14, Building D4 in Cluster 3 has a balcony set back 8-feet-5-inches from the back of sidewalk along Bernal Avenue where 10-feet is required (a 6-foot wide sidewalk and a landscaping area of 6-feet-6-inches) is proposed. Similarly, Building E4 in Cluster 3 as shown on Sheet A-14 has balconies located 3-feet-6-inches from the back of sidewalk where 10-feet is required (the building wall is 10-feet-1-inch from the back of sidewalk).

*Comments:* The encroachment into the setback area is modest and, further, it is only the *balcony* that does not meet the setback requirement (the building wall meets the setback). Buildings D3 and D4 that face Bernal Avenue are two-stories in height and are articulated by the balconies. Therefore, staff finds this exception acceptable since the building height and massing along Bernal Avenue are modest, and further, the balconies provide private open space to the occupants of these units. Additionally, the distance between the front of sidewalk adjacent to the units and the sidewalk along Nevada Court is approximately 17-feet, allowing for adequate landscaping.

4. Internal Streets Setback and Landscaping, *Design Guidelines page 20, Sections A4.1 and A4.2:* Internal streets are required to have a 4-foot landscaping area, a 5-foot sidewalk, and an 8-foot building setback measured from back of sidewalk. An exception to this guideline is required along Drives A, B, C, D, and E. Along Drive A, a 9-foot landscaping area, 8-foot sidewalk, and 4-foot-2-inch setback to the balcony is proposed (reference Sheet A-14). Along Drive B, a 5-foot landscaping area, 5-foot sidewalk, and, at the closest point, a 1-foot-7-inch setback to the balcony is proposed (reference Sheet A-04). Along Drive C, Sheet A-09 shows a 3-foot-6-inch landscaping area, 4-foot sidewalk, and 2-foot-6-inch setback to the face of planter is proposed (the setback would be 3-feet-6-inches to the face of building). Similar dimensions for the building adjacent to Drive D and E can be found on Sheet A-04 and Sheet A-09, respectively.

*Comments:* Since the overall intent of these guidelines was to provide landscaping on either side of the sidewalk, staff supports this exception since the overall intent is met. Additionally, many of the measurements are to the face of balconies, and since they do

not project out across the entire façade, they do not result in the same perceived mass as would the building face. Staff also recognizes the challenge in meeting the minimum density requirements on the site in conjunction with the strict application of the Design Guidelines. Therefore, since the intent of the guideline is met, staff is supportive of this exception.

#### Connection to Trail along Arroyo del Valle

On page 52 of the Design Guidelines, the Site Specific Design Standards and Guidelines require that “a strong pedestrian/bike connection should be made through the site to path along riparian corridor.” The project developer proposes a path from the parking area located near the southeastern corner of the subject property to the adjoining property line. A condition of approval encourages the applicant to work with PG&E to obtain an easement so that this path can be connected to the trail along the Arroyo del Valle.

#### Site Plan

The site plan has been designed to allow access to the site from Bernal Avenue, Stanley Boulevard, and Nevada Court. Internal streets and alleys will provide internal circulation as well as access to both the commercial and residential portions of the project. Additionally, the buildings (and their respective number of stories) have been situated to provide a gradual increase in density, the less tall buildings being located along Bernal Avenue and the taller buildings being located along the eastern boundary of the site (along the PG&E property). Generally, staff believes the proposed site plan is acceptable.

#### Floor Area Ratio

The Design Guidelines do not identify a maximum floor-area-ratio. The total square footage of all residential buildings (excluding garages) on the 11.5-acre property is 419,917 square feet, resulting in a floor-area-ratio of 0.84. Staff finds the overall placement and massing of buildings on the subject property acceptable.

#### Open Space and Amenities

The project includes a variety of recreational and open space amenities. Private open space is provided by patios and balconies. Group open space is distributed on the site by means of outdoor gathering areas in-between buildings within a cluster and a community swimming pool located directly east of the leasing and business center. A fitness facility near the leasing center is also proposed.

Community gathering areas include amenities such as outdoor fireplaces, outdoor barbeque areas, fountains, and seating areas. Two tot lots are proposed (a second tot lot was added since the Planning Commission workshop on December 12, 2012): one in the center area of Cluster 1 and another near the southeastern area of the site (near Cluster 2).

Details of group open space are shown on Sheets L-03 through L-06 and L-10 of the project plans. An Open Space Diagram provided on Sheet 04 shows a calculation of the open space for the project. The Design Guidelines require a minimum of 250 square feet of group open space per dwelling unit (for 345 units, 86,250 square feet is required). Private open space is not required, but, if provided, it can be deducted from the group open space requirement (each square foot of private open space is considered equivalent to 2-square-feet of group open

space). The project would provide 75,100 square feet of group open space and 38,056 square feet of private open space, which is equivalent to a total of 151,212 square feet of group open space. Therefore, the project complies with the open space requirements.

The retail area, although separate from the residential areas, includes two “retail plaza” areas: at the southeastern corner of the commercial property, and between the Major 1 tenant space and the Retail Shops 1 building. The space at the southeastern corner is intended to be used as outdoor dining space and to provide a transition between the commercial and residential areas.

Residents also have access to Tawny Park, approximately 0.5 miles from the subject site, and the BMX Park, approximately 0.1 miles from the subject site. Shadow Cliffs Regional Park is approximately 0.6 miles from the project site.

Overall, staff finds the project amenities and group and private open space to be acceptable.

### **Traffic and Circulation**

The site would provide vehicular access from Stanley Boulevard (two driveways, Drive B and Drive E), Bernal Avenue (Drive A), and Nevada Court (access to Drive C or Drive D). Internal streets and alleys facilitate access in specific parking areas. The western driveway from Stanley Boulevard requires modification of the center median and the westbound turn lane at the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection.

A traffic impact analysis dated June 4, 2013, was prepared by W-Trans (Whitlock & Weinberger Transportation, Inc.) for the purpose of identifying the potential traffic impacts of the proposed project. Since there are two alternatives for the commercial development, the analysis in the report evaluated the higher square footage, and therefore, provided a more conservative analysis. The traffic impact analysis is attached to this report as Exhibit B.

As noted in the traffic impact analysis, the project is expected to generate an average of 3,819 net new trips on a daily basis, of which 191 trips would occur during the morning peak hour and 285 trips during the evening peak hour. The intersection of Bernal Avenue and Utah Street currently operates at an unacceptable LOS F during the p.m. peak period for all study scenarios. The proposed project proposes signalization of this intersection. The City also has plans to signalize the intersection of Bernal Avenue and Nevada Street as identified in the Circulation Element of the General Plan.

Under the Existing plus Project scenario, the study intersections are expected to continue operating acceptably upon the addition of project generated traffic and the proposed signalization of Bernal Avenue and Utah Street and signal retiming. Under the Existing plus Approved Projects scenario, the intersection of Stanley Boulevard/Bernal Avenue-Valley Avenue would operate unacceptably at LOS E during the a.m. peak period and would continue to do so with the addition of project-generated traffic. However, as part of its Traffic Impact Fee (TIF) program, the City has plans to modify the intersection that would result in acceptable operations. All other study intersections are expected to operate acceptably without and with the addition of project generated traffic.

As previously indicated in this report, approximately 75-foot long deceleration lanes would provide traffic coming into the site the opportunity to slow before making a right turn at each of the driveways from Stanley Boulevard.

The project site is served by the Livermore Amador Valley Transit Authority (LAVTA) Wheels Bus Service (Wheels). An existing eastbound bus stop exists along Stanley Boulevard. With the subject project, this bus stop would be moved slightly to the east and the project developer would be required to install a shelter and trash receptacle at this location. An additional two bus stops would be added: one stop along Bernal Avenue near the commercial portion of the subject site, and a westbound stop on Stanley Boulevard approximately 400-feet west of the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection. This additional stop would be significantly closer to the subject site (the closest westbound bus stop is currently located approximately 0.5 miles from the center of the site, near Reflections Drive/California Avenue and Stanley Boulevard).

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 Rezonings (please reference Environmental Assessment section in this report for additional discussion). The only traffic-related mitigation measure 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. The project has been conditioned to pay the applicable City and Tri-Valley Regional traffic impact fees, and the Development Agreement has a clause regarding these fees as well.

### **Parking**

The Design Guidelines do not establish specific parking requirements for the residential or retail portion and instead defer to requirements in the Pleasanton Municipal Code. Below is a discussion on how the project addresses parking requirements for both the residential and commercial portions of the project.

#### **Residential**

Pleasanton Municipal Code Section 18.88.030A.3 and 18.88.030A.4 stipulate parking requirements for apartments. These requirements are as follows:

- For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.
- For apartments with three or more bedrooms, a minimum of two spaces per unit shall be required.
- Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided.
- At least one space per dwelling unit of the required off-street parking shall be located in a garage or carport.

A total of 323 units with two or fewer bedrooms are proposed and therefore 487 parking spaces are required for these units. A total of 22 three-bedroom units are proposed and therefore an additional 44 parking spaces are required. At a ratio of 1:7, 49 visitor parking

spaces are required. In total, 580 parking spaces are required, of which a minimum of 290 must be located in a garage or carport.

The project is proposed to have 611 parking spaces, of which 398 are in a garage or carport. Therefore, the project meets the minimum parking requirements for the residential development.

### Commercial

As regulated by Ordinance 2032, the commercial portion of the site is subject to the development standards of the C-N District. The Pleasanton Municipal Code requires properties zoned C-N to have 1 parking space for every 180 square feet. Two different alternatives are proposed for the retail portion of the project:

1. A total building area of 35,169 square feet where tenant space Major 1 is a drug store with drive-through. A total of 171 parking stalls are proposed where 195 spaces would be required (24 spaces deficient). The proposed parking ratio is 1 parking space for each 200 square feet; or
2. A total building area of 38,781 square feet where tenant space Major 1 is a grocery store. A total of 186 parking stalls are proposed where 215 spaces would be required (29 spaces deficient). The proposed parking ratio is 1 parking space for each 200 square feet.

The traffic impact analysis concluded that although the proposed parking is deficient when compared to code standards, a parking deficit is not expected partially attributed to the internal trip capture between the commercial and adjacent residential use (some residents would walk to the shopping center). Additionally, applying Institute of Traffic Engineers (ITE) standards yields a lesser parking demand as outlined in Table 12 (page 28) of the traffic impact analysis. This table indicates that ITE average peak generation (non-December) is 106 and 117 spaces for the 35,169 square foot and 38,781 square foot options, respectively. The ITE peak generation (December) is 167 and 184 spaces for the 35,169 square foot and 38,781 square foot options, respectively. Both of these parking demands for both building sizes are within the proposed 174 and 189 spaces for the 35,169 square foot and 38,781 square foot options, respectively.

In addition to the internal trip capture, other factors such as varied peak operational hours and limited square footage permitted for more parking intense uses such as medical offices (5,000 square feet maximum) are expected to result in a lower parking demand. Overall, staff finds that the parking on the site will adequately serve the proposed commercial shopping center.

### Bicycle

The Design Guidelines require 0.8 bicycle spaces per apartment unit that is secured and weather protected. For 345 units, 276 bicycle spaces are required. The project would provide 382 bicycle spaces (54 in personal parking garages within Cluster 1, 284 in the parking garage within Cluster 2, and 44 in enclosed spaces and personal parking garages within Cluster 3). Therefore, the proposed bicycle parking complies with the Design Guidelines.

The Design Guidelines also require a minimum of 2 public bike racks per 50 dwelling units which must be located within 100 feet of main entries (a minimum of 14 racks are required). A condition of approval requires plans submitted to the Building and Safety Division to show the location of these bike racks on permit plans.

### **Noise**

As indicated in the noise analysis (Exhibit B) for the project, primary noise sources at the site are traffic on Bernal Avenue and Stanley Boulevard. A Union Pacific Railroad line is located approximately 205 feet from the centerline of Stanley Boulevard to the north of the subject property (this line is also used by the Altamont Commuter Express, or ACE).

For multi-family housing projects, the City's General Plan requires that outdoor recreation areas not exceed 65 dB Ldn and that indoor noise levels not exceed 45 dB Ldn. Staff notes that the outdoor noise standard applies to the common outdoor recreation areas such as pools, spas, play areas, seating areas, etc., but not to the private balconies, patios, or porches. A noise study was prepared to ensure that the project will meet General Plan noise standards. The noise study indicates that the exterior noise levels for the project would comply with the General Plan standard and that the interior noise levels would comply with the General Plan standard using standard construction materials and techniques. Additionally, commercial tenants would be required to adhere to maximum noise limitation in the Pleasanton Municipal Code for operation, deliveries, and mechanical equipment. Therefore, noise mitigation would not be required for the project.

### **Noise Impacts on Adjacent Properties**

The development of commercial and residential uses on the property will generate added urban noise, such as traffic, loading and unloading of delivery trucks, children playing, etc. However, given the existing noise levels produced by street traffic, and the existing commercial in the area, noise levels will not change substantially from that currently experienced in the area. During operation, the commercial uses will be required to meet the City's Noise Ordinance.

A mitigation measure of the SEIR required that the future projects analyze whether they would add off-site traffic noise in excess of 55 dBA as described in the SEIR and, if they did, the applicant would need to contribute its fair share to mitigate the noise impact. The noise study determined that the project would not add traffic noise in excess of 55 dBA. Therefore, the applicant is not required to provide mitigation for this item.

Short-term construction noise would also be generated during construction. The SEIR included construction related mitigation measures (e.g., limiting construction hours, compliance with the City's Noise Ordinance, locating stationary construction equipment as far from occupied buildings as possible, etc.). Conditions of approval have been included to address these mitigation measures.

### **Grading and Drainage**

As mentioned previously in this report, the site is relatively flat, but the grade near the northwestern corner (adjacent to the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection) is higher than the adjacent sidewalk. Elevation points in this area range between

353-feet adjacent to the sidewalk to a high point of 359-feet. Elevation points range from 358-feet near the southern property boundary adjacent to Nevada Court to 357-feet near the eastern property line, to 357-feet near the western property line adjacent to Bernal Avenue, and to 359-feet near the northern property boundary adjacent to Stanley Boulevard.

The proposed preliminary grading and drainage plan indicates that the project will generally maintain the existing grades on the property. The northwest corner of the site closest to the Bernal Avenue-Valley Avenue-Stanley Boulevard intersection will be slightly higher than the sidewalk along Stanley Boulevard and Bernal Avenue. As indicated on the preliminary grading and drainage plan, the top of curb in this area varies between 356.5 feet and 357.3 feet. Assuming a standard 6-inch curb, the top of pavement in this area would be at 356.0 feet and 356.8 feet, respectively. As noted on the civil drawings, the top of curb at the corner of Bernal Avenue and Stanley Boulevard is 351.9 feet and 352.5 feet, resulting in an approximate difference of about 4.6 to 4.8 feet between the top of pavement at the parking lot and the sidewalk along Bernal Avenue and Stanley Boulevard. An approximately 5-foot tall wall with 2-foot lattice is proposed along this area to screen the parking area.

Approximately 31,377 cubic yards of earth will be cut and approximately 16,627 cubic yards to earth will be fill, resulting in approximately 14,750 cubic yards of excess soil that need to be hauled off-site. The haul route will be subject to the approval of the City Engineer.

Parking lot and roof drainage would drain into landscaped bioretention areas that would filter contaminants before entering the storm drain system (the project will connect to the storm drain system at various points along Bernal Avenue). As conditioned, staff finds the proposed grading and drainage plan to be acceptable and in compliance with applicable stormwater runoff requirements.

## **Architecture and Design**

### **Residential**

Since the workshop at the December 12, 2012 Planning Commission meeting, the applicant has modified the overall design of the residential buildings so that they incorporate more traditional design features and thus better fit in with the adjacent uses such as the Beth Emek Synagogue across Nevada Court to the south and the Pleasanton Self Storage across Stanley Boulevard to the north.

Staff believes that the proposed buildings are well designed and articulated. The building designs are “four-sided” with no side minimized with respect to articulation or detailing. Portions of the building walls would pop-in or -out to provide variation in the wall plane and break up the building mass. The rooflines of the buildings undulate and vary in shape/material to break up the building mass and add interest. Building walls vary in materials and colors to provide variety and interest.

### **Commercial**

Modifications to the commercial buildings since the December 12, 2012, Planning Commission workshop include: reduction of the eave overhangs of the hipped roof on the entry/tower elements, increasing the height/thickness of the cornices on the flat roofs, using more

traditional lighting fixtures, incorporation of awnings at key elevations to break up the façade, and the addition of potted plants next to the entryways.

Overall, staff finds the design of the commercial buildings to be acceptable.

### **Signage**

Conceptual free-standing signage at the northwestern corner of the property and wall-mounted signage on the commercial building elevations is shown on the project plans, but no sign details have been provided at this time. No signage information has been provided for the apartment identification. A condition has been included that requires the applicant to submit a comprehensive sign program for the retail and apartment portions of the project prior to installation of any signs.

### **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 a program (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 (St. Anton, California Center, BRE Properties and Windstar's PUD extension) were conditioned to provide Universal Design features for all of the required adaptable dwelling units. Staff has included a similar condition for this project.

### **Green Building**

As required by the City's Green Building Ordinance, the proposed residential portion of the project is required to qualify for at least 50 points on Alameda County Waste Management Authority's "Multifamily Green Building Rating System." The applicant has proposed to incorporate green building measures into the project to allow it to qualify for 139 points. Some of the proposed green building measures include: planting water-efficient landscaping and irrigation, installing water-efficient fixtures, exceeding Title 24 state energy conservation requirements, submetering individual apartments for water use, installing energy efficient air conditioning units, using low volatile organic compound (VOC) paints and coatings, using environmentally preferred flooring materials, installing Energy Star dishwashers, clothes washers, and refrigerators, installing gearless elevators (use less energy and do not require lubricating oils), and offering residents discounted transit passes.

As required by the City's Green Building Ordinance, commercial projects with 20,000 square feet or more of conditioned space must meet a minimum LEED™ "certified" rating, attaining at least 40 points on a project scorecard. The applicant has provided a preliminary project scorecard that outlines the green building measures proposed for the project, which has been included as part of Exhibit B to this staff report. The scorecard indicates the applicant plans to attain 43 points, meeting the minimum requirement. Some of the green building measures proposed with the project include: providing alternative-fuel fueling stations for 3% of the total vehicle parking spaces (or preferred parking for low-emitting and fuel efficient vehicles), use of Title 24 cool roof, use of water efficient landscaping, use of water efficient plumbing fixtures, exceeding Title 24 requirements, and divert at least 75% of total construction material. With these measures in place, the project qualifies for 43 points, therefore meeting the minimum required points.

The applicant has proposed to exceed the 50-point minimum for the residential project and will meet the minimum LEED certified rating for the commercial project. Staff appreciates that the applicant has included a considerable number of green building measures in the project.

### **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. In advance of full implementation of the City's CAP, staff had requested that the applicant prepare a checklist indicating specific items it would implement to support the CAP (Exhibit B).

As a mixed-use, high-density residential/commercial project located near bus lines, 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 or recommended conditions of approval.

### **School Impacts**

The project developer has been working with the Pleasanton Unified School District to develop an agreement regarding school impact fees. Construction will not be allowed to start until Pleasanton Unified School District has advised that such agreement has been finalized with the project developer.

### **Landscaping**

Preliminary landscape plans have been provided for the site, including enlargements of the retail plazas and common open space areas. Staff believes that the species, quantities, and sizes of the proposed landscaping for the site is consistent with the Design Guidelines are generally appropriate. A condition of approval requires that detailed landscape and irrigation plans be provided at the building permit stage subject to the review and approval by the Director of Community Development.

**Tree Removal**

A tree report prepared by HortScience (dated May 11, 2013) is attached to this report as Exhibit B. The report indicates that 14 non-heritage size London plane trees located in a planter strip along the northern property boundary (along Stanley Boulevard). In order to accommodate driveway entries from Stanley Boulevard, 10 of these trees will need to be removed.

Although not noted in the tree report, two to three street trees along Stanley Boulevard would need to be removed in order to construct a westbound bus stop 400-feet from the Stanley Boulevard-Bernal Avenue-Valley Avenue intersection. One to two smaller trees would be removed for the modification to the median break on Stanley Boulevard.

Program 2.1 of the General Plan Conservation and Open Space Element indicates that where preservation of heritage trees is not feasible, the City will require tree replacement or a contribution to the Urban Forestry Fund. None of the trees to be removed are heritage sized. Further, given the substantial increase in landscaping that will result from the subject project, staff finds the tree removal acceptable.

**Affordable Housing and Housing Commission Recommendation**

The number and affordability level of apartment units was reviewed and recommended for approval by the Housing Commission on June 20, 2013 (the Housing Commission staff report is attached as Exhibit D). A total of 52 of the 345 units (15%) are proposed to be affordable units. The proportion of studio, 1, 2, and 3-bedroom units is summarized in Table 1.

**Table 1: Summary of Number and Type of Affordable Units**

<b>Unit Type</b>	<b>Very Low Income (50% of AMI)</b>	<b>Low Income (80% of AMI)</b>	<b>Median Income (100% of AMI)</b>	<b>TOTAL</b>
Studio	6	2	8	16 (31%)
1 Bedroom	3	4	5	12 (23%)
2 Bedroom	1	6	7	14 (27%)
3 Bedroom	0	5	5	10 (19%)
<b>TOTAL</b>	10	17	25	<b>52</b>

The Design Guidelines require that 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 studio or one-bedroom units. The proportion of 3-bedroom units (19%) exceeds the minimum 10% requirement. The number of affordable 2-bedroom units, however, does not meet the minimum 35% requirement. As noted in the staff report to the Housing Commission, staff acknowledges, however, that 3-bedroom units are typically in higher demand and thus the number of units as proposed is acceptable. Further, 2 and 3-bedroom units combined account for 46% of the affordable units, meeting the intent of the requirement in the Design Guidelines.

The applicant will enter into an affordable housing agreement (attached to this staff report as Exhibit B). One of the terms of the agreement requires one 1-bedroom unit, one 2-bedroom unit, and one 3-bedroom unit to 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.

In lieu of providing the 52 rent affordable units, the developer would pay an in-lieu fee of \$4,500,000. The option of paying this fee or providing the units resides with the City and must be determined within 45 days of the developer notifying the City that he intends to apply for a building permit.

A developer's affordable housing proposal and related Affordable Housing Agreement is reviewed by the Housing Commission which makes a recommendation to the City Council. The Housing Commission reviewed and recommended approval on June 20, 2013. As such, the Planning Commission does not have a defined role in the process and the proposed level of affordability is provided for informational purposes only.

### **Development Agreement**

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. A development agreement is a commitment between the City and a property owner or developer to proceed with a specific development in accordance with the terms of an agreement that describes what land use and related processes shall apply to the application. In essence, a development agreement locks in the laws in existence at the time of entering into the agreement and the City agrees not to change its planning or zoning laws applicable to the specific development project for a specified period of time. Therefore, future land use decisions regarding such a development project will not be based on then current planning and zoning law, but rather they will be based on the laws that were in existence at the time the development agreement was executed. The developer gains certainty, through the development agreement, of the continuity of regulations that were in force at the time of entering into the development agreement and prior to a commitment of a substantial investment for project improvements. In exchange, the City gets certain benefits and concessions that it might not be able to require through conditions of approval.

The applicant has proposed a 10-year term for the development agreement. The developer would be obligated to pay the applicable development impact fees which are in effect when the ordinance approving the agreement is effective. The agreement allows the City to utilize the project's in-lieu park dedication fees towards improving community parks in the City, including Phase II of Bernal Community Park. The agreement also references the additional permitted uses as proposed by the applicant. Inclusion of these uses as an exhibit to the Development Agreement ensures that the uses remain permitted for the term of the agreement and therefore the City would not be able to delete any of the listed uses. The list could be modified in the future to add uses. The draft development agreement is attached as Exhibit B.

The development agreement process requires that the Planning Commission find the Development Agreement consistent with the General Plan and provide a recommendation to the City Council for action. Staff supports the proposed development agreement and believes that the Planning Commission should provide a positive recommendation to the City Council.

### **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 is requesting that building permits for all 345 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 applicant's Growth Management request does not need to be acted upon by the Planning Commission as it requires City Council decision only.

### **Electric and Magnetic Fields**

An evaluation of the electric and magnetic fields (EMFs) at the site is attached to this report as Exhibit B. The report measures and characterizes existing electric and magnetic field levels within the site due to the overhead electrical power lines and the PG&E substation located on the adjacent parcel. The measurement readings are compared to exposure limits established and/or recommended by several different organizations, but the report also emphasizes that there are no California state or federal health-based standards for limiting exposure to electric and magnetic fields.

For both electric and magnetic fields, the measures at the site are significantly less than the guideline thresholds established by pertinent organizations (e.g. International Commission on Non-Ionizing Radiation Protection, the American Conference of Governmental Industrial Hygienists, and the Institute of Electrical and Electronics Engineers).

## **VI. PUD CONSIDERATIONS**

The Zoning Ordinance of the Municipal Code sets forth purposes of the Planned Unit Development District and "considerations" to be addressed in reviewing a PUD development plan; these purposes and considerations are discussed in this section.

**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 include the installation of all required on-site utilities with connections to municipal systems in order to serve the new development. The project will not generate volumes of traffic that cannot be accommodated by existing City streets and intersections in the area. The structures would be designed to meet the requirements of the Uniform Building Code, Fire Code, and other applicable City codes. The proposed development is compatible with the adjacent uses and would be consistent with the existing scale and character of the area. The project also would provide affordable rental housing or pay an in-lieu fee and help the City to meet its requirements for provision of lower income housing.

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 site's General Plan Land Use Designations of "High Density Residential" and "Retail, Highway, Service Commercial, Business and Professional Offices" allows the proposed commercial and residential uses. The proposed density of 30 dwelling units per acre is consistent with the General 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 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 and commercial 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 many architectural elements/treatments to help break up the building mass and height. New landscaping would be installed to soften the buildings and help screen the parking areas from off-site views. The majority of the site is relatively level, and the existing grades on the property would generally be maintained. 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:**

As described previously, the site is relatively level with minimum changes in grades proposed. Erosion control and dust suppression measures will be documented in the improvement plans and will be administered by the City's Building and Public Works Divisions. 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. Parking lot and roof drainage would drain into landscaped bioretention areas that would filter contaminants before entering the arroyos and, ultimately, the bay. The site is not located within an Alquist-Priolo Earthquake Fault Zone.

**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. The relatively flat, urban infill site has no constraints to either roads or buildings. Development of the site complements the natural terrain by making only minor changes as necessary to the site's existing relatively flat topography. The proposed buildings will be compatible in size and scale with surrounding structures.

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 driveway entrances are located and configured to provide adequate line-of-sight viewing distance and to facilitate efficient ingress/egress to and from the project site. All on-site drive aisles would 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 Uniform Building Code, Fire Code, other applicable City codes, and State of California energy and accessibility requirements. The buildings would be equipped with automatic fire suppression systems (sprinklers).

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 conforms to the purposes of the PUD district. One of these purposes is to ensure that the desires of the developer and the community are understood and approved prior to commencement of construction. Staff believes that the proposed project implements the purposes of the PUD ordinance in this case by providing a high-density residential and commercial project that is well-designed for the subject property, that fulfills the desires of the applicant, and that meets the City's General Plan goals and policies. Moreover, input from the adjacent property owners and 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 through the PUD process 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 NOTICE**

Public notices were sent to property owners within the noticing area depicted on the noticing maps attached to this report as Exhibit H.

Staff has received two emails and one phone call regarding the proposed project, citing concerns regarding traffic. Staff has also received an email citing supporting the project. The full text of these emails is attached to this report as Exhibit G.

Staff will forward to the Commission any additional public comments as they are received.

## **VI. 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 Rezonings. 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. Up to 345 multi-family housing units and 59,000 sq. ft. of retail space were analyzed in the SEIR 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 provides as follows:

- a. 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:
    - i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - iii. 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
    - iv. 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 calling for the preparation of a subsequent EIR have occurred. Staff believed that none of the conditions described in Section 15162 occurred. Therefore, an addendum to the SEIR was prepared for this project.

The analysis in the attached Addendum to the SEIR (Exhibit E) 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 occurred. Therefore, the previously prepared SEIR and Addendum to the SEIR, taken together, are determined to be 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 (e.g., pre-construction bat survey, air quality construction plan, etc). These mitigation measures have been addressed in the draft conditions of approval for this project.

The SEIR included a Statement of Overriding Considerations for two significant and unavoidable impacts:

**Impact 4.D-1:** Development facilitated by the General Plan Amendment and rezoning has the potential to adversely change the significance of historic resources.

The Irby-Kaplan-Zia and Pleasanton Mobilehome Park properties on Stanley Boulevard contain older structures that may be historic. Mitigation measures in the SEIR required that historic evaluations be conducted for the structures before they could be demolished. If deemed to be historic through these evaluations, the demolition of these structures to make

way for new housing would be a significant and unavoidable impact. Staff notes that the Irby-Kaplan-Zia and Pleasanton Mobilehome Park properties were ultimately not included in the nine sites that were selected for multifamily housing.

**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 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. However, 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 59,000 square feet of commercial space. The proposed project entails 20,219 fewer square feet retail area than was analyzed in the SEIR, 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 an adequate amount of usable open space and landscaped areas within the project given the site constraints. Staff finds the building design to be attractive and that the architectural style, finish colors, and materials will complement the surrounding development. The project also would provide affordable rental housing or pay in-lieu fees which would help the City meet its lower income housing goals.

## **IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission take 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 this project and satisfy 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 findings for the proposed development plan 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 resolutions recommending approval of: (1) Case PUD-87, PUD Development Plan, subject to the conditions of approval listed in Exhibit A; and (2) Case P13-1981 (Development Agreement) for the project, and forward the applications to the City Council for public hearing and review.

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