

## ORDINANCE NO. 2272

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADOPTING MUNICIPAL CODE AMENDMENTS TO: (1) CREATE A HOUSING OPPORTUNITY ZONE DISTRICT; AND (2) CREATE THE OBJECTIVE DESIGN STANDARDS HOUSING SITES COMPLIANCE REVIEW PROCESS FOR THE APPLICATION BY THE CITY OF PLEASANTON AS FILED UNDER CASE NO. P23-0607**

**WHEREAS**, subsequent to certification of the City's 2023-2031 (6<sup>th</sup> Cycle) Housing Element by the State Department of Housing and Community Development on August 25, 2023, and readoption of the Housing Element by City Council on September 19, 2023, the City initiated: (1) a Municipal Code Amendment to create a Housing Opportunity Zone (HOZ) District; (2) a Municipal Code Amendment codifying the Objective Design Standards (ODS) Housing Site Compliance Review process; and (3) rezoning of twenty-one housing opportunity sites identified in the Housing Element to this HOZ District (collectively the "Project"); and

**WHEREAS**, on January 26, 2023, with adoption of Resolution No. 23-1359, the twenty-one housing opportunity sites shown in Exhibit A were designated Mixed Use and Mixed Use Business Park/Housing Element Sites Overlay (HESO), Public Health and Safety/HESO, Public Health and Safety and Low Density/HESO; Public Health and Safety and Low Density and Agriculture and Grazing/HESO, Commercial/HESO, Commercial and Mixed Use/HESO, Business Park/HESO, Medium Density/HESO, Public and Institutional/HESO, General and Limited Industrial/HESO, Low Density/HESO, and Schools/HESO in the General Plan; and

**WHEREAS**, the twenty-one housing opportunity sites are variously designated PUD-MU (Planned Unit Development - Mixed Use), Prezoned-A (Prezoned Agriculture), Unincorporated, C-R(m) (Regional Commercial-main), C-R(m) and PUD-MU (Regional Commercial-main and Planned Unit Development-Mixed Use), PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office), C-F (Freeway Commercial, PUD-C (Planned Unit Development-Commercial), A (Agriculture), P (Public), I-G-40 (General Industrial-40,000 sq. ft. minimum lot size), S (Study), I-P (Industrial Park), and PUD-Elementary School (Planned Unit Development-Elementary School) Districts on the City's zoning map; and

**WHEREAS**, the City prepared a Program Environmental Impact Report (Program EIR) for the 2023-2031 (6<sup>th</sup> Cycle) Housing Element (SCH 2022040091), which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357. The Program EIR fully analyzed the impacts of the Housing Element, including development of housing on each of the housing opportunity sites subject to the proposed rezonings, and identifies various mitigation measures to address those impacts. The Program EIR also contemplates the re-zoning actions called for by Programs 1.1 and 1.4. Therefore, the proposed implementation of Housing Element Programs 1.1 and 1.4 are within the scope of the project analyzed in the Program EIR, and no further CEQA review is necessary; and

**WHEREAS**, at its duly noticed public meeting of November 8, 2023, the Planning Commission considered the written agenda report, all public testimony, relevant exhibits, and staff recommendations, and adopted Resolution PC-2023-17, unanimously recommending the City Council adopt a Municipal Code Amendment to create a HOZ District, as shown in Exhibit A, and create a ODS Housing Sites Compliance review process, as shown in Exhibit B; and

**WHEREAS**, at its duly noticed public meeting of December 5, 2023, the City Council received the HOZ District Municipal Code Amendment and the ODS Housing Sites Compliance

review process, considered the written agenda report, all public testimony, relevant exhibits, and recommendations of the Planning Commission and staff.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds that the adoption of the municipal code amendments to create HOZ District and ODS Housing Site Compliance review process implement and are consistent with the goals and policies examined in the 2023-2031 (6<sup>th</sup> Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

**SECTION 2.** Approves Case No. P23-0607, the application of the City of Pleasanton for adoption of a Municipal Code Amendment to: (1) create a HOZ District as shown in Exhibit A; and (2) create the ODS Housing Site Compliance review process as shown in Exhibit B, attached hereto and made part of this case by reference.

**SECTION 3.** A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

**SECTION 4.** This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted December 19, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

  
\_\_\_\_\_  
Karla Brown, Mayor

ATTEST:

  
\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel G. Sodergren, City Attorney

**EXHIBIT A**

**Municipal Code Amendment for Creation of a HOZ District and List of Housing  
Opportunity Sites**

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## **Chapter 18.38 HOZ HOUSING OPPORTUNITY ZONE DISTRICT**

### **Article I. General Provisions**

#### **18.38.010 Title.**

This chapter shall be called the “Housing Opportunity Zone (HOZ) District” ordinance of the City of Pleasanton. (Ord.2272 § 1, 2023)

#### **18.38.020 Purpose.**

The purpose of this chapter is to enhance the public welfare and ensure further housing development attains the city’s housing goals, including affordable housing, by increasing the production of residential units for all income levels. To ensure the remaining developable land is utilized in a manner consistent with the city’s housing policies and needs, this HOZ District is created to allow new or expanded affordable housing development opportunities to all applicable parcels as specified in the City’s Housing Element of the General Plan. These new or expanded opportunities shall apply to both ownership and rental projects. (Ord.2272 § 1, 2023)

#### **18.38.030 Definitions.**

For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

“Affordable housing fee.” The fee set forth in Chapter 17.40 paid to the city by an applicant for a project in lieu of providing the inclusionary units required by this chapter.

“Affordable housing proposal.” A proposal submitted by the project owner as part of the city development application (e.g., housing site compliance review, design review, planned unit development, etc.) stating the method by which the requirements of this chapter are proposed to be met. This information may be provided as part of an affordable housing agreement as provided in section 18.38.050.

“Applicant.” Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks city permits and approvals for a project.

“City.” The City of Pleasanton or its designee or any entity with which the city contracts to administer this chapter.

“HUD.” The United States Department of Housing and Urban Development or its successor.

“Household.” One person living alone; or two or more persons sharing residency whose income is considered for housing payments.

“Income levels”:

- a. “Household, low income.” A household whose annual income is more than 50 percent but does not exceed 80 percent of the area median income (AMI) for

San Francisco-Oakland-Fremont Metropolitan Statistical Area, based upon the annual income figures provided by HUD, as adjusted for household size.

- b. "Household, moderate income." A household whose annual income is more than 80 percent but does not exceed 120 percent of the area median income (AMI) for San Francisco-Oakland-Fremont Metropolitan Statistical Area, based upon the annual income figures provided by HUD, as adjusted for household size.
- c. "Household, very low income." A household whose annual income does not exceed 50 percent of the area median income (AMI) for San Francisco-Oakland-Fremont Metropolitan Statistical Area, based upon the annual income figures provided by HUD, as adjusted for household size.

"Inclusionary unit." A dwelling unit as required by this chapter which is rented or sold at affordable rents and/or affordable sales prices (as defined by this chapter) to very-low-, low-, or moderate-income households.

"Income." The gross annual household income as defined by HUD.

"Life of the inclusionary unit." The term during which the affordability provisions for inclusionary units shall remain applicable. The affordability provisions for inclusionary units shall apply in perpetuity from the date of occupancy, which shall be the date the City performs final inspection for the building permit.

"Living Area." The gross area of all floors of a residential structure excluding: basement or cellar areas used for storage only; space used for off-street parking (i.e., garages) or loading, steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides.

"Median income for San Francisco-Oakland-Fremont Metropolitan Statistical Area." The median gross annual income in San Francisco-Oakland-Fremont Metropolitan Statistical Area as determined by HUD, adjusted for household size.

"Ownership units." Inclusionary units developed as part of a residential development which the applicant intends to be sold, or which are customarily offered for individual sale.

"Project." A residential housing development at one location or site including all dwelling units for which permits have been applied for or approved.

"Project owner." Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which holds fee title to the land on which the project is located.

"Property owner." The owner of an inclusionary unit, excepting a "project owner."

"Rental units": Inclusionary units which the applicant intends to be rented or leased, or which are customarily offered for lease or rent.

"Resale restrictions." Legal restrictions which restrict the price of inclusionary units to ensure that they remain affordable to very low-, low-, and moderate-income households on resale.

"Residential project, multiple-family." A residential project consisting of condominiums, apartments, and similar dwellings attached in groups of four or

more units per structure and including multiple units located on a single parcel of land under common ownership.

“Residential project, single-family.” A residential project consisting of detached and attached single-family homes, including paired single-family, duets, duplexes, townhomes, and similar unit types where each unit is located on a separate parcel of land.

“Unit type.” Various dwelling units within a project which are distinguished by number of bedrooms and/or the type of construction (e.g., detached single-family, duets, townhomes, condominiums). (Ord.2272 § 1, 2023))

## **Article II. Requirements**

### **18.38.040 General applicability and development standards.**

#### **A. General applicability.**

1. Parcels shall be identified in the City’s Housing Element as a housing opportunity site, meaning sites designated in the Housing Element to be zoned to allow residential development or mixed-use (i.e. mixed residential and non-residential use, whether in the same building or on the same site) and designated in the General Plan Land Use Map as Housing Element Overlay.
2. Parcels identified in the Housing Element as accommodating the City’s share of the lower income Regional Housing Needs Allocation, including the following housing opportunity sites, identified with reference to the 2023-2031 6<sup>th</sup> Cycle Housing Element, as follows: Site 2 – Stoneridge Shopping Center; Site 5 – Laborer’s Council; Site 6 – Signature Center; Site 7 – Hacienda Terrace; Site 9 – Metro 580; Site 12 – Pimlico Area (North Side); Site 20 – Boulder Street; Site 21a (Kiewit High Density); Site 23 – Sunol Boulevard; Site 29 – Oracle; and the Dublin/Pleasanton BART Station parking lot. These sites shall:
  - a. Permit owner-occupied and/or rental single-family and/or multi-family uses by right pursuant to Cal. Government Code §65583.2(h). and (i) for projects with affordable housing proposals in which 20 percent or more of the units are affordable to lower-income households.
  - b. Be allowed 100 percent residential uses regardless of any other applicable zoning district’s permitted and conditionally permitted uses for the site; and
  - c. Have all residential uses either: (1) occupy at least 50 percent of the floor area for a new construction mixed-use project; or (2) occupy at least 50 percent of the new floor area proposed on a housing opportunity site with pre-existing commercial/office floor area to be preserved as part of the project. In no case shall the provisions of this District preclude a

commercial/office project with no residential uses, assuming those uses are allowed by the base zoning, to be proposed on a housing opportunity site. (Ord.2272 § 1, 2023)

B. Development Standards.

1. Non-residential uses, including modification and expansion of existing uses, shall be permitted and conditionally permitted as specified in the underlying zoning district, the City's Objective Design Standards (ODS) and/or applicable provisions of this title thereto.

2. Residential uses shall be allowed consistent with the densities set forth on a site-specific basis in the Housing Element and the City's Objective Design Standards, and the applicable development standards as specified in the City's Objective Design Standards and/or applicable provisions of this title thereto.

**18.38.045 Inclusionary unit provisions and specifications.**

A. Required Inclusionary Units

1. For all new multiple-family residential projects of 15 units or more, at least 15 percent of the project's dwelling units shall be affordable as provided in this chapter.
2. For all new single-family residential projects of 15 units or more, at least 20 percent of the project's dwelling units shall be affordable as provided in this chapter.
3. For all new mixed-use projects with 15 residential units or more, at least 15 percent of the project's dwelling units shall be affordable as provided in this chapter.
4. Any commercial, office or industrial development will be subject to the affordable housing fee set forth in Chapter 17.40 or may provide inclusionary housing as provided in 17.44.040.B.
5. The percentage of inclusionary units required for a particular project shall be determined only once on a given project, at the time of tentative map approval, or, for projects not processing a map, prior to issuance of building permit. If the subdivision design changes, which results in a change in the number of unit types required, the number of inclusionary units required shall be recalculated to coincide with the final approved project. In applying and calculating the 15 percent requirement, any decimal fraction less than or equal to 0.50 may be disregarded, and any decimal fraction greater than 0.50 shall be construed as one unit.

- B. Rental Units. For rental units, the following affordability mix shall be met among the required inclusionary units:

1. A minimum of 25 percent of inclusionary units shall have rents set at no more than 30% of 50% Area Median Income (AMI) for households with incomes up to 50% AMI (Very Low-Income Units)
  2. A minimum of 25 percent of inclusionary units shall have rent set at no more than 30% of 60% AMI for households with incomes of 51% to 60% AMI (Low-Income Units)
  3. No more than 50 percent of inclusionary units shall have rent set at no more than 30% of 80% AMI for households with incomes of 61% to 80% AMI (Low-Income units)
- C. Ownership Units. For affordable ownership units, initial sales prices shall be set at the following limits to result in a monthly mortgage payment (principal and interest) which does not exceed one-twelfth of 35% of the stated AMI, for household size per Subsection F, below:
1. 1 bedroom units to be restricted at 100% AMI
  2. 2 bedroom condominium units to be restricted at 100% AMI
  3. 2 bedroom townhome units/single-family units AND 3 bedroom and larger units to be restricted at 120%AMI
- D. Bedroom Mix. For each project, a minimum of 10% of the total inclusionary units will be three-bedroom units; a minimum of 45% of the total inclusionary units will be two-bedroom units; and the remaining inclusionary units will be studio or one-bedroom units except that no more than 10% of the units may be studios. This requirement shall not apply to age-restricted senior housing or single-family projects.
- E. Minimum Size. Inclusionary units may be of smaller size than the market rate units in the project, subject to the following limitations: the living area of ownership units may be up to 50% smaller than the size of the average market rate unit in the project; for rental units the living area of each unit shall be as follows: (i) a studio shall be at least 700 square feet, (ii) a one-bedroom unit shall be at least 850 square feet, (iii) a two-bedroom unit shall be at least 1,000 square feet, (iv) a three bedroom unit shall be at least 1,250 square feet, and (v) for units with more than 3 bedrooms an additional 250 square feet for each additional bedroom.
- F. Household Size. For the purposes of calculating affordable rental or affordable sales price of an inclusionary units, the following household size assumptions shall be used for each applicable dwelling unit types:



Unit Size	HUD Household Size
Studio units	1 person
1 bedroom unit	2 persons
2 bedroom unit	3 persons
3 bedroom unit	4 persons
4 or more bedroom unit	5 or more persons

- G. Materials. Inclusionary units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the market rate units in the project.
- H. Construction timing. All inclusionary units in a project shall be constructed concurrently with or prior to the construction of the project's market rate units.
- I. Accessory Units. Accessory dwelling units and junior accessory dwelling units shall not count towards meeting inclusionary requirements.
- J. Projects with different unit types. For those projects with both market rate units and inclusionary units:
- a. Inclusionary units shall be dispersed throughout the project so as not to concentrate inclusionary units in a specific geographic area (including a floor) of the project.
    - i. For a project where the market rate units are proposed to be detached single-family homes, it is permitted for the inclusionary units be paired single-family, duets, duplexes, or townhomes. In such case, the townhomes can be concentrated in one or more areas of the project. The residents of both the market rate and the inclusionary units must be provided equivalent project amenities.
    - ii. For a project where the market rate units are proposed to be attached or detached single-family homes, duets, or duplexes, it is permitted for the inclusionary units to be ownership condominiums or rental apartments. In such case, and where the number of inclusionary units exceed 15 units, the condominiums or apartments can be concentrated in an area of the project. The residents of both the market rate and the inclusionary units must be provided equivalent project amenities.
- K. Requirements. The affordability requirements are as set forth in this chapter and the applicable Objective Design Standards (ODS); and for sites for which there are no ODS, then the requirements in Chapter 17.44. In the event of any conflict, the more restrictive provisions that provide more inclusionary units and deeper affordability shall apply.

- L. Perpetuity. Inclusionary units shall remain affordable in perpetuity through the recordation of an affordable housing agreement described in Section 18.38.050 of this chapter.
- M. Eligibility. The city's adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units created by this chapter, unless superseded by federal or state law.

**18.38.050 Affordable housing agreement.**

All projects subject to this chapter shall enter into an affordable housing agreement. The agreement shall record the method and terms by which a project owner shall comply with the requirements of this chapter or by alternatives as generally provided in Cal. Government Code section 65850(g) acceptable in the determination of the City based on analysis of equivalent financial value; which analysis may be required by the City to be done by a third party at the owner's expense. The approval and/or recordation of this agreement shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for such lots or units.

The affordable housing agreement shall state the methodology for determining a unit's initial and ongoing rent or sales and resale price(s), any resale restrictions, occupancy requirements, eligibility requirements, city incentives including second mortgages, recapture mechanisms, the administrative process for monitoring unit management to ensure ongoing affordability and other matters related to the development and retention of the inclusionary units.

In addition to the above, the affordable housing agreement shall set forth any waiver of the affordable housing fee. For projects which meet the affordability threshold with very low and/or low-income units, all units in the project shall be eligible for a waiver of the affordable housing fee. For single-family residential projects which meet the affordability threshold with moderate income units, or multiple-family residential projects which do not meet the affordability threshold, only the inclusionary units shall be eligible for a waiver of the affordable housing fee.

To ensure affordability of the unit in perpetuity, the affordable housing agreement shall be recorded with the property deed or other method approved by the city attorney.  
(Ord.2272 § 1, 2023)

**Article III. Miscellaneous**

**18.38.060 Administration.**

Approval of residential projects within the district shall be as specified in this Title, which may include, but is not limited to, a housing site compliance review pursuant to Chapter 18.22, subdivision map, etc. An applicant of a project subject to this chapter shall submit an affordable housing proposal stating the method by which it will meet the requirements of this chapter. The affordable housing proposal shall be submitted as part

of the applicant's city development application to the planning division in a form approved by the director of community development or designee.

The affordable housing proposal shall be reviewed by the city's commission with purview over affordable housing agreements at a properly noticed meeting open to the public. The commission shall make recommendations to the city council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives described in section 17.44.070 and Housing Element Policy 2.6. The commission may also make recommendations to the city council regarding the project as necessary to ensure conformance with this chapter.

Acceptance of the applicant's affordable housing proposal is subject to approval by the city council, which may direct the city manager to execute an affordable housing agreement in a form approved by the city attorney. The city manager or his or her designee shall be responsible for monitoring the sale, occupancy and resale of inclusionary units. (Ord.2272 § 1, 2023)

**18.38.070 Enforcement.**

- A. In the event of conflict between this chapter and Chapters 17.40 or 17.44, or other adopted city requirement, the more specific provision shall prevail.
- B. The city manager is designated as the enforcing authority. The city manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. (Ord.2272 § 1, 2023)

**18.30.080 Appeals.**

Any person aggrieved by any action or determination of the city manager under this chapter, may appeal such action or determination to the city council in the manner provided in Chapter 18.144 of this code. (Ord.2272 § 1, 2023)

Site/Area # (HEU)	Site/Area Name	Site Address	APN	Lot Size (acres)	Current Zoning	Proposed Zoning
N/A (5 <sup>th</sup> Cycle)	BART Surface Parking Lot	5859 Owens Drive	941 277101500	6.93	PUC-MU	PUD-MU and HOZ
	BART Surface Parking Lot	5835 Owens Drive	941 277802200	7.97	PUC-MU	PUD-MU and HOZ
1	Lester	11033 Dublin Canyon Road	941 250002200	0.73	Pre-zoned - A	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HCZ
	Lester	Dublin Canyon Road	941 250002300	12.67	Pre-zoned - A	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HCZ
	Lester	10807 Dublin Canyon Road	941 270002200	12.39	Unincorporated	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HCZ
	Lester	Dublin Canyon Road	941 260002206	98.85	Pre-zoned - A	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HCZ
2	Stoneridge Shopping Center	1400 Stoneridge Mall Road	941 120102800	3.00 of 3.68	C-Rim)	C-R (m) and HOZ
	Stoneridge Shopping Center	1500 Stoneridge Mall Road	941 120102900	3.00 of 9.77	C-Rim)	C-R (m) and HOZ
	Stoneridge Shopping Center	1300 Stoneridge Mall Road	941 120103006	3.00 of 11.91	C-Rim)	C-R (m) and HOZ
	Stoneridge Shopping Center	2551 Stoneridge Mall Road	941 120103200	3.00 of 8.36	C-Rim)	C-R (m) and HOZ
	Stoneridge Shopping Center	1003 Stoneridge Mall Road	941 120103403	3.00 of 28.63	C-Rim) and PUD-MU	C-R(m), PUD-MJ and HOZ
	Stoneridge Shopping Center	1700 Stoneridge Mall Road	941 120103500	3.00 of 6.22	C-Rim)	C-R (m) and HOZ
5	Laborer Council	4780 Chabot Drive	941 277103300	1.39	PUC-I/C-O	PUD-/C-O and HOZ
6	Signature Center	4900 Hopyard Road	941 130105700	1.36	PUC-I/C-O	PUD-/C-O and HOZ
	Signature Center	4900 Hopyard Road	941 130105800	5.16	PUC-I/C-O	PUD-/C-O and HOZ
	Signature Center	5000 Hopyard Road	941 130105900	5.37	PUC-I/C-O	PUD-/C-O and HOZ
	Signature Center	5000 Hopyard Road	941 130106001	2.77	PUC-I/C-O	PUD-/C-O and HOZ
7	Hacienda Terrace	4309 Hacienda Drive	941 276103403	2.00 of 16.35	PUC-I/C-O	PUD-/C-O and HOZ
8	Muslim Community Center	5724 W. Las Positas Boulevard	941 276201301	4.86	PUC I/C O	PUD /C O and HOZ
9	Metro 500	4515 Rosewood Drive	941 277902900	5.00 of 15.51	PUD-I/C-O	PUD-/C-O and HOZ
12	Pimlico Area (North Side)	4003 Pimlico Drive	946 110103102	0.90	C-F	C-F and HOZ
	Pimlico Area (North Side)	4011 Pimlico Drive	946 110103504	1.41	PUC-C	PUD-C and HOZ
	Pimlico Area (North Side)	4005 Pimlico Drive	946 110103604	0.76	PUC-C	PUD-C and HOZ
14	St. Elizabeth Seton	Oakland Avenue	946 455001704	2.94	A	A and HOZ
16	Tri Valley Inn	2025 Santa Rita Road	946 329500104	2.30	C-F	C-F and HOZ
	Valley Plaza	4285 Valley Avenue	946 329501200	0.18	PUC-C	PUD-C and HOZ
	Valley Plaza	1811 Santa Rita Road	946 329500202	0.87	PUC-C	PUD-C and HOZ
	Valley Plaza	4305 Valley Avenue	946 329500600	0.50	PUC-C	PUD-C and HOZ
	Valley Plaza	4303 Valley Avenue	946 329500700	1.37	PUC-C	PUD-C and HOZ
	Valley Plaza	1807 Santa Rita Road	946 329500900	2.07	PUC C	PUD C and HOZ
	Valley Plaza	1809 Santa Rita Road	946 329501000	2.04	PUC C	PUD C and HOZ
	Valley Plaza	1803 Santa Rita Road	946 329501100	0.37	PUC-C	PUD-C and HOZ
18	Valley Plaza	4295 Valley Avenue	946 329501300	0.41	PUC-C	PUD-C and HOZ
	Black Avenue	4400 Black Avenue	946 338000600	2.62	P	P and HOZ
20	Boulder Street	3500 Boulder Street	946 125101000	7.00	I-G-40	I-G-40 and HOZ
	Boulder Street	3400 Boulder Street	946 125101300	2.46	I-G-40	I-G-40 and HOZ
21	Kiewit	3300 Busch Road	946 125100704	5.00 of 49.07	I-G-40	I-G-40 and HOZ
	Kiewit	Valley Avenue	946 125100809	1.22	S	S and HOZ
	Kiewit	Valley Avenue	946 125103300	1.33	S	S and HOZ
22	Merritt	4141 Foothill Road	941 095000301	3.06	Unincorporated	Pre-zoned PUD-LCR and HOZ
	Merritt	4131 Foothill Road	941 095000303	5.30	Unincorporated	Pre-zoned PUD-LCR and HOZ
	Merritt	Foothill Road	941 095000312	12.76	Unincorporated	Pre-zoned PUD-LCR and HOZ
	Merritt	Foothill Road	941 095000311	25.18	Unincorporated	Pre-zoned PUD LCR and HOZ
23	Sunol Boulevard	5511 Sunol Boulevard	947 000400105	0.77	I-P	I-P and HOZ
	Sunol Boulevard	5505 Sunol Boulevard	947 000400107	3.13	I-P	I-P and HOZ
	Sunol Boulevard	5875 Sunol Boulevard	947 000400304	11.39	I-P	I-P and HOZ
25	FUSD-District	4750 First Street	994 000100103	10.68	P	P and HOZ
26	St. Augustine	3999 Berna Avenue	946 255001401	4.20 of 6.40	A	A and HOZ
27	FUSD-Vineyard	Vineyard Avenue	946 461900100	7.00 of 10.64	PUC-Elementary School	PUD-Elementary School and HOZ
29	Oracle	5805 Owens Drive	941 277800305	3.00 of 20.61	PUC-I/C-O	PUD-/C-O and HOZ

**EXHIBIT B**

**Municipal Code Amendment for Creation of the  
Housing Site Compliance Review process**

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## **Chapter 18.22 HOUSING SITE COMPLIANCE REVIEW**

### **Article I. General Provisions**

#### **18.22.010 Title.**

This chapter shall be called the “Housing Site Compliance Review” ordinance of the City of Pleasanton. (Ord.2272 § 1, 2023)

#### **18.22.020 Purpose.**

The Objective Design Standards and Guidelines, adopted by Resolution No. 23-1386 (2023 ODS), as amended, are to be used to review both single-family and/or multi-family ownership and/or rental residential development projects on housing opportunity sites designated and/or rezoned as part of the 2023-2031 (6<sup>th</sup> Cycle) Housing Element (“housing opportunity sites”) of the General Plan. The 2023 ODS are intended to provide direction to developers and property owners regarding development standards, site design and circulation, and architectural features, with the goal of ensuring all new housing opportunity site residential development is compatible with Pleasanton’s existing high-quality neighborhoods.  
(Ord.2272 § 1, 2023)

#### **18.22.030 Projects subject to housing site compliance review.**

In order to ensure compliance with the 2023 ODS, the following project types on housing opportunity sites shall be subject to housing site compliance review:

A. The planning commission shall consider and render a decision regarding whether a housing opportunity site project complies with the 2023 ODS, any related environmental mitigation measure(s), and City objective standards which were in place when an application for the site was received for projects including 51 or more residential units.

B. The zoning administrator shall consider and render a decision regarding whether a housing opportunity site project complies with the 2023 ODS, any related environmental mitigation measure(s), and City objective standards which were in place when an application for the site was received for projects up to 50 residential units.  
(Ord.2272 § 1, 2023)

#### **18.22.040 Powers – Duties.**

The planning commission or zoning administrator shall have the following powers and duties:

A. In making decisions, approve, approve with modifications or conditions, or deny an application for a housing opportunity site in compliance with the 2023 ODS, any related environmental mitigation measure(s), and City objective standards which were in place when the application was received.

B. Require such improvements, either on or off site, which are reasonably related to the project for a housing opportunity site which are necessary in order to mitigate adverse environmental effects disclosed in an environmental assessment, negative declaration, EIR/EIS, etc., in compliance with the 2023 ODS, and City objective standards which were in place when the application was received. (Ord.2272 § 1, 2023)

### **18.22.050 Scope of Review.**

The planning commission or zoning administrator shall review site plans, landscape plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required and within requisite submittal requirements/timeframes specified by State Law, as applicable (e.g., applications submitted under SB 35 (2017), SB 330 (2019), etc.), to ensure projects for a housing opportunity site shall comply with all requirements of the 2023 ODS, any related environmental mitigation measure(s), City objective standards which were in place when the application was received, and any other pertinent factual information. (Ord.2272 § 1, 2023)

### **18.22.060 Procedures.**

A. An applicant submitting a project for a housing opportunity site subject to housing site compliance review shall submit all required materials to the planning division. The planning division shall review the required materials for completeness. The planning division shall indicate to the applicant if any additional information is needed, if the plans require revisions, or if a review under the California Environmental Quality Act (CEQA) is needed within timelines specified by State Law.

B. Once an application is deemed complete, surrounding property owners and residents within 1,000 feet of the project site will be mailed notice by the planning division of the proposed zoning administrator action, or of the planning commission meeting, as applicable. On-site project notification shall also be required, in conformance with the City's adopted policy, with such notification the responsibility of the applicant to install within a time frame specified by the planning division.

C. In the case of projects subject to zoning administrator compliance review, if, within seven (7) days of mailing the above-referenced notice, the zoning administrator receives a request for hearing, the zoning administrator shall schedule an administrative hearing within the time frame established by State Law. The zoning administrator's decision shall be made either administratively, if no hearing is requested, or during the administrative hearing.

D. In the case of projects subject to planning commission compliance review, the planning commission meeting shall be scheduled within the time frame established by State Law. The planning commission's decision shall be made during the meeting.

E. The zoning administrator or planning commission, as specified, shall approve the project if it complies with: a) the requirements of the 2023 ODS and any other applicable objective standards established with adopted City plans and documents which were in place when the application was received; and b) any applicable mitigation measure(s) of any applicable environmental document(s).

If the project does not comply, conditions may be imposed to achieve compliance, or the project may be denied. Such conditions or denial shall be subject to the limitations of State Law, including, but not limited to, Government Code Section 65589.5. Once a decision is rendered, the applicant shall be informed in writing along with any conditions attached to the approval. (Ord.2272 § 1, 2023)

**18.22.070 Effective date of decision.**

A. Within five days of the date of the zoning administrator's or planning commission's decision on a project subject to housing site compliance review, the secretary shall transmit written notice of the decision to the planning commission and/or city council, and the applicant. Unless a timely appeal is filed as provided in Section [18.22.080](#) of this chapter, or unless the planning commission and/or the city council elects to review the decision of the zoning administrator, the decision shall be effective on the later of the following:

1. The day following the first meeting of the city council after the city council has received notice of the decision; or
2. The day after the expiration of the appeal period.

B. Unless a timely appeal is filed as provided in Section [18.22.090](#) of this chapter, the decision of the zoning administrator or planning commission shall be effective at the expiration of the appeal period. (Ord.2272 § 1, 2023)

**18.22.080 Appeals or reviews.**

Unless otherwise prohibited by state law, appeals or reviews shall be as follows:

A. Any appeal or review pursuant to actions made by the zoning administrator and/or planning commission pursuant to this chapter shall follow the timelines and administrative procedures outlined in Section [18.144.020](#) of this title.

B. Any party may appeal and/or any member of the city council may review any decision of the zoning administrator and/or planning commission to the city council.

C. Any party may appeal an action of the zoning administrator to the planning commission. Any appeal to the planning commission may be further appealed to the city council. Any member of the planning commission and/or city council may review an action of the zoning administrator to the planning commission or the city council, respectively. Appeals to or reviews by the planning commission or city council shall be governed by this title as if the appeal or review of the zoning administrator's action were a new application before the planning commission or city council. (Ord.2272 § 1, 2023)

**18.22.090 Lapse of approval.**

Housing site compliance review shall lapse and shall be void one year following the effective date of approval, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or the applicant's successor has filed a request for approval of extension with the zoning administrator pursuant to the provisions of Section [18.12.030](#) of this title; or unless otherwise provided by state law. (Ord.2272 § 1, 2023)