

**RESOLUTION NO. 15-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON (A) DENYING THE APPEAL OF GARY MONZO, THEREBY UPHOLDING THE PLANNING COMMISSION'S APPROVAL FOR DESIGN REVIEW APPROVAL TO CONSTRUCT AN APPROXIMATELY 6,841-SQUARE-FOOT TWO-STORY CUSTOM HOME AS WELL AS RELATED LANDSCAPE AND SITE IMPROVEMENTS INCLUDING APPROXIMATELY 23,817 SQUARE FEET OF GRADING, AND (B) APPROVING A GROWTH MANAGEMENT AGREEMENT FOR 8019 GOLDEN EAGLE WAY, AS FILED UNDER CASE NO. P14-1186.**

**WHEREAS**, Nagib Haddad applied for a Design Review application to construct an approximately 6,841-square-foot two-story custom home as well as related landscape and site improvements including approximately 23,817 square feet of grading on a vacant lot located at 8019 Golden Eagle Way; and

**WHEREAS**, zoning for the property is PUD – LDR (Planned Unit Development – Low Density Residential) District and new single family homes require Design Review approval pursuant to the Pleasanton Municipal Code; and

**WHEREAS**, at its meeting on March 25, 2015, the Planning Commission, having considered all public testimony, relevant exhibits, and recommendations of City staff concerning this application, approved the application; and

**WHEREAS**, within the time specified by the Pleasanton Municipal Code, Gary Monzo submitted an appeal of the decision of the Planning Commission to the City Council; and

**WHEREAS**, at its regular meeting of May 19, 2015, the City Council received a report from the Director of Community Development, together with a copy of the staff report to the Planning Commission, regarding this matter; and

**WHEREAS**, the City Council held a regular public hearing on May 19, 2015, at which time the appellant, and other members of the public were offered an opportunity to present evidence regarding the appeal.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** For the reasons set forth in the staff report and statements made during the public hearing, denies the appeal, thereby upholding the decision of the Planning Commission to approve the Design Review application to construct an approximately 6,841-square-foot two-story custom home as well as related landscape and site improvements including approximately 23,817 square feet of grading on a vacant lot located at 8019 Golden Eagle Way with conditions as modified in Exhibit A.

**SECTION 2.** Approves the Growth Management Agreement with Nagib Haddad, P14-1186 in substantially the same form as the agreement attached hereto as Exhibit B, which is incorporated herein by this reference, and authorizes the City Manager to sign the agreement when approved as to final form by the City Attorney.

**SECTION 3.** This resolution shall become effective immediately upon its passage and adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a meeting held on May 19, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 19<sup>th</sup> day of May 2015, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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Karen Diaz, City Clerk

APPROVED AS TO FORM:

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Jonathan Lowell, City Attorney

**Exhibit A  
City Council  
P14-1186, Conditions of Approval**

**8019 Golden Eagle Way  
May 19, 2015**

**STANDARD CONDITIONS OF APPROVAL  
Planning**

1. The proposed development shall be in substantial conformance to Exhibit B, dated "May 1, 2015," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
2. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
3. The design review approval shall lapse one year from the effective date of this approval unless a building permit is obtained and construction diligently pursued, or the City has approved a time extension.
4. The applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to offset this project's long term effect on school facility needs in Pleasanton in addition to the school impact fees required by State law. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities. The method and manner for the provision of these funds and/or facilities shall be approved by the PUSD and in place prior to building permit issuance. Written proof of compliance with this condition shall be provided by Applicant to the City, on a form generated by the PUSD, prior to building permit issuance.
5. Prior to the building permit submittal, the applicant/building developer shall submit a final list of the green building measures used in the design of the house covered by this approval to the Planning Division for review and approval by the Director of Community Development. The home shall be designed to achieve a "certified rating" of a minimum of 50 total points, achieving at least the minimum points in each category, using BuildItGreen's current GreenPoints rating system. Notwithstanding the foregoing, the State of California's Green Building Standards Code, "CALGreen", as amended, shall apply, as applicable.

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

A special inspection by the Planning Division shall be coordinated with regards to landscaping, irrigation, and exterior materials. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, or a third party rater, or the applicant shall provide written verification by the project engineer, architect, landscape architect, or designer.

6. All Heating, Ventilation, and Air Conditioning (HVAC) condensing units shall be located on the plans.
7. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
8. Prior to occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
9. Planning Division approval is required before any changes are implemented in site design, grading, house design, house colors or materials, green building measures, landscape material, etc.
10. All landscaping shall be installed within nine months of occupancy. The project applicant shall arrange a landscape/irrigation site inspection with the Planning Division within 30 days of completion of the landscaping/irrigation system installation.
11. The developer and future homeowners are encouraged to use best management practices for the use of pesticides and herbicides.
12. The project developer must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
13. The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.

14. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
15. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
16. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.
17. The applicant and future homeowner are encouraged to use reclaimed gray water, rain water, etc., for landscape irrigation. If used, the details shall be shown on the permit plan set to the satisfaction of the Director of Community Development before issuance of a building permit.
18. All fireplaces shall be a gas fireplace, pellet fueled wood heater, or EPA certified wood-burning appliance. The fireplace type shall be indicated on the floor plan and/or specification sheet(s) submitted for issuance of building permits.

**SPECIAL CONDITIONS OF APPROVAL**  
**Planning**

19. The residence shall be constructed to allow for the future installation of a photovoltaic system and a solar-water-heating system. The applicant or building developer shall comply with the following requirements to make the residence photovoltaic- and solar-water-heating-ready:
  - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;
  - b. An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current,
  - c. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a photovoltaic and solar water heating system beyond that anticipated for roofing;
  - d. Plumbing shall be installed for solar-water heating; and
  - e. Space shall be provided for a solar-heating tank.

These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit.

20. The project developer may submit the building permit plan check package during the appeal period with a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period for P14-1186.
21. Final color, roofing and material samples shall be submitted to the Director of Community Development for review and approval before issuance of the first building permit.
22. Prior to issuance of building permits, the applicant shall provide a letter from Golden Eagle Estates indicating that all outstanding items listed in their letter of approval dated August 19, 2014, have been met.
23. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall be allowed on State or Federal Holidays, Saturdays, or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
24. All retaining walls shown on the building permit plans shall be faced with stone or manufactured stone, stucco or exterior plaster over blocks or concrete, or shall be constructed of wood. If stucco or exterior plaster is utilized, colors shall match the body of the home. This detail shall be shown on the building permit plan set to the satisfaction of the Director of Community Development before the issuance of a building permit.
25. The applicant/building developer shall provide a fencing plan with design details with the building permit submittal. The fence type and height shall conform to the PUD guidelines.
26. A minimum of one appliance or system that meets Energy Star standards shall be installed as part of the project. The proposed appliance or system and how it adheres to Energy Star standards shall be stated on the plans submitted for the issuance of a building permit.
27. A minimum of one water conservation device such as low-flow faucets, toilets, shower fixtures, etc., shall be installed as part of the project. The water conservation device(s) shall be stated on the plans submitted for the issuance of a building permit.
28. The dwelling unit covered by this approval shall be constructed to encourage telecommuting by providing telecommunications infrastructure such as cabling for

DSL service, wiring for total room access, etc. The applicant/building developer shall show the infrastructure on the building permit plan set prior to issuance of a building permit.

29. The applicant/building developer shall submit a building pad elevation certification and foundation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official, certifying that the pad elevations and building locations (setbacks) conform to the approved plans, prior to receiving a foundation inspection for the structure.
30. The project applicant shall submit a final landscape and irrigation plan for the entire site with the building permit plan set to the Planning Division for review and approval before installation. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought tolerant nature with an irrigation system that maximizes water conservation (e.g. drip system).
31. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and shall implement Bay Friendly Basics. A licensed landscape architect shall verify the project's compliance with the ordinance prior to the issuance of a building permit, and prior to final inspection. The verification shall be provided to the Planning Division.
32. Any excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No temporary stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
33. In lieu of providing the tree protection bond for the existing trees on the property, the homeowner and the Golden Eagle Farms homeowners association shall enter into an agreement with the City to ensure the protection and health of these trees. The homeowners association shall collect a fine from the homeowner in the amount of each tree's value, as calculated in the March 3, 2000, tree report prepared by Joseph McNeil, for any of the trees which are destroyed or substantially damaged; such fine shall then be turned over to the City of Pleasanton. The agreement shall be submitted to the City attorney for review and approval before issuance of a building permit; it may not supersede the tree preservation measures required as part of this approval.

### **STANDARD CONDITIONS OF APPROVAL** **Engineering**

34. The project applicant shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant

for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.

35. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit.
36. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
37. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
38. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
39. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
40. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit.

### **STANDARD CONDITIONS OF APPROVAL Building**

41. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
42. Prior to issuance of building or demolition permits, the applicant/building shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the applicant/ building developer shall mark all trash disposal bins "trash materials only" and all recycling

bins “recycling materials only.” The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

43. At the time of building permit plan submittal, the project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures to prevent stormwater runoff onto adjoining properties.

**STANDARD LANDSCAPING CONDITIONS OF APPROVAL**  
**Landscaping Requirements:**

44. The applicant/building developer shall provide root control barriers and four inch perforated pipes for trees near driveways and street, and trees in planting areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.
45. For purposes of erosion control, the applicant/building developer shall plant a hydroseed mixture that has been designed by the project Landscape Architect. The hydroseed mixture shall be specified on the building permit plans for review and approval by the Director of Community Development and shall be maintained by the applicant/developer until the site areas are landscaped.
46. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) outside of the existing tree drip lines, as shown on the plans. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a “stop work order.”
47. The following statements shall be printed on to the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
  - a. No existing tree may be trimmed or pruned without prior approval by the Community Development Director.
  - b. No equipment may be stored within or beneath the driplines of the existing trees.
  - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
  - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.

## **STANDARD URBAN STORMWATER CONDITIONS OF APPROVAL**

48. The project shall comply with the applicable California Regional Water Quality Control Board, San Francisco Bay Region, and Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) General Permit.

The current Municipal Regional Stormwater NPDES Permit No. is #CAS612008 which was adopted on October 14, 2009. This permit was amended on November 28, 2011 by California Regional Water Quality Control Board, San Francisco Bay Region and is anticipated to be in effect until November 30, 2014.

The current NPDES General Permit number is CAS000002, Order Number 2009-0009-DWQ and this permit is anticipated to be in effect until September 2, 2014.

Copies of the above-mentioned NPDES permits are available at the City of Pleasanton's Engineering Division and Building Division, Alameda County Clean Water Program office in Hayward, and the State Water Board websites.

### **Design Requirements**

49. The following requirements shall be incorporated into the project:
- a. The applicant/building developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be designed as needed to the satisfaction of the City Engineer to treat the stormwater running off all impervious surfaces that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.
  - b. All metal roofs, if used, shall be finished with rust-inhibitive paint.
  - c. Bulk construction materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the Chief Building Official.
  - d. Roof drains shall discharge and drain away from the building foundation to the landscape area or to an unpaved area.

### **Construction Requirements**

50. The Construction General Permit's construction requirements include, but are not limited to, the following:
- a. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation

system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 or when rain is in the forecast unless approved erosion control/stormwater quality measures are in place. Such measures shall be maintained until such time as permanent landscaping and post construction storm water treatment measures are in place.

- b. Gather all sorted construction debris on a regular basis and place it in the appropriate container for recycling; to be emptied at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
- c. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
- d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- e. Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system by wind or a material spill.
- f. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, soil/dirt or storm drain.
- g. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, unprotected soil or storm drains.
- h. Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- i. Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit with impermeable liner large enough to store the liquid and solid waste, clean pit by allowing concrete to

set, breaking up the concrete, then recycling or disposing of properly. Remove dried concrete on a regular basis (so liner below the wash area will not split and allow wash water to mix with soil). Use self-cleaning concrete trucks where available.

- j. Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures. In case of spill, contact the project Qualified Stormwater Developer (QSD) or the Qualified Stormwater Practitioner (QSP) and follow the procedure required in State National Pollutant Discharge Elimination System (NPDES) General Permit.

### **SPECIAL CONDITIONS OF APPROVAL**

#### **Fire**

- 51. The building covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted to the Pleasanton Building and Safety Division for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building.

### **STANDARD CONDITIONS OF APPROVAL**

#### **Fire**

- 52. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
- 53. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
- 54. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.
- 55. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.

**STANDARD CONDITIONS OF APPROVAL**  
**Community Development Department**

56. The project applicant/developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
57. The project developer shall submit a written dust control plan or procedure as part of the improvement plans.
58. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
59. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.

**CODE REQUIREMENTS**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

**Planning**

60. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. The project/building developer shall submit a final lighting plan, and include drawings and/or manufacturer's specification sheets showing the size and types of light fixtures proposed for the exterior of the buildings.

## **Fire**

61. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
62. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.
63. The building(s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

## **Building**

64. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
65. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
66. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
67. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.

**< End >**

**EXHIBIT B**

**GROWTH MANAGEMENT AGREEMENT**

**THIS GROWTH MANAGEMENT AGREEMENT** is made and entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, between **Nagib Haddad** ("Developer"), and the **CITY OF PLEASANTON**, a municipal corporation ("City").

**RECITALS:**

- A. Developer owns a legal or equitable interest in real property ("the Subject Property") in the City of Pleasanton.
- B. The City has granted to Developer Design Review approval (P14-1186) for one single family home ("the Project").
- C. The residential unit is being developed consistent with the Pleasanton Municipal Code and Planned Unit Development PUD-85-15.
- D. City may enter into growth management agreements with project developers under the City's Growth Management Ordinance.
- E. City and Developer wish to enter into a growth management agreement in order to achieve the benefits of the Project to City and its residents and in accordance with the purposes of the City's Growth Management Ordinance.

**NOW, THEREFORE**, in consideration of the mutual promises expressed herein, City and Developer hereby agree as follows:

**I. GROWTH MANAGEMENT APPROVAL**

- A. City hereby grants growth management approval to the Project for one single family home in 2015. The developer may be issued a building permit for one unit provided that a building permit shall not be issued prior to 2015.

**II. PROJECT CONDITION**

Nothing herein shall reduce any obligation of Developer required as a condition of any other approvals granted by the City.

**III. SUCCESSORS IN INTEREST**

This Agreement shall run with the land and be binding upon and inure to the benefit of Developer and its heirs, assigns, and successors in interest that have an interest in the Subject Property, except for the purchasers of individual units within the Project.

**THIS AGREEMENT** is entered into as of the day and year first above written.

**DEVELOPER:** **Nagib Haddad**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**CITY:** **CITY OF PLEASANTON,**  
a Municipal Corporation

By: \_\_\_\_\_  
Nelson Fialho, City Manager

ATTEST:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan P. Lowell, City Attorney