

**EXHIBIT A
CONDITIONS OF APPROVAL**

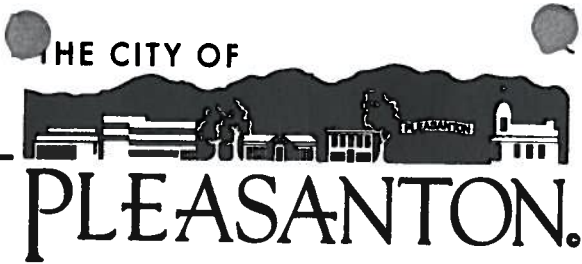
**PAP-145 (Appeal of PSDR-453)
Lemoine Ranch Estates
July 14, 2010**

1. The proposed sign shall conform substantially to the elevations and related materials, marked Exhibit B, dated "Received May 14, 2010," on file with the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. The Walnut Tree, located on the southwest corner of Foothill Road and Oak Creek Drive, shall be removed and replaced with two (2) 24-inch box native Red-bud trees (*Cercis occidnetalis*). The location of the Red-bud trees shall be shown on the plans submitted to the Building and Safety Division for plan check. The location of the replacement trees shall be subject to review and approval by the Zoning Administrator prior to building permit issuance.
3. The type and location of the spot lights shall be shown on the plans submitted for issuance of building permits and shall be subject to review and approval by the Zoning Administrator prior to issuance of building permits for the sign. Light fixtures shall be aimed or shielded so as to not shine on neighboring properties or streets and to have the lowest luminosity feasible. The sign illumination system shall be installed with a light sensor. The sensor shall be set to turn the lights off at dawn and to turn the lights on at dusk.
4. The existing Lemoine Ranch monument sign shall be removed prior to installation of the new monument sign covered by this approval. If any existing landscaping and/or trees are damaged and/or removed due to removal of the sign, the applicant/contractor shall be responsible for replacing said landscaping in kind. The applicant/contractor shall hydroseed the disturbed area after removal of the sign.
5. There shall be no additional signage on the subject property or within the Lemoine Ranch Estates without prior approval from the City.
6. All applicable City permits for the sign shall be obtained prior to the installation of the sign.
7. All removal 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 Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Zoning Administrator may allow earlier "start-times" or later "stop-times" for specific construction activities (e.g., concrete pouring), if it can be demonstrated to the satisfaction of the Zoning Administrator that the

construction noise and construction traffic noise will not affect nearby residents or schools. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.

8. 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, employee and agents from and against any claim (including claims for attorneys fees), 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 attorneys 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.

END



June 15, 2010

Jerry Wyman
Jerry Wyman Sign Consulting
975 Hillcroft Circle
Oakland, CA 94610

Dear Mr. Wyman:

**Re: PSDR-453, Monument Sign for Lemoine Ranch Estates, 4456 Foothill Road
EFFECTIVE DATE: July 1, 2010**

The Planning Division has completed its design review procedure for your proposal to install a new subdivision identification monument sign at 4456 Foothill Road for Lemoine Ranch Estates.

Your application has been approved subject to the following conditions:

1. The proposed sign shall conform substantially to the elevations and related materials, marked Exhibit B, dated "Received May 14, 2010," on file with the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. The Walnut Tree, located on the southwest corner of Foothill Road and Oak Creek Drive, shall be removed and replaced with two (2) 24-inch box native Red-bud trees (*Cercis occidnetalis*). The location of the Red-bud trees shall be shown on the plans submitted to the Building and Safety Division for plan check. The location of the replacement trees shall be subject to review and approval by the Zoning Administrator prior to building permit issuance.
3. The type and location of the spot lights shall be shown on the plans submitted for issuance of building permits and shall be subject to review and approval by the Zoning Administrator prior to issuance of building permits for the sign. Light fixtures shall be aimed or shielded so as to not shine on neighboring properties or streets and to have the lowest luminosity feasible. The sign illumination system shall be installed with a light sensor. The sensor shall be set to turn the lights off at dawn and to turn the lights on at dusk.
4. The existing Lemoine Ranch monument sign shall be removed prior to installation of the new monument sign covered by this approval. If any existing landscaping and/or trees are damaged and/or removed due to removal of the sign, the applicant/contractor shall be responsible for replacing said landscaping in kind. The applicant/contractor shall hydroseed the disturbed area after removal of the sign.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning	Building & Safety	Engineering	Traffic	Inspection
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

Mr. Jerry Wyman
June 15, 2010
Page Two

5. There shall be no additional signage on the subject property or within the Lemoine Ranch Estates without prior approval from the City.
6. All applicable City permits for the sign shall be obtained prior to the installation of the sign.
7. All removal 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 Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Zoning Administrator may allow earlier "start-times" or later "stop-times" for specific construction activities (e.g., concrete pouring), if it can be demonstrated to the satisfaction of the Zoning Administrator that the construction noise and construction traffic noise will not affect nearby residents or schools. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.
8. 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, employee and agents from and against any claim (including claims for attorneys fees), 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 attorneys 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.

Approval of the Sign Design Review will become effective on June 30, 2010 (Pleasanton Municipal Code Chapter 18.144), unless appealed prior to that time. Sign Design Review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and installation is commenced and diligently pursued toward completion, or an extension has been approved by the City.

If you have any questions, please feel free to give me a call at (925) 931-5613.

Sincerely,


Natalie Amos
Associate Planner

c: Russ Berry, Lemoine Ranch Estates HOA, 4476 Tosca Court, Pleasanton, CA 94588
Ann Sorensen, 4432 Foothill Road, Pleasanton, CA 94588

A COPY OF THIS LETTER AND A COMPLETED BUILDING PERMIT QUESTIONNAIRE (ATTACHED) MUST BE PRESENTED TO THE BUILDING AND SAFETY DIVISION WHEN APPLYING FOR BUILDING PERMITS. THE QUESTIONNAIRE MUST THEN BE SUBMITTED TO THE PLANNING DIVISION.

ATTACHMENT TO:

APPLICATION FOR DEVELOPMENT REVIEW FOR
APPEAL OF CASE PSDR- 453

M. NOTE ANY OTHER PARTY(IES) WHO SHOULD
RECEIVE STAFF REPORTS AND NOTICE OF
APPLICATION ON A SEPERATE SHEET AND
ATTACH TO APPLICATION:

NAME: LYNN ANN SORENSEN
ADDRESS: RIVER ROCK HILL ESTATE
APN 941.2000.2
4832 RIVER ROCK HILL ROAD
PLEASANTON, CA 94588

CELL: 925.565.0184
HOME: 925.426.0803

E-MAIL: riverrockhill@yahoo.com

DATE: JUNE 24, 2010

PAP-145
RECEIVED

JUN 24 2010

CITY OF PLEASANTON
PLANNING DIVISION

ADDITIONAL NOTE:

I HAVE A DEED RESTRICTION FILED WITH THE
COUNTY OF ALAMEDA MADE PRIOR TO THE
APPLICATION FOR THE PROPOSED MONUMENT SIGN.
I JUST MET WITH MICHAEL ROUSH WHO
SAID EITHER HE OR THE PLANNING DEPARTMENT
MAY HAVE A COPY OF SAID DOCUMENT. IN
ANY EVENT, IF A COPY IS NOT FOUND, I
WILL OBTAIN AND PROVIDE THE SAME. THE
DEED RESTRICTION WAS CONSTRUCTED SPECIFICALLY
TO INHIBIT ANY SUCH MONUMENT SIGN FROM
BEING CONSTRUCTED AND MUST BE STOPPED
BEFORE IT GETS ANY FURTHER.

RESPECTFULLY SUBMITTED: Lynn Ann Sorensen



CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 1790

**AN ORDINANCE APPROVING THE APPLICATION OF
MARDELL LLC FOR PUD DEVELOPMENT PLAN
APPROVAL, AS FILED UNDER CASE PUD-99-01**

WHEREAS, Mardel LLC has applied for PUD development plan approval for 12 new residential lots, one existing residential lot with an existing second unit, and open space located at 4456 Foothill Road; and

WHEREAS, the property is zoned PUD-LDR/RDR/A (Planned Unit Development - Low Density Residential/Rural Density Residential/Agricultural) District and WFRCOD (West Foothill Road Corridor Overlay) District; and

WHEREAS, based on the Initial Environmental Study, a negative declaration was adopted by Council on September 20, 1999; and

WHEREAS, the City Council finds that the proposed PUD development plan meets the intent of the current West Foothill Road Corridor Overlay District and West Foothill Road Corridor Design Guidelines, and is consistent with the General Plan and the purposes of the PUD ordinance.

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

Section 1: Approves Case PUD-99-01, the application of Mardel LLC for PUD development plan approval for 12 new residential lots, one existing residential lot with an existing second unit, and open space located at 4456 Foothill Road, subject to the conditions shown on "Exhibit B", attached hereto and incorporated herein by this reference.

Section 2: 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.

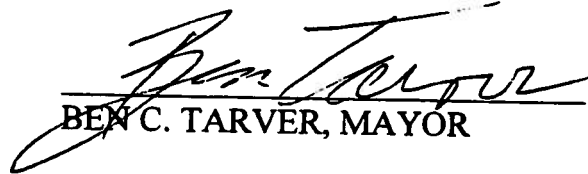
Section 3: This ordinance shall be effective thirty (30) days after the date of its final passage and adoption.

Ordinance No. 1790
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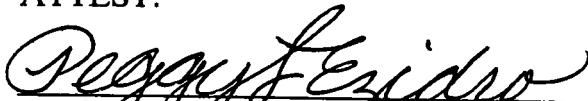
INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on September 20, 1999.

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on October 19, 1999 by the following vote:

AYES: Councilmembers - Ayala, Dennis, and Michelotti
NOES: Councilmember Pico and Mayor Tarver
ABSENT: None
ABSTAIN: None


BEN C. TARVER, MAYOR

ATTEST:


Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

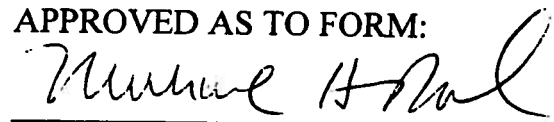

Michael H. Roush, City Attorney

Exhibit "B"
Conditions of Approval
Case PUD-99-01
4456 Foothill Road
(September 20, 1999)

PLANNING

1. The development shall be substantially as shown on the development plans Exhibit "A", dated "Received August 13, 1999" and the color and material board dated "Received February 16, 1999" on file with the Planning Department, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits.
2. Prior to Tentative Map Approval the applicant shall submit revised house plans to the Planning Department. The house plans shall have an individualistic rural design and shall be subject to the review and approval of the Planning Commission.
3. Lots 1-12 as shown on Exhibit "A", shall be subject to the site development standards of the R-1-20,000 zoning district except as modified by the conditions of this approval, "Exhibit "B".
4. The 39-acre lot west of lots 3,4,6, and 7 as shown on Exhibit "A", shall be subject to the site development standards of the R-1-40,000 zoning district except as modified herein. No structures, including additions, may be located in the "structure setback" area as designated on Exhibit "A".

Separation, Building Pads, Setbacks, and Height

5. Main structures on lots 1, 2, and 10 shall meet the separation requirements of the West Foothill Corridor Overlay District. Main structures on lots 3-9, and 11-12 shall meet the separation requirements of Section 18.84.100.A (Yards and Courts Related to Height of a Structure) of the Pleasanton Municipal Code.
6. Prior to Tentative Map approval, the developer shall show building envelopes on lots 1-12. The pads shall be drawn with the intent of preserving as much of the existing natural topography on the lots as possible. The building envelopes are subject to the review and approval of the Planning Director and City Engineer prior to

the issuance of a Tentative Map. Future Class I and Class II accessory structures may be located outside the approved building pad areas, provided that all required setbacks are met, provided that they are situated in such a manner which follows the natural topography and do not involve more than three feet of cut or fill.

7. Prior to the issuance of a Tentative Map, the applicant shall revise the plans and relocate the house on Lots #1, #2, and #10 so that they are set back at least 150 ft. from westerly edge of the Foothill Road edge of pavement as established by the approved interim alignment plan.
8. The minimum setback regulations for all main structures, Class I, and Class II accessory structures on lots 1-12 shall be as follows:

	<u>Front Yard</u>	<u>Side Yard</u>	<u>Street Side Yard</u>	<u>Rear Yard</u>
Lots 1,2, & 10	150' ^{ab}	25' ^a	25' ^a	20' ^a
Lots 3-9, 11, & 12	23' ^{acd}	10' ^{ad}	15' ^{ad}	20' ^{ad}

^a Structure located outside an approved building envelope shown on the approved tentative map shall follow the natural grade and cut and fill shall be limited to less than three feet in height.

^b The setback shall be measured from the westerly edge of the Foothill Road edge of pavement as established by the approved interim alignment plan.

^c 20' minimum front yard setback for side entry garages.

^d On lots 3, 4, and 6 no structures, including additions, may be placed in the "structure setback" area as designated on Exhibit "A".

9. The maximum height and story regulations for main structures and accessory structures on lots 1-12 shall be as follows:

	<u>Max. Height</u>	<u>Max. # of Stories</u>
<u>Main Structures</u>		
Lots 2,5,10, & 11	22'	1 story*
Lots 1,3,4,6-9, & 12	30'	2 stories*
<u>Accessory Structures</u>		
Lots 1-12	15'	1 story**

* Height shall be measured from the lowest point of grade which the home intersects to the highest roof ridge.

**Height shall be measured from the lowest point of grade which the structure intersects to the highest point on the structure.

Colors and Materials

10. The main structure color and material regulations for lots 1-12 shall be as follows:
 - a. The siding on the homes on lots 1,2,5, and 8-12 shall be hardi-plank wood siding or another fibrous siding reviewed and approved by the Planning and Fire Departments. A substantial amount of masonry shall be provided on all four sides of the homes. The exterior house color scheme shall match any of the six schemes shown on the color board, Exhibit "A".
 - b. The primary exterior material on the homes on lots 3,4,6, and 7 shall be stucco. A substantial amount of masonry shall be provided on all four sides of the homes. The exterior house color scheme shall match any of those shown in Exhibit "A".
11. The garages on lots 1,2, and 10 shall be side entry.

Fencing and Retaining Walls

12. Prior to Tentative Map approval, the applicant shall submit a revised fencing plan which shows the gate and gate lighting to be installed by the applicant over the northern private road. The gate and gate lighting is subject to the review and the approval of the Planning Commission, the EBRPD, and Ms. Sorenson. The gate shall have an electronic mechanism by which to open and close it such that persons with access rights onto the EBRPD directly to the north shall not have to exit their automobile to open or close the gate. The gate lighting shall be unobtrusive and shall have a country feeling.
13. Fencing over six (6) ft. in height shall not be allowed on lots 1-12. Side and rear yard fencing on lots 1-12 shall conform to the fencing plan submitted in Exhibit "A". On lots 1-12, solid privacy fencing is not allowed, except when it is not located in a required yard and it is screened by landscaping. On lots 1-12, no

fencing shall be allowed between the front of the home and the front property line except for low open fences thirty (30) inches or less in height.

14. Prior to the issuance of a grading permit, the developer shall install the snake barrier as shown on Exhibit "A". The snake barrier shall be four (4) ft. in height. The barrier shall be masonry and the side facing Foothill Road shall be faced with natural stone. The design of the snake barrier shall be subject to the review and approval of the Planning Department prior to the issuance of an on-site grading permit.
15. On lots 1-12, the use of retaining walls is discouraged and retaining walls over three (3) ft. in height are not allowed. All retaining walls visible from Foothill Road shall be faced with natural materials, such as natural stone, wood, etc. and shall be screened with native landscaping. The stepping of retaining walls shall be encouraged. With the exception of those retaining walls shown on Exhibit "A", no retaining walls shall be located within a tree canopy of a tree to be retained shown on Exhibit "A".

Landscaping

16. The developer shall comply with the recommendations of the tree report prepared by HortScience dated "August 13, 1999". No tree trimming or pruning other than that specified in the tree report shall occur. The developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of grading permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
17. Prior to occupancy of any of the homes on lots 1-12, the developer shall install five 36 inch box valley oak trees, with irrigation, on the East Bay Regional Park District property near the deceleration lane shown on Exhibit "A". The location of the trees is subject to the review and approval of the East Bay Regional Park District and the Planning Department prior to Tentative Map approval.
18. Prior to Tentative Map approval, the developer shall revise the Foothill Road plans and shall show improvements based on the interim Foothill Road alignment, including median landscaping and irrigation improvements, from the deceleration lane to the entrance of Foothill High School. The exact location and size of the median as well as the plant species, size, and location, and irrigation type and

location is subject to the review and approval of the City Engineer and the Planning Director.

19. Prior to the occupancy of the homes on lots 1-12, the developer shall install ten 24 inch box coast live oaks, with irrigation, on the East Bay Regional Park District property near the northern private road shown on Exhibit "A". The location of the trees is subject to the review and approval of the East Bay Regional Park District and the Planning Department prior to Tentative Map approval.
20. Prior to the occupancy of the homes on lots 1-12, the developer shall install a five foot landscaping strip and irrigation along the north side of the northern private road. Native and/or indigenous landscaping known to have some fire resistance shall be planted in the landscaping strip. Prior to the issuance of the Tentative Map, the applicant shall revise the plans to address this condition. The number, type and size, and location of landscaping species shall be subject to the review and approval of the Planning Department and the East Bay Regional Park District.
21. Prior to Tentative Map approval, the developer shall revise the plans and shall show front yard, rear yard, and side yard landscaping on lots 3,4, and 6 subject to the review and approval of the Planning Director. Only landscaping known to have some fire resistance shall be planted on lots 3,4, and 6 and the majority of the plants shall be native and/or indigenous. The landscaping shall be located in a manner to reduce fire hazard. The approved landscaping on lots 3,4, and 6 shall be installed prior to the issuance of a final building permit on lots 3,4, and 6.
22. The London plane trees shown on lots 3,4,6, and 7 and west of lot 7, as shown on Exhibit "A", shall be replaced with coast live oaks.
23. The developer's final landscape plan and irrigation plan shall be submitted to and approved by Planning Director as part of the building permit plan set prior to issuance of an on-site permit. Said landscape plan shall be consistent with the approved landscape plan, as shown in Exhibit "A", plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing.
24. The developer shall install either landscaping and irrigation or hardscape around the homes on lots 1-12. The landscaping and irrigation or hardscape shall be provided on all sides of the homes and within eight (8) feet of any portion of the homes on lots 1-12. The landscaping, irrigation, and hardscape is subject to the review and approval of the Planning Department prior to building permit issuance.

25. With the exception of the trees required in condition #15, all new trees used in landscaping, as shown in Exhibit "A", shall be a minimum of 24 inch box in size and all shrubs a minimum of 5 gallons.
26. Native and/or indigenous plant materials and less water needy plants are strongly encouraged to be provided as the decorative landscaping on all residential lots outside the building envelop areas.
27. Prior to final map approval, the details for new street addresses for the EBRPD and Sorenson addresses shall be resolved to the satisfaction of the Planning Director.
28. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report. The developer shall post cash, letter of credit, or other security satisfactory to the Planning Director in the amount shown in the tree report by HortScience dated "August 13, 1999" for each tree required to be preserved. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and the bond for a tree shall be forfeited if it is destroyed or substantially damaged.
29. The developer shall provide root control barriers and four inch perforated pipes for street trees, and trees to be installed by the developer in planting areas less than ten ft. in width, as determined necessary by the Planning Director at the time of review of the final landscape plans.

Vegetation and Wildlife

30. The developer shall comply with the recommendations of the vegetation and wildlife survey prepared by Dr. Samuel McGinnis dated "February 9, 1999", incorporated herein by reference. The developer shall ensure that the area within 10 feet of the snake barrier (on the west side of the snake barrier only) is free of ornamental and natural landscaping and weeds at all times.

Growth Management

31. The development plan shall be of no further validity and the developer shall be required to submit a new development plan should the developer fail to record a Final Map within two years of PUD approval.

Construction Activities

32. All site improvements and house construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be permitted on Federal Holidays. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.
33. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles shall be removed from the site at the end of each work day.
34. If archeological materials are uncovered during grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required in Appendix K of the California Environmental Quality Act. A similar note shall appear on the improvement plans.
35. 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.

General Planning Conditions

36. The developer and property owner acknowledge that the City of Pleasanton does not guarantee that additional lots on the property at 4456 Foothill Road will be approved.
37. If signing for the development is desired, a comprehensive signing program shall be submitted to the Planning Director for consideration under separate application.
38. All backflow prevention devices installed with the development shall be painted forest green (Pantone Color System Number 357) and shall be screened from view from public/ private streets. Screens shall consist of berms, walls, or landscaping satisfactorily integrated into the landscape plan. Landscape screens shall include shrubbery designed by species and planting density to establish a complete screen within one year from the date of planting. Weather protection devices such as measures to protect pipes from freezing shall require approval by the Planning Director prior to use; at no time shall fabric or other material not designed and/ or intended for this purpose be wrapped around or otherwise placed on these devices.

All backflow prevention devices shall be shown on the plans submitted for issuance of building permits together with screening mechanism and/ or weather protection devices. Proposed screening and weather protection devices shall be reviewed for conformity to these requirements and approved by the Planning Director prior to issuance of a building permit.

39. Final inspection by the Planning Department is required prior to occupancy.

BUILDING

40. The developer shall pay any and all fees to which the property may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
41. The developer shall obtain all building and other applicable City permits for the project prior to the commencement of construction.
42. The developer shall provide automatic opening sectional roll-up garage doors throughout the project, as approved by the Director of Building Inspection and Planning Director.
43. The height of the main structure(s) shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit "A" or as otherwise conditioned. Said verification is the developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Department before the first framing or structural inspection by the Building Department.
44. The developer shall fund school facilities necessary to off-set this project's reasonably related impacts on the long-term needs for expanded school facilities to serve new development in Pleasanton. Determination of the method and manner of the provision of the funds and/or facilities shall be made by the Pleasanton Unified School District and the City, and it may be in addition to the school impact fees required by State law and local ordinance. The present program is described in documents entitled "Cooperation Agreement" and "Flat Fee Agreement." The developer shall be required to participate in the above-referenced program, as it may be amended, or in any successor program, prior to issuance of any building permit for the project.

45. No building permit shall be issued or lot sold for any of the new homes within this project until after the new elementary and middle schools, anticipated to be open by fall, 2000, are operational. The project developer may request modification of this condition based on the progress being made on the construction of these new schools with intent that no home shall be occupied until the schools are open.
46. The developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
47. This approval does not guarantee the availability of sufficient water to serve the project. The City shall withhold building permits for the project if at the time building permits are applied for, mandatory water rationing is in effect, unless the City has adopted a water offset program and unless the developer is participating in the program. Notwithstanding the developer's participation in such a program, the City may withhold building permits if the City determines that sufficient water is not available at the time of application of building permits.
48. The 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 Director of Building Inspection 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. Specific items to be indicated on the site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.
49. The paving sections for the on-site parking and drive areas shall be designed on the basis of an R-Value test and a traffic index to carry the anticipated traffic loads. This design shall be subject to the approval of the Director of Building Inspection. The minimum paving section shall be 2" A.C. on 6" of A.B. The minimum A.C. pavement slope shall be 1%. For pavement slopes of less than 1%, the surface runoff shall be carried in a concrete gutter to an acceptable point of discharge. The minimum slope for concrete gutter shall be 0.5%.

50. Prior to issuance of a building permit, the developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the developer shall pay any applicable DSRSD sewer permit fee.
51. All retaining walls higher than four ft. from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
52. The developer shall submit plot plans for each of the residential lots showing building setbacks and a topographic plan showing grading and drainage. Pad elevations, finish floor elevations, retaining walls, easements, and maximum height of the highest structure are to be indicated on the plan. All residential plot plans shall show compliance with 2907(d) and 70012(d) of the Uniform Building Code.
53. Property lines shall be located a minimum of two ft. from the uphill side of the top of bank.
54. The developer shall submit two copies of the site soils report to the Director of Building Inspection for third party peer review and shall pay for such review at the time specified by the Director, but in all cases before the issuance of a grading permit.
55. The developer shall submit record tract grading plans showing: 1) the elevation of all four corners of the lot as well as the center of the lot, 2) all top and toe of slope elevations, and 3) the top and toe of all retaining wall elevations. The record grading plan is to be submitted to the Director of Building Inspection before the first house final.
56. The soils engineer shall certify the pad compactions of all lots to the satisfaction of the Director of Building Inspection prior to the issuance of building permits.
57. Building and sites plans are to be submitted to the Building Department on computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built situs and architectural information as approved by the Director.

FIRE

58. All homes shall be equipped with an automatic residential fire sprinkler system to the satisfaction of the Fire Chief and Director of Building Inspection prior to the issuance of building permits.
59. All homes shall be constructed with Class "A" fire retardant roofing.
60. The 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. Tenant spaces shall be identified as determined by the City.
61. The development shall meet all requirements of the Pleasanton Fire Code (Chapter 20.24 of the Pleasanton Municipal Code).
62. The site shall be kept free of fire hazards from the start of construction to final inspection.
63. Approval for the number, type and location of fire hydrants shall be subject to the approval of the Fire Chief and the City Engineer.
64. The developer shall ensure that fire protection facilities, including all surface roads, fire hydrants, and a water supply capable of furnishing the required fire flow shall be installed and serviceable prior to and during the time of construction. When alternate methods of protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternative methods of fire protection shall be submitted, in writing, to the Fire Chief. Work on the alternative fire protection methods shall not start without the approval of the Fire Chief.
65. The developer shall ensure that fire protection facilities including, but not limited to, all surface roads, fire hydrants, and a water supply capable of furnishing the required fire flow is installed and serviceable prior to and during the time of construction framing. When alternative methods of protection are proposed, this requirement may be waived or modified, subject to review and approval of the Fire Chief. Proposed alternative methods of fire protection shall be submitted in writing to the Fire Chief. Installation of the alternative fire protection methods shall not start without the approval of the Fire Chief.

66. The Fire Chief and City Engineer shall approve the number, type, and location of all public fire hydrants. The Fire Chief and the Chief Building Inspector shall approve the number, type, and location of private fire hydrants. Fire hydrants shall not be located along the side of the street where parking is allowed.
67. All curbs within a 7.5 foot radius of a public hydrant shall be painted red, unless modified by the Pleasanton Municipal Code or Fire Chief. Blue street "hydrant markers" shall be installed for all fire hydrants per City of Pleasanton Standard Specifications.
68. All public and private streets, driveways, aisles, and alleys designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code which includes tow of vehicles illegally parked on the fire lanes. All roads on the site shall be accessible at all times from the start of construction until the project is completed. Fire lane curbs shall be painted red with "No Parking Fire Lane" or posted with "No Parking Fire Lane" signs installed as required by the vehicle code.
69. The Fire Chief shall issue a permit prior to any installation of a fire detection, alarm, and occupant notification system. All sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to occupancy of a building equipped with fire alarm systems, the Fire Department shall test and witness the fire alarm systems.
70. "No Parking" signs provided as required by the vehicle code shall be installed along all private and public streets where no parking has been designated in this development plan.

POLICE

71. The area of the development shall be tested for strength and clarity of signal to and from the area for City emergency services communications including but not limited to City 800 mhz trunked radio, Livermore-Pleasanton Fire Services radio, Alameda County 800 mhz trunked radio, CLEMAR/Police Dispatch, and the current police mobile data system, unless waived by the Police Department. Expert opinions may be required in anticipation of communications difficulties inside or around large structures. Mitigation plans of less than acceptable communications shall be submitted to the satisfaction of the Police Department prior to approval and shall be financed by the developer immediately upon approval.

ENGINEERING

72. The developer shall comply with the recommendations of the geotechnical reports prepared by Terrasearch Inc. dated "November 9, 1998", "January 22, 1999", and "July 22, 1999" and the recommendations of the geotechnical peer reviewers, Alan Kropp and Associates and William Lettis and Associates Inc., all incorporated herein by reference. If there are conflicting recommendations between that of Terrasearch and the peer reviewers, the peer reviewers' recommendations shall supersede the recommendations of the Terrasearch report. Similarly, if there are conflicting recommendations in one Terrasearch report and another, the recommendations of the later Terrasearch report shall supersede the earlier Terrasearch report.
73. The developer shall arrange and pay for Terrasearch and Allan Kropp and Associates to inspect and approve all foundation, retaining, wall and drainage geotechnical aspects of project construction. A consultant from Terrasearch and Allan Kropp and Associates shall be present on site during grading and excavation operations as recommended by Allan Kropp and Associates. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for Terrasearch and Allan Kropp and Associates for conformance to the approved plans and geotechnical report and submitted to the City Engineer and Director of Building Inspection for review and approval prior to occupancy.
74. Prior to Tentative Map approval, the developer shall submit a detail of the proposed street lighting, including photometries, for the project. Design and location of the street lights shall be subject to the review and approval of the Planning Director and City Engineer. The street lighting for the development shall be designed and located so as to minimize visibility from the valley floor to the greatest extent possible and shall be designed to have a country feeling, subject to the review and approval of the City Engineer and Planning Commission. Approval for the number, location, and type of electroliers shall be subject to the review and approval of the City Engineer.
75. Lots above elevation 390 shall have individual hydromatic booster pumps for their water systems. Where feasible, the pumps shall be located in the garage of the dwelling unit.

76. The storm water runoff from each of the lots shall be directed to the public street or other approved storm drain collection system unless otherwise approved by the Building Official and City Engineer.
77. If a retaining wall type of buttress is to be installed by Lots 3 or 4, the developer shall face the side of the buttress facing Foothill Road with natural stone.
78. No cut or fill slopes shall exceed a 3:1 gradient in any part of the site without prior approval from the City Engineer, Planning Director, and project soils engineer.
79. The developer shall comply with the recommendations of the traffic report prepared by TJKM Transportation Consultants dated "February 16, 1999". The developer shall arrange for TJKM Transportation Consultants to review all aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the plans or as otherwise acceptable to the Director of Building Inspection that the final development plan is in conformance with the traffic report approved with the project.

Final Map Requirements

80. On the Final Map, the developer shall provide an open offer of dedication to the East Bay Regional Park District for adequate land (approximately one acre), sufficient to ensure inclusion of the existing fire road along the western portion of the property, to provide a trail link to the upper portion of the Pleasanton Ridge Park. The location and text of the dedication is subject to the review and approval of the East Bay Regional Park District and the City Attorney. The dedication shall count as a portion of an amenity package if the property owner of 4456 Foothill Road proposes additional houses on the property in the future.
81. Prior to Final Map approval, the developer shall provide \$145,000 to the East Bay Regional Park District for the development of a staging area, a public entrance access road at the intersection of West Las Positas, and related intersection improvements and Foothill Road to satisfy the Measure "F" requirement.
82. A sample of the proposed retaining wall material to be installed by the developer shall be submitted for the review and approval of the Planning Director prior to the recordation of the Final Map.

83. Prior to Final Map approval, the developer shall obtain from the East Bay Regional Park District the land necessary to complete the right-of-way for the Foothill Road deceleration lane.
84. On the Final Map, the developer shall dedicate to the City for street right-of-way purposes those parcels of land intended to be public streets and shall provide an open offer of dedication of the land necessary for the widening of Foothill Road into a four lane street as determined by the City Engineer.
85. On the Final Map, the developer shall grant an easement to the City over the private roads and emergency vehicle accesses.
86. The property owners to the north who currently have access rights over the existing private road shall be granted on the Final Map access rights to the new private road on the north side of the subdivision. The easement shall encompass the entire length and width of the new private road from where it intersects the public road leading into the development to where it intersects with the existing easement by the hammerhead at the western end of the private road. All access easements on the existing private road which run from Foothill Road to the new private road shall be removed when the new access easement is recorded.
87. The developer shall grant an easement on the Final Map to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer or other easements which may be designated by the City Engineer.
88. The 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 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 approval of the Final Map.
89. Prior to Final Map approval, the developer shall contribute its pro-rata share to the Dublin Canyon Road/Foothill Road intersection and the Canyon Way/Foothill Road intersection improvements as determined by the City Engineer.
90. Prior to Final Map approval, the developer shall install a five strand barbed wire fence on the north side of the drainage swale north of the private road on the East Bay Regional Park District's land to the park district's standards. The location of the barbed wire fence shall be subject to the review and approval of the Planning

Department and the East Bay Regional Park District.

91. Prior to Final Map approval, the developer shall install the electronic gate and gate lighting required in condition number 12 and shall install a cattle guard near the hammerhead by the entrance to the East Bay Regional Park District land. The location and design of the cattle guard is subject to the review and approval of the Planning Department and the East Bay Regional Park District.
92. Prior to Final Map approval, the developer shall establish a maintenance agreement for the project. The agreement shall designate responsibilities for maintaining all common private utilities, private streets, emergency vehicle accesses, all street trees, all trees required to be preserved as shown on Exhibit "A", the landscape area between Foothill Road and the frontage road, the area within ten (10) ft. of the snake wall (west of the snake wall only) and the snake wall, the native landscaping strip on the north side of the northern private road required in condition #18, and the five valley oak trees required in condition #15 and the ten coast live oak trees required in condition #17 until such time as the City's Landscape Architecture determines that these trees have become successfully established. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance obligations. The City Attorney shall review and approve the proposed maintenance agreement prior to the recordation of a Final Map for the project.
93. The developer shall provide a bond to the City guaranteeing the installation of all private streets, street trees, shrubs, and all common infrastructure improvements shown on the approved development plan or otherwise required as part of this development. The developer shall provide an itemized cost estimate of said improvements, to be submitted with the bond, for the review and approval the Planning Director and City Engineer prior to approval of the Final Map. The bond shall be returned to the developer upon acceptance by the City of all required public improvements.

Disclosures

94. The developer shall provide all home/lot buyers with copies of the project conditions of approval.
95. The developer shall give notice to the home buyers through deed recordation, satisfactory to the City Attorney and the East Bay Regional Park District, that the

property to the north and west of the PUD is a regional parkland and may have park, open space, recreation uses, and/or grazing as determined by the East Bay Regional Park District and the City. The deed recordation shall include a statement that grazing may result in odors, noise or other impacts on the residential properties in the PUD.

96. The developer shall give notice to the home buyers through deed recordation that only landscaping known to have some fire resistance shall be allowed on lots 3,4, and 6.
97. The developer shall give notice to the home buyers through deed recordation that there are building envelopes on lots 1-12 and that accessory structures outside the building envelop areas shall blend with the natural topography and landscaping shall be of a native variety.
98. The developer shall give notice to the home buyers through deed recordation, satisfactory to the City Attorney, the presence of all maintenance responsibilities, as feasible, for the entire PUD, and the frequency of use of the northern private road.
99. The developer shall give notice to the home buyers through deed recordation, satisfactory to the City Attorney, that homes may be required to install individual water booster pumps and that the installation, parts, maintenance, and repair costs is the sole responsibility of the property owner.
100. The developer shall give notice to the home buyers through deed recordation, satisfactory to the City Attorney that, that all homes shall be equipped with an automatic residential fire sprinkler system to the satisfaction of the Fire Chief and Director of Building Inspection.
101. The developer shall give notice to the home buyers, satisfactory to the City Attorney, that no structures, including additions, shall be located in the "structure setback" area as shown on Exhibit "A" on file at the Planning Department.

Miscellaneous

102. Any proposed phasing of this development shall be depicted on the tentative tract map and shall include narrative explaining any proposed phasing. Unless a phasing plan for the improvements is approved by the Planning Director, the developer shall complete all improvements at one time (including all improvements around

future building pads). All remaining pad areas shall be seeded and kept in a neat and weed free manner at all times.

103. A sanitary sewer cleanout shall be installed at the front property line of each custom home, unless otherwise waived by the City Engineer.
104. The applicant shall submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building Department permit. The amount of this bond will be determined by the City Engineer.
105. 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 developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
106. The applicants' contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site
107. All utilities required to serve any existing or proposed development on-site shall be installed underground, unless otherwise determined by the City Engineer. Electric power distribution, gas distribution, communication service, cable television, and any required alarm systems shall be installed underground in a joint utility trench from the existing and proposed dwellings to the nearest utility pole acceptable to PG&E. If the joint utility trench is located within an adjacent parcel, then an easement from the adjacent property owner shall be obtained by the applicant prior to trenching.
108. The developer shall install street frontage improvements per Chapter 19.40.010 of the Pleasanton Municipal Code and to the satisfaction of the City Engineer. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, water facilities, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems.
109. The design for the line, grade, and structural sections for the streets serving this development shall be subject to final review and approval by the City Engineer.

110. The developer shall construct P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
111. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ord. 73-68, prior to the start of grading operations unless Zone 7 retains specific wells for observation wells, or special approval is obtained from the City Engineer for temporary use of an existing well for construction water. Any wells designated for abandonment or any wells, encountered during construction, are to be destroyed in accordance with a permit obtained from the Alameda Flood Control and Water Quality Conservation District Zone 7.
112. All existing septic tanks or holding tanks shall be removed or sealed, filled, and abandoned, pursuant to the requirements of the Alameda County Department of Health Services.
113. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of an encroachment permit.
114. The developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the Building Department. Such measures shall be maintained until such time as permanent landscaping is in place.
115. The developer shall submit a dust control plan or procedure as part of the improvement plans.
116. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners or through an association approved by the City.
117. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.

118. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer and Zone 7, as applicable, that the system is adequate, connects to an approved point of discharge, meets any and all applicable requirements of the Alameda County Flood Control District - Zone 7, meets any and all applicable requirements of the Federal Emergency Management Flood Hazard Program, the California Department of Fish and Game, and meets the immediate and long-range requirements of this development and all upstream areas intended to be drained through this development.
119. The developer shall submit detailed landscape and irrigation plans as part of the improvement plans. These plans should include, where applicable, a street tree planting plan and landscape plans for medians, buffer strips, and any right-of-way landscape areas. The irrigation plan shall provide for automatic controls.
120. The developer shall comply with the City's non-point storm drain ordinance.
121. Prior to commencement of any clearing, grading, or excavation, the developer shall submit to the Planning Department a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit.
122. The developer shall submit a construction Best Management Practice (BMP) program for review and approval by the Planning Director prior to issuance of any building and/or grading permits. These BMP's shall be implemented by the general contractor and all subcontractors and suppliers of materials and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.
123. The developer is responsible for implementing the following measures during all construction phases of the subject project:
 - a. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
 - b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather

avoid driving vehicles off paved areas.

- c. Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped 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 into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in the trash.
 - e. Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - f. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, or storm drain.
 - g. Ensure that concrete/gunite supply trucks or concrete/plasterers operations do not discharge wash water into street gutters or drains.
 - h. Construction access routes shall be limited to those approved by the City Engineer or Building Inspector and shall be shown on the approved grading plan.
123. In conjunction with the tentative map, the specific details for the driveway to the existing home shall be included for review and approval.
124. The existing home shall connect to the sewer system. Said connection shall occur prior to occupancy of any of the new homes. Specific details shall be shown on the final map improvement plans subject to review and approval of the City Engineer.
125. Access shall be maintained for the existing easement holders/homes at all times during the construction process. In the event that access is interrupted, all

construction activity shall immediately stop until such time as access is restored to the satisfaction of the City Engineer.

126. Lots above elevation 400 shall have individual hydromatic booster pumps for their water systems. Where feasible the pumps shall be located in the garage of the unit. The applicant shall pay a pro-rata share of a 510 water zone pipe along Foothill Road. The applicants pro-rata share will be determined by the City Engineer prior to the approval of the Tentative Map.
127. The typical Public street section shall be a minimum width of 28 feet curb to curb except the first block off Foothill Road shall be 36 foot curb to curb. There shall be a 5 foot wide area behind the curb, graded a 2 percent towards the street, the public service easement shall be 8 foot wide, and there shall be no on-street parking on one side of the street. This section shall be incorporated into the tentative map. The proposed private street on the south side of the project shall be Public and comply with the street section mentioned.
128. The typical section for the Private driveway shall be a minimum of 20 foot curb to curb. There shall be a 5 foot wide area behind the curb, graded a 2 percent towards the street on the west and south side of the driveway, the public service easement shall be over the driveway and 5 foot behind the driveway on each side, and there shall be no on-street parking on one side of the driveway. This section shall be incorporated into the tentative map.
129. Unless otherwise approved by the City Engineer, all public storm drain lines shall be within the street right-of-way. All other lines shall be private and maintained by the individual homeowners. There shall be a overland drainage release constructed of concrete (v-ditch) between lots 3 and 4. The proposed V-Ditches shall be maintained by homeowners association.
130. Construction on Foothill Road and deliveries to the site shall be restricted between the hours of 7:30 and 8:15 am and 2:30 and 3:13 pm Monday through Friday.
131. The Applicant shall pay a pro-rata share of the road widening and traffic signal at the intersection of Foothill Road and Muirwood Drive (S). The City Engineer shall determine the Applicant's pro-rata share.

132. The storm drainage from each lot shall be directed to the street or a approved storm drain system unless otherwise approved by the Building official and City Engineer.
133. The applicants engineer shall verify the capacity of the storm drain swale along the northerly property line and the existing pipes under Foothill Road are adequate to handle the storm drain run-off. The applicant shall mitigate any storm drain problems associated with this development to the satisfaction of the City Engineer. The existing CMP storm drain pipes under Foothill Road shall be replaced with RCP pipes.
134. The owners of the lots 3, 4, 6, and 7 shall be notified that they will have accept a portion of the drainage from the uphill area as part of their individual lot drainage plan. Specific reference to these requirements shall be made in the deed for each lot.
135. The applicant shall improve Foothill Road across the project frontage to the satisfaction of the City Engineer. These improvements shall essentially as shown on the improvement /striping plan for Foothill Road. Except the bike lane shall be maintained along the total westerly frontage and road shall transition southerly of the project frontage. The applicant shall dedicate a 8 foot wide public service easement behind the curb. There should be no driveway access to Foothill Road. The final map shall reflect this condition. The developer shall determine the structural section of existing west side of Foothill Road. If the existing street section is not adequate for the anticipated traffic demand the street shall be reconstructed. If the street section is adequate the street shall be overlaid with a minimum of 2 inches of asphalt with fabric. The tentative map shall show these improvements.
136. The developer shall be responsible for the undergrounding of the overhead utility lines across the project Foothill Road frontage. The applicant may enter into a reimbursement agreement with the City to recover some of the cost of the undergrounding from other benefiting properties when they develop their properties.
137. All proposed V-Ditches shall be constructed of concrete and colored with an earthtone color approved by the Planning Director.

138. The applicant shall obtain a drainage easement from EBRPD for the storm drain discharge into the creek along the north side of the project.
139. The applicant shall obtain a quit claim deed from EBRPD and from the property owner of 4432 Foothill Road for the existing access easement across the northern side of the Lemoine property. Access easements over the entire new northern private road shall be provided to the EBRPD and to the property owner of 4432 Foothill Road. Access to the existing homes on the Lemoine property, EBRPD, and property at 4432 Foothill Road shall be maintained at all times during construction. This existing road shall be removed once satisfactory access has been established.
140. The developer shall install subdrains at the back of sidewalk or back of curb along all streets within the development. Said drain shall be connected to the street storm drain system.
141. Unless otherwise approved by the Fire Marshall no housing construction shall begin until such time as an acceptable emergency vehicle access has been established, as defined by the Fire Marshall. This access shall be maintained at all time until the public improvements are accepted.
142. The perimeter of all building foundations shall be designed with subdrains. Said drains shall be connected to the street gutter or other means acceptable to the City Engineer.
143. All roof leaders shall be connect connected to the street gutter or other means acceptable to the City Engineer.
144. There shall be individual sanitary sewer and water laterals to each dwelling unit. There shall be a two way cleanout on the sanitary sewer lateral located at the back of the PSE.
145. Prior to tentative map approval, the need for a geologic hazard abatement district shall be determined to the satisfaction of the City Engineer.

{end}

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2000-28

RESOLUTION APPROVING VESTING TENTATIVE TRACT MAP 7176,
THE APPLICATION OF MARDELL LLC (For PUD-99-01)

WHEREAS, Mardel LLC has applied for vesting tentative map approval to subdivide one parcel totaling approximately seven acres into 12 parcels for a single-family home development located at 4456 Foothill Road; and (2) final design review approval of the proposed single-family homes located at 4456 Foothill Road; and

WHEREAS, zoning for the property is PUD – RDR/LDR (Planned Unit Development - Rural Density Residential/Low Density Residential) District; and

WHEREAS, at its duly noticed public hearing of May 10, 2000, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, a Negative Declaration was previously prepared and adopted with the approval of PUD-99-01; therefore, no additional environmental documentation was prepared for this application; and

WHEREAS, the Planning Commission made the following findings:

1. The proposed tentative map is consistent with the General Plan.

The City Council has found that the PUD development plan is consistent with the General Plan and the proposed subdivision application is consistent with the approved PUD development plan. The proposed project will not alter any issue that would change its compatibility with the General Plan.

2. The site is physically suitable for this type of development and density.

Although the construction of the project will involve some site grading and alteration of existing topography, as conditioned this would be within City standards. The results of the geologic/soil study submitted in conjunction with the original PUD application indicate that the site is suitable for residential development.

3. The design of the subdivision and proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

No waterways run through the property; however, one runs nearby to the north on the East Bay Regional Park District property. The landscaping proposed by the waterway shall be native and fire resistant. An environmental report did indicate that the site may be suitable territory for the Alameda County whipsnake. Thus, mitigation measures to protect whipsnakes were required per the PUD conditions of approval.

4. The design of the subdivision is not likely to cause serious public health problems.

The proposed project, as conditioned, meets all of the applicable City standards concerning public health, safety, and welfare, e.g., vehicle access, geologic hazards, and flood hazards. All public safety measures are addressed through the provisions of approval of the development plan and the conditions of approval for the tentative map. The geotechnical review has shown that the proposed design of the street system will create a safe circulation pattern. A geologic hazard abatement district will be created to help ensure long-term maintenance and safety of slopes.

5. The design of the subdivision or its related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

As conditioned with the PUD, the applicants shall provide an access easement to the existing Lemoine residence, to Ann Sorensen, and to the East Bay Regional Park District.

WHEREAS, the Planning Commission determined that the proposed tentative map is consistent with the approved PUD development plan.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

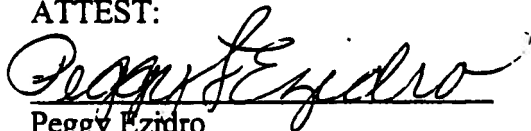
Section 1. Approves Case Tract 7176, the application of Mardel LLC for vesting tentative map approval to subdivide one parcel totaling approximately seven acres into 12 parcels for a single-family home development located at 4456 Foothill Road; and (2) final design review approval of the proposed single-family homes located at 4456 Foothill Road, subject to the conditions shown in Exhibit "B," attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 10TH DAY OF MAY 2000 BY THE FOLLOWING VOTE:

AYES: Commissioners Maas and Malmrose, and Chair Roberts
NOES: Commissioner Arkin and Sullivan
ABSENT: Commissioner Kameny
ABSTAIN: None

ATTEST:



Peggy Ezidro
City Clerk



Mary Roberts
Chair

APPROVED AS TO FORM:



Larissa Seto
Assistant City Attorney

Exhibit B
Conditions of Approval
Vesting Tentative Map 7176
Planning Commission
May 10, 2000

1. Development shall be substantially as shown in the Vesting Tentative Tract Map and Preliminary Grading and Utility Plan, Foothill Road Improvement/Striping Plan, Development Plan, Landscape and Fence Plan, Landscaping Plan for lots #3, #4, and #6, House Plans, and Street Lighting Plan. Exhibit A, dated "Received May 3, 2000", on file with the Planning Department, except as modified by these conditions. Minor alterations may be approved by the Planning Director if found to be in substantial compliance with this exhibit.
2. All conditions of approval for case PUD-99-01 shall remain in effect and in full force.
3. This vesting map is conditionally approved and shall lapse if the developer fails to record a final map prior to the expiration of the PUD development plan.
4. With the exception of the two gates shown on Exhibit A, no gates shall be allowed over a road and no gates shall be allowed over a driveway in the development.
5. Prior to final map approval, the applicant shall submit a final grading and utility plan, Foothill Road improvement plan, development plan, house plans, landscaping and irrigation plans, fencing plans, gate plans, and a street lighting plan to the Planning Department. The plans shall be consistent with conditions of approval for the project.
6. Prior to final map approval, the applicant shall revise the house plans to show additional stone on the exterior elevations as highlighted on Exhibit C.
7. Prior to final map approval, the applicant shall revise the left elevation of the house on lot #10 to have full architectural treatment subject to the review and approval of the Planning Director.
8. Prior to final map approval, the applicant shall revise the house plans to show the design and materials of the covered walkway. The design and materials of the walkway are subject to the review and approval of the Planning Director.
9. Prior to final map approval, the applicant shall revise the house plans to show that the gate on lot #4 has an open design (e.g., open wrought iron, open wood, etc.). The applicant shall call the materials out on the plans. The gate design and materials are subject to the review and approval of the Planning Director.

10. Prior to final map approval, the applicant shall revise the gate plan for the gate near the northern hammerhead to include Ms. Ann Sorenson's gate- and lighting-related conditions as provided in Exhibit D.
11. The applicant shall pursue permission from the East Bay Regional Park District and Ann Sorensen to relocate the gate near the northern hammerhead to the northern boundary of the Lemoine property. In the event that permission is granted, the final details shall be reviewed and approved by the Planning Director prior to final map approval.
12. Prior to final map approval, the applicant shall provide elevation drawings of the gate on the private road/EVA leading to the Lemoine property. The gate elevation drawings shall state the gate materials. The gate shall be 4 feet in height, shall be solid (not open), and shall be designed such that snakes cannot pass under or around it. The gate is subject to the review and approval of the Planning Director.
13. Prior to final map approval, the applicant shall revise the fencing plan to show that western side yard fencing shall not be provided on lot #3. The fencing plan is subject to the review and approval of the Planning Director.
14. Prior to final map approval, the applicant shall revise the landscaping plans to show that the crowns of all new trees (when mature) on lots #3, #4, and #6 shall be at least 10 feet from each other and from all building walls.
15. Prior to final map approval, the applicant shall revise the landscaping plans. On the landscaping plans it shall clearly be shown that all of the plants in the northern landscaping strip shall be native to inland areas in Northern California (land area 14 in the *Sunset Western Garden Book*) and that all are on a reputable list of plants known to have some fire resistance. California poppies shall be provided in this strip.
16. Prior to final map approval, the applicant shall revise the landscaping plans. On the landscaping plans it shall clearly be shown that the majority of plants on lots #3, #4, and #6 are native to the inland areas in Northern California (land area 14 in the *Sunset Western Garden Book*) and that all are on a reputable list of plants known to have some fire resistance.
17. Prior to final map approval, the applicant shall revise the plans to show that the building envelope on lot #6 is not within the earthquake setback area.
18. Prior to final map approval, the applicant shall revise the grading plan to ease the slopes between the following lots:
 - 8, 9, and 10;
 - 10, 11, and 12;
 - 1, 5, and 6; and
 - southeast corner of lot #6, southwest corner of lot #5, and the northwest corner of lot #4.

The slopes shall be eased by spreading the slopes throughout the lots, as opposed to all the slopes being located between the side yards. If retaining walls are used, they shall be limited wood or stone materials, shall be at the lowest possible height, and shall be no more than 30 inches in height. In addition, stepping at the foundation shall be used where feasible to the satisfaction of the Planning Director.

19. The house on lot #1 shall be one story and 22 feet in height or less.

ENGINEERING

20. Prior to final map approval, the applicant shall provide final Foothill Road improvement plans, including but not limited to, street sections, landscape and irrigation plans, street signing plans, street lighting plans. The plans are subject to the review and approval of the City Engineer.
21. Prior to final map approval, the applicant shall provide a grading plan and section for the connection to the driveway to the existing Lemoine home. The details are subject to the review and approval of the City Engineer.
22. The applicant shall design and install a 12 inch (minimum) "640 zone" water main from its present terminus on Bethel Lane along Foothill Road, southerly to approximately West Las Positas Boulevard. The applicant shall make all connections with the City's existing water mains. The applicant may enter into a reimbursement agreement with the City to recover some of the cost of this improvement from other benefiting properties. The applicant shall install reduced pressure devices (RP) on all the homes within the development.
23. The southern most road in the development shall be private.
24. Final details, section widths, and ownership of the northern and southern private roads shall be reviewed and approved by the City Engineer prior to final map approval. Lot #10's boundaries shall include a contiguous portion of the northern private road and the entire landscaping area between Foothill Road and the northern private road which is not owned by the East Bay Regional Park District. Lot #1's boundaries shall include a contiguous portion of the southern private road and the entire landscaping area east of the southern private road and west of Foothill Road.
25. The developer shall grant an easement over the driveway on lot #4 to lot #3 on the final map. The easement is subject to the review and approval of the City Engineer.
26. The following typical street sections shall be revised as follows:
 - a. Private Street (West of Lot #7)
Add a 6-inch concrete curb on the up-hill side of the street.

b. Northern Private Street

The private street shall have a 6" wide flush mounted curb along the northerly edge of the pavement that shall extend down to the bottom of the street structural section.

c. Foothill Road

The median island concrete barrier curb shall be 8-inch high concrete. The edges of the median island shall have vapor barrier installed adjacent to the street structural section. There shall be subdrains installed in the median. There shall be curb and gutter installed along the westerly side of the widened roadway."

27. The applicant shall install (overland release) concrete V-ditch between lots #3 and #4 extending from the catch basin located at the cut-off ditch at the rear of lots #3 and #4 to the private street.
28. The applicant shall narrow Street "B" (Private Street) to a width of 20 feet curb to curb along the entire street, with the exception of the area directly north of lot #2 where two on-street parking spaces shall be provided. In this area (where the on-street spaces are provided), the width of the street shall be 28 feet curb to curb. No other on-street parking shall be allowed on this street. The dimensions of the southern hammerhead shall be as required by the City Engineer.
29. The curb returns shall be revised as follows: In-tract, the face of curb returns shall be 25-foot minimum radius. Foothill Road, the face of curb returns shall be 40-foot minimum radius. (The developer's design engineer shall check the radius to insure the radius allows the safe maneuvering of moving vans etc.)
30. The existing CMP pipe crossing Foothill Road at the southerly side of the development shall be removed and replaced with RCP pipe. The existing storm drain maintenance hole on Foothill Road at the intersection with Oak Creek Drive shall be removed and replaced with a type II maintenance hole.
31. The storm drainage from each lot shall be directed to the street or an approved storm drain system in accordance with Sections 2907(b)(5) and 7012(d) of the 1988 Uniform Building Code unless otherwise approved by the Building Official and City Engineer.
32. The applicant shall post with the City prior to approval of final map, an additional performance bond for all subdivision improvements that are not to be accepted by the City of Pleasanton. (Private improvements)
33. The water and gravity sanitary sewer mains shall be public and maintained by the City. There shall be a two-way cleanout on each sanitary sewer lateral located at the back of the PSE.

34. The developer shall give notice to any prospective owners of their responsibility for maintenance of the concrete v-ditch storm drain system and private storm drain system in the private streets. The City Attorney shall approve the exact language of the notice.
35. The storm drainage from each lot shall be directed to the street or an approved storm drain system in accordance with Sections 2907(b)(5) and 7012(d) of the 1988 Uniform Building Code unless otherwise approved by the Building Official and City Engineer.
36. The applicant's engineer shall investigate the structural section of the southbound lanes of Foothill Road and northbound left turn pocket into the development. If the structural section is not adequate for the anticipated traffic demand, the structural section of the roadway shall be increased, as determined by the City Engineer. If the street section is adequate the street shall be overlaid with a minimum of 2 inches of asphalt with an approved pavement fabric system.
37. The perimeter of all building foundations shall be designed with subdrains. Said drains shall be connected to the street gutter or other means acceptable to the City Engineer.
38. All roof leaders shall be connected to the street gutter or other means acceptable to the City Engineer.
39. All existing drainage swales that are filled shall have subdrains installed unless otherwise approved by the City Engineer and the Developer's Soils Engineer. All subdrains shall have a cleanout installed at the beginning of the pipe. The bottom of the pipe shall terminate in a storm drain or other storm drain outfall, subject to the approval of the City Engineer. The applicant's engineer shall submit a final subdrain location map to the City Engineer prior to acceptance of the Public Improvements. It shall be the responsibility of the homeowner to relocate the subdrains, if during the excavation of a pool or other subsurface structure a subdrain is encountered. All owners within the subdivision shall receive notice of the presence of these subdrains. The City Attorney shall approve said notice.
40. The applicant shall acquire written permission from the property owner, for any work on the adjoining properties. Proof of such permission shall be required prior to the issuance of a grading permit.
41. All retaining walls along the street shall be placed behind the Public Service Easement (PSE).
42. Phasing of improvements shall not be allowed.
43. All agency environmental permits shall be obtained prior to the approval of the Final Map.

44. Unless otherwise approved by the Fire Marshall, no housing construction shall begin until such time as an acceptable emergency vehicle access has been established, as defined by the Fire Marshall. This access shall be maintained at all time until the public improvements are accepted.
45. There shall be no driveway access to Foothill Road. The final map shall reflect this condition as a note on the face of the map.
46. The entire project site shall be located in a geological hazard abatement district. The conditions for the district shall be subject the review and approval of the City Engineer.
47. The words "No Parking Fire Lane" shall be stenciled onto the private roads. The location of the stenciling and the size of the letters is subject to the review and approval of the Fire Department. Additional "no parking" signage shall not be located on nor along the northern private road.
48. In the maintenance agreement required to prior to Final Map approval per PUD-99-01, the developer shall designate responsibilities for maintaining all "no parking" signage, including stenciled signage, on and along private streets. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance obligations. The City Attorney shall review and approve the proposed maintenance agreement prior to the recordation of a Final Map for the project.
49. A knox box shall be installed on all gates over roads. All knox boxes are subject to the review and approval of the Fire Department.
50. The developer shall give notice to the home buyers through deed recordation and as part of the disclosure statement for the lot, satisfactory to the City Attorney, of the easements over lot #10.
51. In conjunction with this development, the City shall explore extending the landscape median on Foothill Road to Muirwood Drive South.

**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California
Case PSDR-76**

Large Conference Room
157 Main Street, Pleasanton
Thursday, May 24, 2001
3:30 p.m.

CALL TO ORDER

The meeting was called to order at 3:30 p.m. by Mr. Marion Pavan, Zoning Administrator.

Present: Mr. Phil Rowe, Mardel, LLC, applicant; Ms. Ann Sorensen; Ms. Leslie Johnson, Ms. Sorensen's Attorney; Chuck and Norma Lemoine; Jeff Lemoine, Mr. and Mrs. Lemoine's son; Mr. Marion Pavan, Zoning Administrator, and Ms. Robin Eisenwinter, Associate Planner.

PSDR, 76, Mardel, LLC

Application for sign design review to allow the construction of two monument signs which state "Lemoine Ranch Estates" at the front of the site located at 4456 Foothill Road. Zoning for the property is PUD-RDR/LDR/A (Planned Unit Development - Rural Density Residential/Low Density Residential/Agriculture) District.

Ms. Robin Eisenwinter stated that in staff's opinion, the proposed subdivision sign is attractive and would fit in with the approved residential development. Several of the subdivisions on Foothill Road, such as Moller Ranch, The Preserve, and Foothill Knolls, have two subdivision signs. The proposed signs would be consistent with these other subdivision signs. The proposed conditions of approval were discussed.

The public hearing was opened.

Mr. Phil Rowe stated that he is flexible and would like to have a sign everyone is comfortable with. He stated that the type of sign proposed is common.

Ms. Leslie Johnson objected to the sign on behalf of Ann Sorensen because the subdivision sign would change Ms. Sorensen's lifestyle. She stated that Ms. Sorensen would like to keep the area as natural as possible, especially the front area, and does not want any personal names to be used on the sign. She continued that Ms. Sorensen does not think that the lights on the sign would be natural and that Ms. Sorensen, Mardel, and the Lemoines have a written agreement to leave the entrance area natural and not to use personal names. She stated that Ms. Sorensen has been upfront about her oppositions throughout the process.

Ms. Ann Sorensen stated that she did not want any sign at the entrance and that it would be fine if the signs were moved further back on the western side of the private drives. She added that she does not want it to appear that she lives in Lemoine Ranch Estates.

Mr. Marion Pavan asked Ms. Eisenwinter if there were any sign standards or locational requirements in the PUD (PUD-99-01). Ms. Eisenwinter said no.

Mr. Rowe stated that he did not think the proposed signs were inconsistent with the agreement between Ms. Sorensen, Mardel, and the Lemoines.

Mr. Chuck Lemoine stated that he thinks it is within his legal rights to have the sign. He believes that the agreement only addresses the name of the road and not the signs. As a side note, he stated that he is opposed to the street name "River Rock Hill."

Mr. Pavan stated that the City does not enforce personal agreements.

Ms. Johnson commented that the City has discretionary review and can enforce the spirit of the agreement.

Mr. Pavan asked Mr. Chuck Lemoine if the signs could be moved. Mr. Lemoine replied that he was not willing to have the signs moved. Mr. Pavan asked if it is possible not to have lights on the signs. Mr. Lemoine replied that the signs should be lighted, as is the case in all other subdivisions. Mr. Lemoine added that the signs are attractive, and he would like it to be named after his family for future generations.

Ms. Norma Lemoine stated that the signs look good and that she has no objections to them.

Mr. Jeff Lemoine stated that he likes the signs and does not see any problem with them.

Ms. Johnson stated that she would like everyone to live within the spirit of the agreement.

Ms. Sorensen stated that she has lived in the area for 29 years and that she consented to the subdivision for her neighbors' benefit. However, she would like the subdivision to be as separate from her property as possible.

The public hearing was closed.

Mr. Pavan stated that the signs, as conditioned, would comply with the PUD for the project. He added that the signs look semi-rural and would fit in with the development and with the character of Foothill Road. He stated that the location of the signs would be similar to other subdivision signs along Foothill Road, which are usually close to the road. He also stated that staff cannot say much with regard to the name on the sign.

Mr. Pavan then approved the signs as conditioned, and informed everyone present that the approval is subject to a 15-day appeal period, expiring on June 8, 2001.

ADJOURNMENT

As there was no further business, the Zoning Administrator adjourned the meeting at 3:55 p.m.

Respectfully submitted,

Robin Eisenwinter

Robin Eisenwinter
Associate Planner

RKE:mlh(psdr76mn.sam)



SUBJECT: PAP-19 (Appeal of Case PSDR-76)

APPELLANT: Lynn Ann Sorensen

PROPERTY OWNER: Mardel LLC

PURPOSE: Application to appeal the Zoning Administrator's approval of two subdivision monument signs which state "Lemoine Ranch Estates"

GENERAL PLAN: Low Density Residential and Rural Density Residential

ZONING: PUD-RDR/LDR (Planned Unit Development-Rural Density Residential/Low Density Residential) District

LOCATION: 4456 Foothill Road

ATTACHMENTS:

1. Location Map
2. Approved Tentative Map (Mardel LLC Property)
3. Exhibit A, Dated "Received April 16, 2001"
4. Zoning Administrator Approval Letter and Exhibit B, Conditions of Approval
5. Meeting Minutes from the May 24, 2001 Zoning Administrator Hearing
6. Letter from Lynn Ann Sorensen Dated "Received June 7, 2001"
7. Personal Agreement between Lynn Ann Sorensen, the Lemoines, and Mardel LLC

BACKGROUND

The applicant, Mardel LLC, applied for two monument signs stating "Lemoine Ranch Estates" for its development at 4456 Foothill Road. A neighboring resident, Lynn Ann Sorensen, opposed the signs and requested a public Zoning Administrator hearing, which was held on May 24, 2001. After reviewing the proposed signs and listening to all public testimony, the Zoning

Administrator approved the monument signs, as conditioned by staff. Ms. Sorensen appealed the Zoning Administrator's decision. The appeal is now before the Planning Commission for its review and action.

Lemoine Property Planned Unit Development

The Planned Unit Development (PUD) plan for the Lemoine property was approved by the City Council in 1999. It consists of the Lemoines' existing residence, 12 new homes, and the dedication of one acre to the East Bay Regional Park District (EBRPD). Since 1999, the original 49 acre Lemoine parcel has been divided into three lots. Mardel owns the eastern 7 acres where the 12 new homes will be constructed; the Lemoines own the middle 41 acres of the original site; and the EBRPD owns one acre at the rear of the original site. The monument signs, as proposed, would be located on the 7 acre Mardel property, near Foothill Road.

There is no specific language in the PUD development plan or in the tentative subdivision map which regulates the design and location of permanent subdivision signs for the approved development. The PUD does require City design review approval of any proposed signs, including subdivision identification. The applicant applied for sign design review, as required.

PROJECT DESCRIPTION

The applicant proposes two monument signs located at the main road entrance to the subdivision from Foothill Road. The signs would be approximately four feet tall, thirteen feet long, and three feet wide. Cast bronze sign letters would be mounted on a wall of gray stone veneer, similar in color to approved retaining wall and wainscoting material to be used in the development. Each letter would be nine inches in height.

Illumination

The signs would be illuminated at night. The applicant proposes to "up-light" the signs with incandescent light bulbs. For energy conservation reasons, staff added a condition requiring the applicant to utilize energy efficient compact florescent light bulbs, instead of incandescent bulbs, and to control the lighting system with sunlight sensors. The applicant agreed to these requirements.

Sign Location

One sign would be located on the northern side of the entrance road and the other sign would be located on the southern side. Since the trees at the front of the project are required to be preserved per the PUD, staff added a condition of approval relocating the southernmost sign slightly such that it is not located under the drip line of an existing walnut tree. The applicant agreed to this condition of approval.

Since the monument signs are proposed at the front of the subdivision, the Lemoines, Ms. Sorensen, and the EBRPD would drive by them on a regular basis. To access their property, the Lemoines, Ms. Sorensen, and the EBRPD currently drive through the Mardel property on a northern private driveway. Once the subdivision is constructed, the access road would be relocated; however, the neighboring property owners would continue to use this relocated northern access road to reach their homes/offices.

ANALYSIS

The appellant's concerns about the signs relate to their proposed location, appearance, and wording. These items are discussed below. For the Planning Commission's information, meeting minutes from the May 24, 2001 Zoning Administrator hearing are attached.

Lynn Ann Sorensen's Comments

At the Zoning Administrator hearing for the signs, Ms. Sorensen expressed her concerns with the signs' design, location, and wording. Ms. Sorensen stated that visitors would assume that she lived in Lemoine Ranch Estates if the signs were located east of the northern private access road to her house. In addition, she was concerned that the signs would not be natural/rural in appearance and that a personal name would be on the sign. Ms. Sorensen stated that she has an agreement with Mardel and the Lemoines to leave the front entrance area as natural as possible. For the Planning Commission's information, a letter from Ms. Sorensen and the agreement are attached.

Lemoines' and Mardel LLC's Comments

At the Zoning Administrator hearing, Phil Rowe representing Mardel LLC and the Lemoines stated that they support the design and location of the proposed signs. The Lemoines indicated that they would not support a major relocation of the signs.

Personal Agreements

The City does not enforce personal agreements. For this reason, the City must evaluate this design proposal on the basis of its design merit and conformance with the applicable requirements of the approved PUD development plan and subdivision map.

Design

Staff believes that all aspects of the proposed sign design are appropriate for the site. The signs' stone background would have a semi-rural appearance. The number, size, and overall appearance of the subdivision signs would be similar to others on Foothill Road (see Table 1 and photographs below). Except for the Foothill Knolls sign, all signs surveyed in Table 1 are illuminated.

**Table 1
Comparison of Proposed Signs to
Existing Signs on Foothill Road**

Subdivision Name	Number of Subdivision Signs Near Foothill Road	Sign Height* (In Feet)	Sign Length* (In Feet)	Sign Width* (In Feet)	Illuminated (Yes or No?)
Lemoine Ranch Estates**	2	4	13	3	Yes
The Preserve	2	6	13 (Black Sign Area Only)	1	Yes
Moller Ranch Estates	4	5	8 (Gray Sign Area Only)	1	Yes
Foothill Knolls	2	6	15	2	No
Laguna Oaks	2	7-10	10 (Gray Sign Area Only)	1	Yes
Deer Oaks	1	5	3	2	Yes

Notes:

*Sign height includes the height of the wall on which the sign is mounted. All dimensions are rounded to the nearest whole number with the exception of the Laguna Oaks subdivision sign.

**Proposed subdivision signs.

Staff notes that the Preserve, Moller Ranch Estates, Laguna Oaks, and Deer Oaks signs are incorporated into walls.

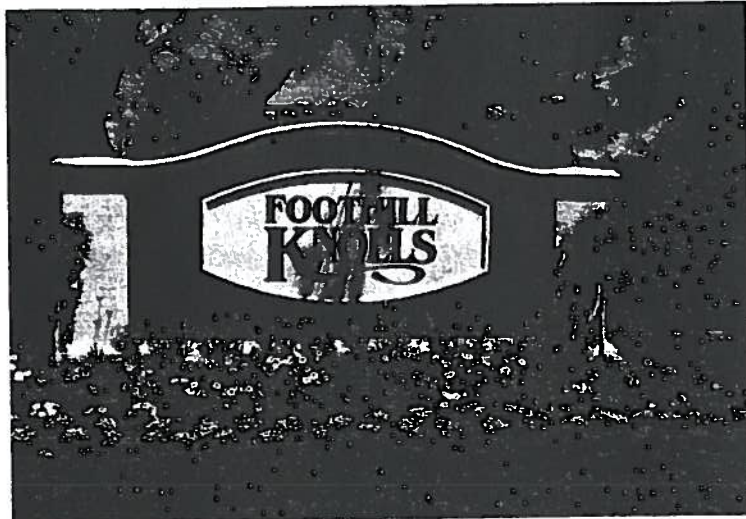
**Photographs
of Existing Subdivision Signs on Foothill Road**



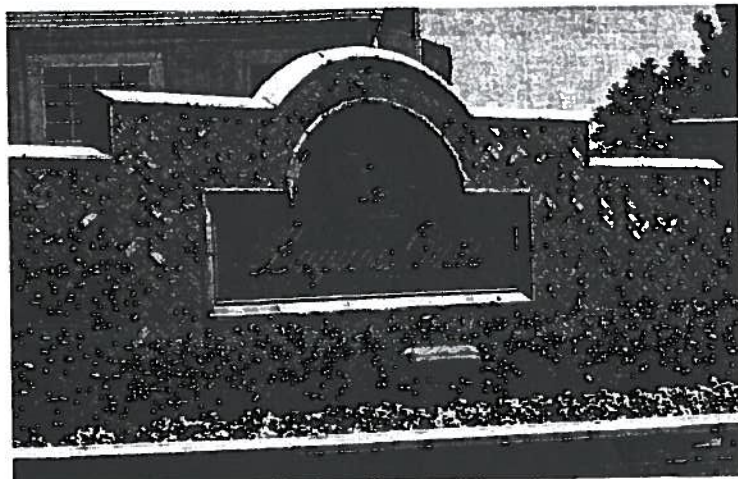
The Preserve Subdivision Sign



Moller Ranch Estates Subdivision Sign



Foothill Knolls Subdivision Sign



Laguna Oaks Subdivision Sign



Deer Oaks Subdivision Sign

Location

Staff believes the location of the proposed signs, as conditioned in Exhibit B, would be appropriate. The location at the front of the approved subdivision by the main access road would be similar to the location of other subdivision signs along the western side of Foothill Road, e.g., the Preserve and Moller Ranch Estates signs. Additionally, the signs' proposed location would not affect the sight-lines looking north/south from the access road to Foothill Road.

Public Notice

As part of the City's normal public notice procedures, a public notice of the project was published in the newspaper and mailings were sent to the property owners within a 1,000 foot radius of the site. At the time this staff report was written, staff had not received any additional public comments in regard to the application.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

In staff's opinion, the signs are appropriate and attractive. The signs would be similar to others located on the western side of Foothill Road and would blend in with Foothill Road's semi-rural appearance. The signs would be consistent with the PUD development plan and subdivision approval for the property. As previously stated, the proposed signs for the Lemoine Ranch Estates development are consistent with the existing subdivision design pattern established along Foothill Road. If, however, the proposed signs were to be the first such signs facing Foothill Road—thereby setting the design precedent for these types of subdivision identification signs—staff would still support the proposed signs on the basis of their overall quality of design, detailing, and materials.

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the appeal (Case PAP-19), thereby upholding the Zoning Administrator's approval of the monument signs (Case PSDR-76), as conditioned by staff.

PAP-19SignsLemoine.doc/rke
Staff Planner: Robin Eisenwinter, (925) 931-5612

6. **PUBLIC HEARINGS**

a. **PAP-19 (PSDR-76, Mardel L.L.C.) Appellant: Lynn Sorensen**

Appeal of the Zoning Administrator's approval of two monument signs which state "Lemoine Ranch Estates" located at 4456 Foothill Road. Zoning for the property is PUD-RDR/LDR/A (Planned Unit Development - Rural Density Residential/Low Density Residential/Agriculture District).

Marion Pavan presented the staff report, providing background on the application and information regarding the location and design of the signs. He noted that because of concerns voiced by Ms. Sorensen, a hearing was held by the Zoning Administrator, at which time the signs were approved. Ms. Sorensen appealed this approval. Mr. Pavan advised that staff feels the proposed signs compare favorably with the existing entrance signs along Foothill Road. He referred to the personal agreements referenced in the staff report, noting that the City does not enforce personal agreements. Mr. Pavan advised that staff feels the proposed signs are appropriate and attractive, and recommends that the Planning Commission deny the appeal, thereby approving the signs subject to the conditions of the staff report.

Staff provided clarification in response to Commissioner Robert's inquiry as to where the private road begins.

In response to an inquiry from Commissioner Arkin, Mr. Pavan advised that the Planning Commission has the latitude to change the location and design of the signs, but would need to state reasons for any modifications. Ms. Seto reported that the City tries not to get involved in issues related to private agreements, but the Planning Commission has wide latitude with regard to the aesthetics and placement of the signs, and can make modifications to the approved proposal if it desires.

In response to an inquiry from Commissioner Arkin, Mr. Pavan advised that the Moller and Presley developments may have other properties that have access through the development, but are not a part of the subdivision.

THE PUBLIC HEARING WAS OPENED

COMMENTS FROM THE APPLICANT

Leslie A. Johnson, 1331 N. California 5th Floor, Walnut Creek, CA 94563, advised that she is the attorney representing Ann Sorensen. She reported that the personal agreement was a condition to the submission of the development plan application and it was necessary to submit the signed agreement to meet a submittal deadline. She advised that the terms of the agreement were negotiated very heavily because Ms. Sorensen's relinquishment of her private access was critical to the development. She noted that the City requested this consent in writing prior to submittal of the application. She advised that Ms. Sorensen included all of the issues in the agreement that she felt were important to maintaining the rural atmosphere that she enjoyed. Ms. Johnson referenced language included in the agreement. She noted that the agreement requires

that the existing entrance to the Private Drive be left in as natural a state as possible, and, therefore, at the very least it would be appropriate to move the sign back so that it is not at the location where Ms. Sorensen accesses the property. She further noted that this would be possible, but that they do not believe that it is the appropriate decision. Ms. Johnson advised that the issue of the use of personal names in the naming scheme was negotiated extremely hard and Ms. Sorensen was adamant that she would never consent to personal names being used, and therefore, they feel the sign and the sign location is contrary to this agreement. Ms. Johnson stated that they feel this agreement is not a private agreement, in that it was given to the City and the City had full knowledge that Ms. Sorensen had no desire to have this development and felt she was protecting herself by imposing the requirements contained in the agreement.

Mr. Lemoine, 4456 Foothill Road, noted that the only deadline related to the agreement related to the project being placed on the City Council agenda before the CAPP Initiative passed. He noted the Lemoine family supports Mardel LLC and the project signs. He advised that they feel the signs are tastefully designed and are somewhat rural in appearance. He reported that the only discussion with Ms. Sullivan regarding the use of personal names was related to the naming of the private road. He noted that in a private meeting with Ms. Sorensen, he told her that the developer was intending to name the project "Lemoine Ranch Estates," and there was no discussion on this issue at that time. Mr. Lemoine commented that with regard to the issue of keeping the area as rural as possible, he feels the gate that Ms. Sorensen is going to install on the East Bay Regional Park property, right beyond the Lemoine property, is at least twice the size of the proposed signs, and, therefore, they do not feel the size of the signs is out of line. Mr. Lemoine reported that Ms. Sorensen's property does not start at Foothill Road, and that she has to travel over the Mardel property, the Lemoine property, and EBRPD property for approximately one mile to get to her property. He stated that they believe that the Mardel development is consistent with the other developments in the Foothill Road area and they are requesting the Planning Commission deny the appeal.

Sean Lemoine, 4456 Foothill Road, noted the Lemoine family has kept Ms. Sorensen "in-the-loop" since the beginning of the project planning process. He noted that her only concern has been her access. He reported that Ms. Sorensen and her attorney asked for \$500,000 to move the agreement forward in order to meet the deadline related to the CAPP Initiative. He advised that he thinks Ms. Sorensen may be holding up the project in attempt to ask for more money. He stated that Ms. Sorensen wants the road left in a rural state, but she wants to install a monstrous gate.

Phil Rowe, represented Mardel LLC. He noted that their preference would be to try to get along with everybody and try to find solutions to fit everybody's' needs. He commented on his recollection with regard to the street naming process, noting that during this process the Lemoines contacted Mardel LLC and requested that the entry signs have their name on them if they couldn't get the streets named after them. Mr. Rowe reported that Mardel LLC did not feel this was inconsistent with the agreement, and the agreement was about the street names, so they agreed with the Lemoines to endeavor to do so. He advised that his preference would be to find a common ground where everyone could be happy.

In response to an inquiry about the possibility of moving the signs back to where the houses start, Mr. Rowe stated that they have an agreement with the Lemoines to install the signs, and that he feels that the issue regarding the location of the signs needs to be addressed between the Lemoines and Ms. Sorensen. Mr. Rowe reported that subsequent to the agreement, Mardel LLC agreed with the Lemoines to name the subdivision "Lemoine Ranch Estates."

Ms. Johnson advised that there has never been any attempt to obtain additional funds of any type. She commented that the issue of the name was the single most difficult item to negotiate and she is surprised that having dealt with this issue it could be determined that by putting the name on the monument sign would be better than putting it on the street sign.

Ann Sorensen, 4432 Foothill Road, commented that she is disappointed in what this matter has created between her neighbors and herself. She noted that the agreement specifically stated that no personal names would be used on the access route to the Sorensen property. She advised that she would like to see, at the least, the signs moved back. She noted that the location of the signs was not on the tentative map. She stated that she never asked for the kind of money stated by the earlier speaker.

THE PUBLIC HEARING WAS CLOSED

Ms. Seto commented on California Law as it relates to contracts, and cautioned the Planning Commission regarding interpreting the language of the agreement. Vice Chairperson Mass stated that the Planning Commission is basically here to decide if the sign is appropriate as to the size, design, and location, and not to interpret the language of the contract.

Discussion ensued regarding the location of subdivision monument signs and the usual expectations for the placement of those signs.

With regard to the agreement, Ms. Seto advised that the City only needed proof from the developer that Ms. Sorensen had consented to the PUD application submittal, because her easement is a right in that property. Ms. Seto advised that the agreement provided that proof, but the City does not go forward and enforce all of the terms of that agreement.

In response to an inquiry from Commissioner Harvey regarding the possibility of Ms. Sorensen developing her property, Mr. Pavan advised that Ms. Sorensen's property is totally surrounded by East Bay Regional Park District property and he believes the Park District may have first right to purchase it. He noted that the City's General Plan shows her property designated as health and public safety. Commissioner Harvey inquired as to whether there is potential for any additional development in this area that would create a desire for additional signs in this same location. Mr. Pavan advised that the potential for development is very low. He advised that with regard to installing additional signs, staff would look to see if there is a means of incorporating the two signs, or would say that these signs were there first and that no additional signs could be located there.

Commissioner Roberts commented that Ms. Sorensen's property has been land-locked for 30 years. She further commented that she understands that Ms. Sorensen does not want to have an

address with the Lemoine name, but she doesn't see how the signs would be inviting the public to Ms. Sorensen's house, as Ms. Sorensen stated in her letter. Commissioner Roberts noted that the gate will separate Ms. Sorensen's private drive from the Lemoine's private drive. She noted that the precedent for subdivision signs has been set along Foothill Road, and she feels the design of the proposed signs is fine. She advised that she feels the name "Lemoine Ranch Estates" is a contradiction, and it should either be "Lemoine Estates" or "Lemoine Ranch." She noted that she feels moving the signs back to where the houses start will not resolve the problem.

Commissioner Harvey advised that if he goes by the private agreement, there are no signs in his mind; if he goes by what the City's legal counsel is saying, there are signs. He noted that the precedent has been set all over the City. He advised that he feels the proposed signs are very appropriate, and that they will be very helpful in locating the homes of people who reside there.

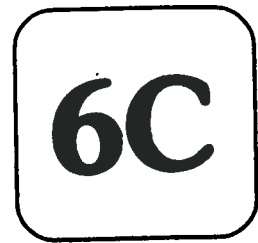
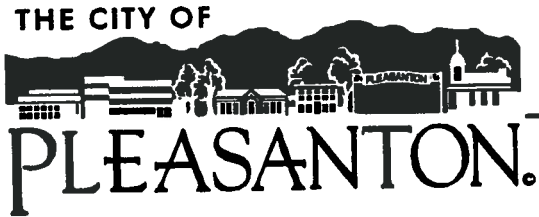
Commissioner Arkin asked if staff tries to incorporate provisions of an agreement in the conditions of approval for a PUD. He asked why this issue wasn't addressed at the time the PUD was proposed. Ms. Seto advised that the part of the agreement that was required by the City prior to processing the PUD application was an agreement that all of the property owners consented to an application. Ms. Seto advised that issues such as street names, the relocation of Ms. Sorensen's mailbox, etc. are not included in the PUD conditions of approval, because a lot of those details have to do with the private financial transactions between the parties. Ms. Seto noted that a lot of the accommodations requested by Ms. Sorensen, over which the City has some control, have been included in the PUD conditions.

Commissioner Roberts moved to deny Case PAP-19, thereby upholding the Zoning Administrator's approval of the monument signs, as conditioned by staff, with the recommendation that the name of the development be shortened. Commissioner Harvey seconded the motion.

ROLL CALL VOTE

AYES: Commissioners Arkin, Harvey, Maas, and Roberts
NOES: None
ABSENT: Commissioners Kameny and Sullivan
ABSTAIN: None

Resolution No. PC-2001-34 was entered and adopted as motioned.



**City Council
Staff Report**

August 7, 2001
Planning Department

SUBJECT: PAP-22 (Appeal of Case PAP-19, Approving Case PSDR-76)

APPELLANT: Lynn Ann Sorensen

PROPERTY OWNER: Mardel LLC

PURPOSE: Application to appeal the Planning Commission's approval of two subdivision monument signs which state "Lemoine Ranch Estates".

LOCATION: 4456 Foothill Road

GENERAL PLAN: Low Density Residential and Rural Density Residential

ZONING: PUD-RDR/LDR (Planned Unit Development-Rural Density Residential/Low Density Residential) District

**PLANNING COMMISSION
ACTION:** Approval of signs.

STAFF

RECOMMENDATION: Recommend denial of the appeal, thereby approving the signs as approved by the Planning Commission.

SUMMARY:

The project would place two subdivision identification signs at the front entrance of the Lemoine Ranch Estates subdivision. The design and location of the signs would be similar to others located along Foothill Road and would be consistent with the PUD development plan and subdivision approval for the property. Staff and the Planning Commission believe the signs are attractive and appropriate. The appellant is not supportive of a personal name being placed on the signs and is worried that visitors to her house will assume that she lives in Lemoine Ranch Estates. In addition, the appellant would like the front entrance to this subdivision to remain rural and does not believe the signs would be in keeping with a rural/natural character.

Honorable Mayor and Members of the City Council:

BACKGROUND

The Planned Unit Development (PUD) plan for the Lemoine property was approved by the City Council in 1999. It consists of the Lemoines' existing residence, 12 new homes, and the dedication of 1 acre to the East Bay Regional Park District (EBRPD). Since 1999, the original 49 acre Lemoine parcel has been divided into three lots. Mardel LLC owns the eastern 7 acres where the 12 new homes will be constructed; the Lemoines own the middle 41 acres of the original site; and the EBRPD owns 1 acre at the rear of the original site. The monument signs, as proposed, would be located on the 7 acre Mardel property, near Foothill Road.

There is no specific language in the PUD development plan or in the tentative subdivision map that regulates the design and location of permanent subdivision identification signs for the approved development. The PUD does require City design review approval of any proposed signs, including subdivision identification. The applicant applied for sign design review, as required.

At a Zoning Administrator hearing on May 24, 2001, the Zoning Administrator approved the proposed signs, as conditioned in Exhibit B. Ann Sorensen appealed the approval to the Planning Commission. The Planning Commission approved the signs, as conditioned by staff, at a public hearing on June 27, 2001. Ms. Sorensen appealed the Planning Commission's approval to the City Council. The signs are now before the City Council for review and action.

PROJECT DESCRIPTION

The applicant proposes two monument signs located at the main road entrance to the subdivision from Foothill Road. The signs would be mounted on a wall approximately 4 feet tall, 13 feet long, and 3 feet wide. Nine-inch tall cast bronze sign letters would be mounted on the wall. The wall would be of gray stone veneer, similar in color to approved retaining wall and wainscoting material to be used in the development. The signs would be illuminated at night. Staff added a condition of approval to the project relocating the southernmost sign slightly such that it is not located under the drip line of an existing walnut tree. The applicant agreed to this condition of approval.

PLANNING COMMISSION ACTION

The signs were reviewed and approved (4-0 vote) by the Planning Commission at its meeting of June 27, 2001. In the Commission's opinion, the signs were attractive and similar to others along Foothill Road. Please see the attached minutes.

Personal Agreements

There is a personal agreement between Ann Sorensen, the Lemoines, and Mardel LLC. Ann Sorensen contends that the agreement prohibits the use of a personal name on access routes to her residence, including the use of a personal name on a subdivision sign. The Lemoines and Mardel LLC believe the prohibition only applies to street names.

At the Planning Commission meeting, there was discussion about the personal agreement. A copy of the personal agreement is attached to this report. The City Attorney's Office cautioned the Planning Commission against interpreting the language of the agreement, since the City does not enforce personal agreements. Staff expressed that the City tries to not get involved in issues related to personal agreements, but that the Planning Commission had wide latitude with regard to the aesthetics and placement of the signs, and could make modifications to the sign proposal if it desired.

Sign Location

At the Planning Commission meeting, there was discussion about the location of the signs. Since the monument signs are proposed at the front of the subdivision, the Lemoines, Ms. Sorensen, and the EBRPD would drive by them on a regular basis. The Planning Commission questioned whether or not there were other residents who drive through a subdivision, other than their own, to access their property. Staff mentioned that residents on Bethel Lane drive through Moller Ranch Estates and by the Moller Ranch Estates subdivision signs to access their property. Similarly, the future residents of the Panganiban subdivision will drive through the Preserve subdivision and by the Preserve subdivision signs to access their property.

Subdivision Name

At the meeting, Ms. Sorensen expressed her concerns about the name "Lemoine" on the signs. While the Planning Commission did not object to a personal name on the signs, the Planning Commission recommended (but did not require) that the subdivision name be shortened to "Lemoine Ranch" or "Lemoine Estates". In the Commission's opinion, "Lemoine Ranch Estates" is a contradiction. At the time this report was written, the applicant had not decided whether he would shorten the name. Staff notes that the City typically does not get involved in the naming of subdivisions.

Copies of letters from Ms. Sorensen and Ms. Sorensen's attorney regarding the use of personal names are attached.

Ann Sorensen's Property

Staff incorrectly stated the General Plan land use designation of Ann Sorensen's property at the June 27, 2001 Planning Commission meeting. The General Plan designation of Ms. Sorensen's property is "Rural Density Residential" (1 dwelling unit per 5 gross acres) not "Public Health

and Safety". According to the Alameda County Tax Assessor, Ms. Sorensen's lot is 1.69 acres in size. Thus, there is no further subdivision potential on Ms. Sorensen's property.

DISCUSSION

In staff's opinion, the proposed signs would be similar to others located on the western side of Foothill Road and would be semi-rural in appearance. Table 1 below lists the design and locational characteristics of other subdivision signs on Foothill Road. For the Council's information, the June 27, 2001 Planning Commission staff report includes photographs of the Preserve, Moller Ranch Estates, Foothill Knolls, Laguna Oaks, and Deer Oaks subdivision signs on Foothill Road. Staff believes the proposed Lemoine Ranch Estates subdivision signs are attractive. The signs would be consistent with the PUD and subdivision for the property and the existing subdivision sign pattern established along Foothill Road.

**Table 1
Comparison of Proposed Signs to
Existing Signs on Foothill Road**

Subdivision Name	Number of Subdivision Signs Near Foothill Road	Sign Height¹ (In Feet)	Sign Length¹ (In Feet)	Sign Width¹ (In Feet)	Letter Height and Length¹ (In Inches)	Lighted ?
Lemoine Ranch Estates ²	2	4 (Includes Wall)	13 (Includes Wall)	3 (Includes Wall)	9" Height 3"-8" Length	Yes
The Preserve	2	6 (Includes Wall)	13 (Black Sign Area Only)	1 (Includes Wall)	6"-16" Height 5"-10" Length	Yes
Moller Ranch Estates	4	5 (Includes Wall)	8 (Gray Sign Area Only)	1 (Includes Wall)	4"-8" Height 3"-7" Length	Yes
Foothill Knolls	2	6 (Entire Monument)	15 (Entire Monument)	2 (Entire Monument)	9"-17" Height 7"-14" Length	No
Laguna Oaks	2	7-10 (Includes Wall)	10 (Gray Sign Area Only)	1 (Includes Wall)	7"-15" Height 6"-15" Length	Yes
Deer Oaks	1	5 (Includes Wall)	3 (Wood Sign Area Only)	2 (Includes Wall)	6" Height 5" Length	Yes

Notes:

1. Dimensions are rounded to the nearest whole number.
2. Proposed subdivision signs.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.


FISCAL IMPACT

The proposed signs would have a negligible financial impact on the City.

STAFF RECOMMENDATION:

Deny the appeal (Case PAP-22), thereby approving the monument signs as conditioned by staff in Exhibit B.

Respectfully Submitted,


Brian Swift
Director of Planning &
Community Development


Deborah Acosta McKeehan
City Manager

Attachments:

1. Location Map
2. Approved Tentative Map (Mardel LLC Property)
3. Exhibit A, Dated "Received April 16, 2001"
4. Zoning Administrator Approval Letter and Exhibit B, Conditions of Approval
5. Planning Commission Staff Report Dated June 27, 2001
6. Meeting Minutes from the June 27, 2001 Planning Commission Meeting
7. Meeting Minutes from the May 24, 2001 Zoning Administrator Hearing
8. Letter from Leslie A. Johnson, Lynn Ann Sorensen's Attorney, Dated "Received July 11, 2001"
9. Letter from Leslie A. Johnson, Lynn Ann Sorensen's Attorney, Dated "Received June 7, 2001"
10. Personal Agreement between Lynn Ann Sorensen, the Lemoines, and Mardel LLC

{End}

Staff Planner: Robin Eisenwinter (925) 931-5612
PAP-22SignsLemoine.doc

RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:
MILLER, STARR & REGALLA
ATTN: LESLIE A. JOHNSON
1331 N. CALIFORNIA BLVD., 5TH FLR.
WALNUT CREEK, CA 94596

CERTIFIED TO BE A TRUE COPY
OF DOCUMENT RECORDED 11-25-03
SERIES NO. 2003-694844
OFFICIAL RECORDS OF ALAMEDA COUNTY
Chicago Title Co.

BY 

DECLARATION OF RESTRICTION ON REAL PROPERTY

This Declaration of Restriction on Real Property (the "Declaration") is made this 3rd day of October, 2003 (the "Effective Date") by and between Mardel LLC, a California limited liability company ("Grantor") and Lynn Ann Sorensen ("Grantee").

RECITALS:

This Declaration is made with reference to and reliance upon the following facts:

A. Grantor owns that certain real property located in the City of Pleasanton, County of Alameda, State of California, more particularly described in Exhibit A (the "Mardel Property"). Grantor intends to construct on the Mardel Property a twelve (12) lot residential development project (the "Development").

B. Sorensen owns that certain real property commonly known as 4432 Foothill Road located in the City of Pleasanton, County of Alameda, State of California, more particularly described in Exhibit B (the "Sorensen Property").

C. Concurrently with the recordation of this Declaration, Sorensen is quitclaiming certain rights to Mardel in connection with the development of the Mardel Property and Mardel is causing the recordation of Subdivision Tract Map 7176, filed NOV. 25, 2003, in Book 273 of Maps, Pages 43-46, Official Records of the Alameda County Recorder (the "Map").

D. Mardel has agreed to restrictions preventing the use of any Monument Sign, as defined below, at the entry to the Development. The parties wish to establish those restrictions limiting the use of the Mardel Property and to set them forth in this Declaration.

(7)

THEREFORE, the parties hereby declare as follows:

1. **Incorporation of Recitals and Exhibits:** The Recitals set forth above and the Exhibits attached to this Declaration are hereby incorporated into the substance of this Declaration as though set forth in full.

2. **Restrictions:** Mardel hereby agrees that Mardel shall not place, construct nor allow any Monument Sign on or within the Restricted Area, as defined below and that any Monument Sign allowed under this Declaration (namely any Monument Sign not within the Restricted Area) shall meet all governmental requirements.

3. **Definitions:** As used in this Declaration, the following terms shall have the respective meaning set forth below:

3.1 **Monument Sign:** "Monument Sign" shall include anything constructed, erected or permanently attached on or to the land, whether made of man-made or natural substance, including any structure, post, rail, fence, sign, any auditory, lighting, electrical or electronic device, or any surface or portion thereof, on which lettered, figured or pictorial matter is displayed for the purpose of identifying any residential dwelling or development or any building or group of buildings or dwellings, in the Development, adjoining or near the Development or the Development itself.

3.2 **Restricted Area:** "Restricted Area" shall be (1) the portion of land designated as Lot 1 Entry Area Easement commencing at the south edge of the portion of the Mardel Property described as Oak Creek Drive as shown on the Map, and that portion of the 20' Exclusive Use Easement commencing at the south boundary of Lot 1 and continuing thirty (30) feet south from such south boundary of Lot 1, and (2) that portion of land commencing at the point designated at Oak Creek Drive as TAG RCE 13368 on the Map and continuing three hundred feet north along the centerline of Foothill Road and extending west to include all the land described as Parcel A on the Map, including the Entry Area Easement, and then back to the TAG RCE 13368 point of beginning, all as generally shown on Exhibit C attached hereto.

4. **Consideration and Interpretation of Declaration:** The parties acknowledge that this Declaration is made as part of the agreement between the parties pursuant to which Sorensen is executing the Quitclaim Deed and that the execution of the Quitclaim Deed and the execution and delivery of such Quitclaim Deed constitutes good and adequate consideration for this Declaration.

5. **Term:** The term of this Declaration is perpetual unless and until amended or rescinded by the mutual agreement of the then owners of the Mardel Property and the Sorensen Property.

6. Covenant Running With the Land: The provisions, covenants, conditions and restrictions of this Declaration, subject to which the Mardel Property shall be held, improved, used, occupied, leased, sold, hypothecated, encumbered and/or conveyed, shall be and constitute a servitude upon the Mardel Property and covenants running with the Mardel Property and are expressly declared appurtenant to and to be for the benefit of both the Mardel Property and the Sorensen Property. The provisions of the Declaration shall apply to, inure to the benefit of, and be binding upon the parties hereto, their heirs, successors and assigns and each of the restrictions runs with the land pursuant to Section 1468 of the California Civil Code and under any other applicable law. An appropriately executed copy of this Declaration shall be recorded in the Official Records of Alameda County prior to the recordation of the Quitclaim Deed, and the provisions hereof shall bind and benefit both the Mardel Property and the Sorensen Property and shall run to all successors and assigns therein and the provisions hereof shall be fully and completely enforceable as covenants running with the land.

7. Miscellaneous:

7.1 Construction; Governing Law: This Declaration shall be interpreted, construed and governed by the law of the State of California. This Declaration has been negotiated through the efforts of the parties and their respective counsel, and the principle of construction against the draftsman shall have no application in the construction and interpretation of this Declaration.

7.2 Attorneys' Fees: In the event any action at law or in equity shall be brought on account of any breach of this Declaration, or to enforce or interpret any of the covenants, terms or provisions thereof, the prevailing party in such action shall be entitled to recover from the other party reasonable attorneys' fees, the amount of which shall be made a part of any judgment rendered.

IN WITNESS WHEREOF, the parties have executed this Declaration on the respective day and year set forth below, effective as of the Effective Date.

Mardel:

Mardel LLC, a California limited liability company

By: Doyle Heaton MEMBER

Date: 10-16-03
DOYLE HEATON

Sorensen:

Lynn Ann Sorensen
Lynn Ann Sorensen

Date: 10-3-03

X Lynn Ann Sorensen
LYNN ANN SORENSEN

State of CALIFORNIA)SS.
County of CONTRA COSTA)

On 10-16-03, before me, Christine M. Charette, Notary Public, personally appeared DOYLE HEATON, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal

Christine M. Charette
Christine M. Charette, Notary Public
My Commission Expires July 25, 2007

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 9907

State of California

County of Alameda

On 10-3-03 before me, Jan Costanzo
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Lynn Ann Sorenson
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

_____ TITLE OR TYPE OF DOCUMENT

_____ NUMBER OF PAGES

_____ DATE OF DOCUMENT

_____ SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

EXHIBIT "A"

ALL THAT REAL PROPERTY IN THE CITY OF PLEASANTON, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP 7549, FILED MARCH 7, 2000, IN BOOK 249 OF PARCEL MAPS, PAGES 59 AND 60, OFFICIAL RECORDS OF ALAMEDA COUNTY.

APN 941-2050-002

EXHIBIT "B"

The land referred to in this report is situated in the State of California, County of Alameda, and is described as follows:

Township of Pleasanton

Beginning at a point from which the northwest corner of Section 13, Township 3 South, Range 1 West, M. D. B. & M. bears north 65 degrees 55' west 1141.87 feet (said point being marked by a 4 x 4 inch Redwood post 4 feet long, set 18 inches in the ground and scribed Corner Numbered 3 J. G.) thence north 30 degrees 29' east, 314.92 feet to a Redwood post 4 x 4 inches 4 feet long, set 18 inches in the ground and scribed Corner Numbered 5; thence north 39 degrees 49' east, 86.36 feet to a Redwood post 4 x 4 inches, 4 feet long, set 18 inches in the ground and scribed Corner Number 4 J. G.; thence south 50 degrees 11' east 326.48 feet to a Redwood post 4 x 4 inches; 4 feet long, set 18 inches in the ground and scribed Corner Numbered 1 J. G.; thence south 39 degrees 49' west 400 feet to a Redwood post 4 x 4 inches, 4 feet long, set 18 inches in the ground and scribed Corner Numbered 2 J. G.; thence north 50 degrees 11' west 275.27 feet to the place of beginning.

APN 941-2000-2

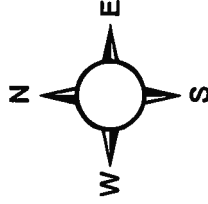
Location Map

City of Pleasanton

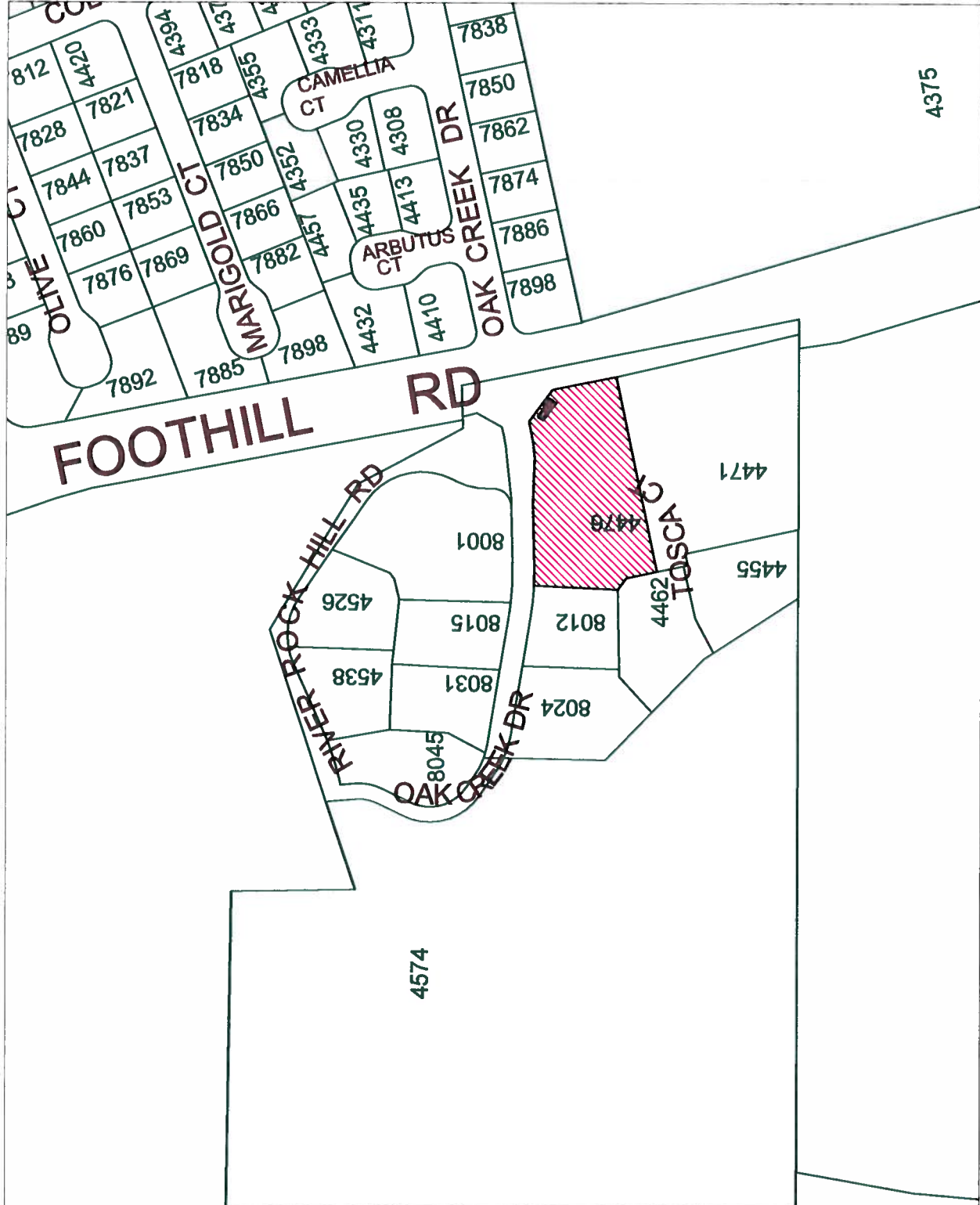
GIS

Department

Lemoine Ranch Estates



Printed 7/2/2010



Noticing Map

City of Pleasanton

GIS

Department

PAP-145 (PSDR-453)

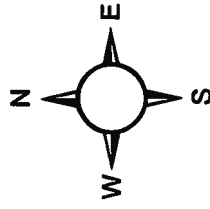


EXHIBIT I

Printed 7/18/2010

