



## Planning Commission Staff Report

August 8, 2007

Item. 6.a.

- SUBJECT:** PUD-05-02M
- APPLICANT:** Jim Happ  
Kenneth and Pamela Chrisman
- PROPERTY OWNER:** Kenneth and Pamela Chrisman
- PURPOSE:** Application for a major modification to an approved PUD development plan to replace the approved production home designs with design guidelines
- GENERAL PLAN:** Vineyard Avenue Corridor Specific Plan (Low Density Residential land uses)
- ZONING:** PUD- LDR (Planned Unit Development –Low Density Residential) District.
- LOCATION:** On the South Side of Vineyard Avenue Trail (formerly known as 1944 Vineyard Avenue)
- ATTACHMENTS:** Exhibit A – Silver Oaks Estate Design Guidelines (Phase II)  
Exhibit B – Draft Conditions of Approval  
Exhibit C – ■ PUD-05-01M-01D/PDR-541, Joseph Gorny/Gorny & Associates, Architects, and Frank Berlogar (Silver Oaks Estates)
- Planning Commission Staff Report, dated June 28, 2006 (without attachments)
  - Excerpts from the Planning Commission Meeting Minutes, dated June 28, 2006
  - Resolution No. 2006-31, approving the Silver Oaks Estates Design Guidelines (Phase I), including approved house design for Lot 5, Tract 7399, dated June 28, 2006

- PUD-05-01M, Frank & Barbara Berlogar and Kenneth & Patricia Chrisman
  - City Council Staff Report, dated September 20, 2005 (without attachments)
  - Excerpts from the City Council Meeting Minutes, dated September 20, 2005
  - Ordinance No. 1927, approving PUD-05-01M, September 20, 2005
- Vesting Tentative Tract Map 7399, Northstar Development
  - City Council Staff Report on the Reconsideration of PAP-53, dated September 16, 2003, (including the Staff Report and Excerpts of Minutes for PAP-53, dated August 5, 2003)
  - Excerpts from the City Council Meeting Minutes, dated September 16, 2003
  - Resolution No. 03-105, reaffirming the City Council's prior approval of Vesting Tentative Tract Map 7399, dated September 16, 2003
- PUD-5, Apperson Ridge
  - City Council Staff Report, dated June 5, 2001 (without attachments)
  - Excerpts from the City Council Meeting Minutes, dated June 5, 2001
  - Ordinance No. 1832, approving PUD-05, dated June 5, 2001

Exhibit D – Lot Sizes on Berlogar's Site

Exhibit E – PUD 05-02M Findings

Exhibit F – Development Agreement between the City of Pleasanton and Kenneth and Pamela Chrisman, recorded November 18, 2002

## BACKGROUND

On July 11, 2007, the Planning Commission reviewed the proposed PUD modification to allow the 10 residential lots to be custom rather than production homes. The Planning Commission requested staff provide additional information/clarification concerning the following:

- ❑ Definition of FAR (Floor Area Ratio);
- ❑ Production home sizes that were approved by the PUD-05 (Apperson Ridge);
- ❑ Visual analysis of the proposed homes, especially the homes that would be located on Lots 1-5 per PUD-05;
- ❑ The original approval for Centex Homes
- ❑ Installation of landscaping in the common area;
- ❑ Grading and haul routes;
- ❑ Sports court; and,
- ❑ Development Agreement
- ❑ Conditions of Approval

The Planning Commission has also requested staff to consolidate all conditions that apply to the proposed PUD major modification, and investigate additional alternatives concerning the joint-use well between the Chrismans and the Brozoskys.

## ANALYSIS

### Definition of Floor Area Ratio (FAR)

The Floor Area Ratio is defined two ways:

#### **18.08.190 Floor Area, Basic:**

“Basic floor area” means the total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot.

#### **18.08.195 Floor Area, Gross:**

“Gross floor area” means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three (3) sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines.

The project proposes two modifications to the definition:

- By exempting 600 square feet of garage area from the FAR calculation (the same amount for Berlogar’s PUD modification);
- To count floor area where the finished ceiling height is greater than fourteen (14) feet at two times the actual floor area, except for one-story buildings; and, including covered porches that are not open 85% on at least two sides

These changes reflect the types of conditions normally implemented in design guidelines for other projects. Staff believes these requests to be consistent with other approvals granted, including Ordinance No. 1927, Berlogar PUD modification.

PUD-05 Approved Home Sizes

The Planning Commission discussed the proposed FAR of 40 percent and felt that this FAR may allow for homes that would be considerable larger than the approved production homes. The following table shows the PUD approved production home size for each lot and the possible FAR. For comparison purposes, staff prepared two FARs, one of which includes the overall building area (house, garage and second unit), and the other includes only the house and garage. The lot sizes for the 10 home sites on Chrisman’s site are provided by RJA, civic engineer for the project.

**Lot Size, Approved Production Home Size, and FAR for Chrisman’s Site**

| <b>Lot No.</b> | <b>Lot Size (sq. ft.)</b> | <b>Approved House/ Garage Size (sq. ft.)</b> | <b>FAR (Including Garage)</b> | <b>FAR (Excluding Garage)</b> |
|----------------|---------------------------|--|-------------------------------|-------------------------------|
| 1              | 21,528                    | 3,791/898                                    | 21.7%                         | 17.6%                         |
| 2              | 19,075                    | 4,333/925                                    | 27.56%                        | 22.7%                         |
| 3              | 18,426                    | 4,121/962                                    | 27.58%                        | 22.4%                         |
| 4              | 19,271                    | 4,333/925                                    | 27.28%                        | 22.5%                         |
| 5              | 22,657                    | 4,333/925                                    | 23.21%                        | 19.1%                         |
| 6              | 17,095                    | 4,652/970                                    | 32.72%                        | 27.2%                         |
| 7              | 16,839                    | 4,357/1,020 (2 <sup>nd</sup> U =782)         | 36.57%                        | 30.5%                         |
| 8              | 16,152                    | 4,652/970                                    | 34.81%                        | 28.8%                         |
| 9              | 16,051                    | 4,357/1,020 (2 <sup>nd</sup> U =782)         | 38.37%                        | 32%                           |
| 10             | 15,811                    | 4,357/1,020 (2 <sup>nd</sup> U =782)         | 38.95%                        | 32.5%                         |

At the last Planning Commission meeting, the applicant stated that if the Planning Commission has concerns regarding the proposed 40-percent FAR, he would be willing to keep the FARs that were allowed for the previously approved production homes. Some of the Commissioners commented that this may be a reasonable solution.

Mr. Steve Brozosky, an immediate neighbor of the Chrisman, stated that a 40-percent FAR would yield house sizes that are too big for the lots. In discussion of the FAR issue with staff, Mr. Brozosky stated that he feels comfortable for a 25-percent FAR for Lots 1-5 and a 30-percent FAR for Lots 6-10.

The Greenbriar Homes “Chateau Estates” across Vineyard Avenue Trail consists of 26 production homes. The lot size ranges from 12,911 square feet to 24,981 square feet. The home size ranges from 3,871 square feet to 4,183 square feet with a garage size between 718 square feet and 800 square feet. Chateau Estates has a similar density as the proposed development; however, its lot and home sizes are proportionally smaller than the proposed development.

Staff could support the FAR ratio approved for the production home development as noted above. However, considering the topography of the lots within the proposed development and that Lots 1-5 would have more visibility than other homes when viewed from rights-of-way, staff recommends that Lots 1-5 have a FAR of 25 percent and Lots 6-10 have a FAR of 30 percent, excluding 600 square feet of garage area. Staff notes that the FAR should be taken from the gross square footage of each lot.

With staff’s recommendation, the following table shows the potential home size and the overall building area for each lot. Staff believes that this recommendation is a compromise to both Brozosky and Chrisman.

| <b>Lot No.</b> | <b>Lot Size (sq. ft.)</b> | <b>Proposed 25-Percent FAR (sq. ft.)</b> | <b>Proposed 30-Percent FAR (sq. ft.)</b> | <b>Total Square Footage including 600 sq. ft. of Garage Area (sq. ft.)</b> |
|----------------|---------------------------|--|--|--|
| 1              | 21,528                    | 5,382                                    |  | 5,982  |
| 2              | 19,075                    | 4,768                                    |  | 5,368  |
| 3              | 18,426                    | 4,606                                    |  | 5,206  |
| 4              | 19,271                    | 4,818                                    |  | 5,418  |
| 5              | 22,657                    | 5,669                                    |  | 6,269  |
| 6              | 17,095                    |  | 5,129                                    | 5,729  |
| 7              | 16,839                    |  | 5,052                                    | 5,602  |
| 8              | 16,152                    |  | 4,846                                    | 5,446  |
| 9              | 16,051                    |  | 4,851                                    | 5,451  |
| 10             | 15,811                    |  | 4,743                                    | 5,343  |

The Original Centex Homes Approval

The Planning Commission also expressed an interest as to why the approved plans could not be constructed. Staff has determined through discussions with Centex that the original homes could be constructed, however, the applicant would need to purchase the development designs from Centex directly before being able to use them for construction documents.

Staff supports the proposed modification to a custom home in that the recent approval for the same modification for the Berlogar development phase was approved and it is generally preferable to have consistency where there is high visibility and project adjacency. However, there are various examples Citywide that reflect differing architecture that are different developments that are adjacent to one another. The Planning Commission has an opportunity to evaluate what the optimum architectural development type ought to be for the second phase of development; to have it remain as approved, or to allow it to be revised to a custom home development that will utilize the same design guidelines as those approved with the previous modification that the Berlogars used to change their portion of the project from production to custom homes.

### Visual Analysis

The Vineyard Avenue Corridor Specific Plan (page 28) requires visual analysis to screen the view of all improvements in areas exceeding elevation 475 feet from off-site areas. A visual analysis was conducted for the production homes and was shown to the Planning Commission at the last meeting and is now attached as Exhibit C.

Homes on Lots 1-5, shown on the preliminary development plan approved as part of PUD-05, have a pad elevation ranges from 443 feet above sea level to 462 feet above sea level, which does not exceed the required elevation for a visual analysis.

Homes on Lots 6-10 have pad elevation ranges from 450 feet above sea level to 467 feet above sea level; however, the original grades for these lots were between 470 feet and 485 feet above sea level. Staff recommends that a visual analysis be provided as part of the design review process for each home as it is conditioned and a part of the design guidelines.

### Landscaping in the Common Area

Condition No. 13 of Tentative Vesting Map 7399 states:

“ The landscape plan included in PUD-5 shall be modified to incorporate shrubs to be planted on the downhill side of the retaining wall behind Lots 1-5. These shrubs shall be native type, drought-tolerant species which are compatible with the wildfire management scheme contained in the Draft Open Space Management Plan and Wildland Fire Protection Plan, dated November 8, 2002. Final selection of the species, their number and sizes at planting, shall be subject to the review and approval of the Planning Director; the plantings shall be sufficient in number to screen the wall and are anticipated to be accomplished with a mix of five gallon and one gallon sized shrubs.”

To ensure that the landscaping is installed prior to the occupancy of any homes, staff recommends that the installation of landscaping be completed and accepted by staff prior to the sales of the first lot.

Additionally, an individual, two-tier retaining wall would be constructed on Lots 6-10 in the rear yard. Given the topography of the lots, these retaining walls would be temporarily visible from rights-of-way prior to the construction of each custom home. Staff recommends as a condition that landscaping, i.e. trees and/or shrubs, be planted between the retaining wall to mitigate visual impacts. The required landscaping shall be installed along with the other public improvements and shall be completed prior to the first lot. Staff believes the landscaping should be maintained by the developer until such time the new homes are constructed and occupied. At that time, the homeowners would be responsible for such landscaping in their rear yard. A condition has been included to address this issue.

### Grading and Haul Trucks

The application in question does not change or alter lot configuration or grading as shown in the approved PUD-05 development plan (Exhibit C). The development on each lot would be required to conform to the PUD-05 and tentative map approval unless otherwise modified by this application.

Vesting Tentative Map 7399 included the following condition concerning the hours allowed for hauling trucks:

- “32. In addition to regulating the haul route to and from this project pursuant to PUD Condition No. 106, the City Engineer shall regulate the hours of all truck traffic so as to avoid conflicts with school traffic during peak school drop-off and pick-up hours and shall preclude use of the school loop road as a portion of the approved haul route.”

Additionally, the Vineyard Avenue Corridor Specific Plan (page 49) requires:

“All trucks hauling excavated materials shall be covered with tarpaulins or other effective covers”.

Staff has added a condition to address this requirement.

### Sports Court

The Vineyard Avenue Corridor Specific Plan (page 31) states:

“Tennis courts should not be permitted on existing slopes which exceed seven percent.”

Due to concerns related to noise in the hillside/canyon area, staff typically prohibits sports court via a condition of approval. Staff therefore recommends that language be added to the design guidelines that prohibit sports court.

### The Continued Use of the Well by the Chrismans After City Water Service is Provided to their Property

When the tentative vesting map was appealed to the City Council, the City Council imposed a condition concerning the Chrisman's continued use of the well on the Brozoskys' property after city water service is provided to the Chrismans' property: Condition No. 23 of the Tentative Vesting Map 7399 states:

“When the developer of the Chrisman property extends the water line providing City water to the Chrisman residence, the developer shall extend the water line from the Chrisman driveway to the Brozosky property line within the EVA area shown on the tentative map. The size of the water line shall be the same as the size of the water line that serves the Chrisman residence. The developer of the Chrisman property shall also pay for an install at the edge of but within the Brozosky property at 5/8-inch water meter, which meter shall serve the Brozosky property only. Payment includes the standard connection fees for such meter. Prior to the installation of the water line to the Brozosky property, and prior to the installation of the meter, the Brozoskys may increase the size of the water line and/or the meter at their own expense. The Brozoskys may connect to the meter. Use of this water line shall be on an interim basis and shall be discontinued at such time as the Brozosky property is connected to the City water system under the Vineyard Avenue Corridor Specific Plan. This condition may also be satisfied by a separate agreement signed by the Chrismans/Brozokys.”

The Brozoskys have objected to, and continue to object to, the Chrismans' continued use of the well on their property after water service is provided to the Chrismans' property. In an effort to address the Brozoskys' concerns, since the last Planning Commission meeting, staff has been working both Mr. Brozosky and the applicant to create an alternate solution to this issue. Staff now proposes that the applicant install a two-inch water line within the area on Chrismans' site that will be dedicated to the City as the right-of-way for access purpose for future development to the Brozosky site. In addition, the Brozoskys would install a two-inch water line on their property (for which the applicants would reimburse them) in order to obtain City water service. This condition would avoid creating an easement between in favor of the Brozoskys on the Chrismans' property. Please refer to Condition 26 on Exhibit C.

Because, however, the condition as written does not eliminate any existing rights that the Chrismans have to use the well on the Brozosky property, nor eliminate the easement that the Chrismans have on the Brozosky property to access the well, the Brozoskys are not totally satisfied with the condition. The Brozoskys would like the condition to eliminate the rights of the Chrismans to use the well and, by extension, to extinguish their easement rights to the well.



The Brozoskys rely on provisions in the Draft EIR for the Vineyard Avenue Corridor Specific Plan and the Specific Plan itself to support this position.

### Joint-Well Use

Mr. Brozosky first cites to the Draft EIR for the Specific Plan, at pages 4.3-10 through 4.3-12, that addresses the impact of water degradation due to salt loading. Under the Plan, there would be an increase in the use of lands for vineyards and there would be increased landscaping for the new residences, both of which would require irrigation. Assuming that groundwater would be used for those purposes, this increase in agricultural operations and irrigated landscaping would be expected to increase the discharge of salts into surface and subsurface waters due to the high salt content of the groundwater in this area of the groundwater basin. In that context, the Draft EIR provides that the proposed vineyards would be irrigated with groundwater supplied by on site wells; all other irrigation needs—in an effort to reduce salt loading in and to the groundwater basin—would be met by use of City water.

Mr. Brozosky also cites to the “Land Use” section of the Vineyard Avenue Corridor Specific Plan (page 22). One of the land use districts identified in the Specific Plan is the Vineyard District. Only certain parcels within the Plan area are designated Vineyard and the Chrisman parcel is not one of them. Those parcels are intended to be planted, at least in part, with vineyards and parcels so designated are intended to maintain the agricultural use of the area, reinforce the agricultural character of the area, be pleasing aesthetically to motorists and buffer future residential uses from traffic along Vineyard Avenue. For those parcels within the Vineyard district, in the event that vineyards prove infeasible, “related agricultural uses would be permitted.” (*emphasis added*)

Mr. Brozosky further cites to the “Public Facilities, Water” section of the Specific Plan (page 78). The Plan provides that conceptually the City will provide water for all uses, except the irrigation of vineyards and other agricultural activities. (*emphasis added*) More specifically and as to existing residences, the Plan provides that property owners who choose to subdivide are required to connect their existing residences to the City water system at the time service is extended to the subdivided land. Moreover, as to existing residences, “Well water *may* be used for irrigation...” (*emphasis added*) Perhaps inconsistent with the prior sentence, the Plan then sets forth certain water conservation provisions including “Well water shall be required for irrigation of vineyards and related agricultural uses.”(*emphasis added*)

Because the EIR indicates that vineyards (as opposed to other uses requiring irrigation) are to be irrigated with groundwater from wells and because the same terminology—related agricultural uses—appears in that part of the Plan that addresses the Vineyard District and that addresses when well water shall be required, Mr. Brozosky concludes that well water is not required for agricultural uses on parcels not within the Vineyard District. From that conclusion, he posits that a condition of approval could be imposed on the Chrisman PUD that would require the Chrismans to give up their right to use well water once the City water system is extended to their

subdivided land as the Chrisman parcel is not within the Vineyard district and the use of well water for irrigation is discretionary in other zoning districts.

As described above, staff's revised condition as to the well would allow the Chrismans to continue to use the well located on the Brozosky parcel for irrigation and related agricultural (animal husbandry for example) uses. That condition, in staff's view, is consistent with the Specific Plan sections cited above.

### Development Agreement

Questions rose concerning whether the Development Agreement (DA) between the City and the Chrismans needs to be amended if the City Council approves a PUD amendment to change the project from production homes to custom homes. The City Attorney's Office has reviewed the Development Agreement and an amendment to the Development Agreement is not necessary.

### Conditions of Approval

The Planning Commission also requested that the conditions of approval be a combination of the project specific guidelines and the existing approved conditions from the original PUD-05, PUD-05-01M, and Tentative Vesting Map7399. The Commission made this request because there were too many "Exhibit B's" and the Commission was having difficulty referring to the correct Exhibit B, whether it was for the current project or a previously approved project.

The City has been undergoing a process to try to eliminate duplication of conditions and therefore to eliminate the need to refer to those previous approvals. In an effort to continue to streamline the conditions and not include conditions that have been revised by later Council action, staff has provided Exhibit 'C' which is a comprehensive list of conditions for the project and is easier to reference and understand.

## **PUD DEVELOPMENT PLAN FINDINGS**

Please refer to the PUD findings listed in Exhibit E.

## **ENVIRONMENTAL ASSESSMENT**

Environmental review for the proposed project was undertaken with the Final Environmental Impact Report (EIR) approved by the City Council for the Vineyard Avenue Corridor Specific Plan in conformance with the standards of the California Environmental Quality Act (CEQA). There are no substantial changes to the project or to the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects. Furthermore, there is no new information

of substantial importance, which was unknown at the time that the Final EIR was approved by the City Council regarding the project or its effects, mitigation measures, or alternatives. Any previously identified effects or impacts are mitigated to a level of insignificance, with the mitigation measures incorporated into the project's design or imposed on the project pursuant to the conditions of approval. Therefore, no new environmental document accompanies this staff report.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission take the following actions for Case No. PUD-05-02M:

1. Make the finding that the proposed modification is covered by the previously approved Final Environmental Impact Report for Vineyard Avenue Corridor Specific Plan and that no additional environmental review is needed;
2. Make the finding as listed in Exhibit E that the proposed modification is covered by the previously approved PUD development plan findings for PUD-05; and,
3. Approve the proposed modification subject to Exhibit "B", Draft Conditions of Approval.

*Staff Planner: Jenny Soo, (925) 931-5615; email: [jsoo@ci.pleasanton.ca.us](mailto:jsoo@ci.pleasanton.ca.us)*

**EXHIBIT B  
DRAFT CONDITIONS OF APPROVAL**

**PUD-05-02M, Jim Happ, Northstar Realty Services, Inc./  
Kenneth and Pamela Chrisman  
(Silver Oaks Estates II)  
1944 Three Oaks Drive**

1. The final design guidelines for the homes to be located on the lots of Silver Oaks Estates, Phase II (Lots 1-10) shall substantially conform to the design guidelines, Exhibit A, dated "Received July 17, 2007" on file with the Planning Department, except as modified by the following conditions.
2. All conditions of Cases PUD-05 (Ordinance No. 1832) shall remain in full force and effect except as otherwise modified by this approval.
3. This approval including design guidelines and review procedures shall remain effective for the life of the development called Silver Oaks Estates, Phase II or by any future name unless modified by a subsequent City action.
4. The project developer shall provide all buyers of the lots in Silver Oaks Estates with copies of the approved design guidelines and the project conditions of approval.
5. The future home developer(s) shall prepare project-specific view analyses for Lots 6-10 with the submittal of their applications with the viewpoints selected by Silver Oaks Estate Design Review Architect and approved by the Planning Director. To place the house design proposal within its neighborhood context, the view analyses shall include all approved and/or constructed homes. If determined to be necessary by the Planning Director, the view analyses shall be peer reviewed by the consultant selected by the City and paid for by the future home developer.
6. The recorded deed of sale for each lot shall include a disclosure stating the potential for noise, odor, and illumination impacts associated with the operation of the asphalt batch plant on the RMC Pacific Materials Property easterly of this development.
7. The applicant shall pay shares based on the original Chrisman parcel, as shown in the Vineyard Avenue Corridor Specific Plan, at the time of recordation of the final map, unless a modification to the Shared Infrastructure Financing Plan is approved.
8. This project shall be annexed to Silver Oaks Estates "Phase I" and shall be a single homeowners association to own and maintain the common areas and facilities covered by PUD-05, Tract 7399 and the tract for this project.

9. The landscape plan included in PUD-5 shall be modified to incorporate shrubs to be planted on the downhill side of the retaining wall behind Lots 1-5. These shrubs shall be native type, drought-tolerant species which are compatible with the wildfire management scheme contained in the Draft Open Space Management Plan and Wildland Fire Protection Plan, dated November 8, 2002. Final selection of the species, their number and sizes at planting, shall be subject to the review and approval of the Planning Director; the plantings shall be sufficient in number to screen the wall and are anticipated to be accomplished with a mix of five gallon and one gallon sized shrubs. Said landscaping shall be installed and accepted by the staff prior to the sale of first lot.
10. The rear lot lines for Lots 1-5 shall be adjusted so that a minimum five feet exists between the rear lot line fence and the face of the retaining wall. This area shall be a part of Parcel C and shall contain the drainage swale at the top of the wall and the fire buffer, mowed area described in the Open Space Management Plan and Wildland Protection Plan.
11. When retaining walls are offset as shown in Lots 6-9, appropriate retaining wall shall be constructed on the property line to link the walls, as necessary; such walls shall be shown on the final grading plan and shall be reviewed and approved by the Planning Director prior to the approval of the final map.
12. The retaining wall at Vineyard Avenue Trail shall be either a decorative wall or shall be set back sufficiently to have shrub landscaping planted between it and the horse path. Final design shall be subject to the review and approval by the Planning Director prior to the approval of the final map.
13. Landscaping, i.e. trees and/or shrubs shall be installed between the retaining walls on Lots 6-10 along with the other public improvement and shall be completed prior to the sale of the first lot. Said landscaping shall be maintained by the developer until such time the new homes are constructed and occupied.
14. As the overhead utility lines along Vineyard Avenue Trail are to be removed, no retaining walls around existing poles as shown on the tentative map preliminary grading and utility plan shall be used.
15. Unless otherwise approved by the Fire Marshal, no housing construction shall begin until such time as an acceptable emergency vehicles access has been established, as defined by the Fire Marshal. This access shall be maintained at all times until the public improvements are accepted.
16. The Chrisman new portion of the private driveway shall have a concrete-lined V-ditch located along the lower side of the driveway.

17. No sports court shall be allowed in this development. This shall be added to the Design Guidelines and CC&Rs.
18. Trucks hauling excavated materials shall be covered with tarpaulins or other effective covers, subject to the approval of the Planning Director.
19. Trucks hauling excavated materials shall be covered with tarpaulins or other effective covers, subject to the approval of the Planning Director. In addition to regulating the haul route to and from this project, the City Engineer shall regulate the hours of all truck traffic so as to avoid conflicts with school traffic during peak school drop-off and pick-up hours and shall preclude use of the school loop road as a portion of the approved haul route.
20. Homes shall be equipped with an automatic residential fire suppression system and may be required to provide an on-site water storage tank and water pressure booster pump, subject to the satisfaction of the Chief Building Official and Fire Marshall.
21. The follow language shall be included in the design guidelines:

Floor Area Ratio (FAR)

- Definition: FAR is the ratio of total floor area of all buildings on site to the total land area of the site.
  - Any garage area exceeding 600 square feet is to be included in the FAR calculation.
  - Floor area where the finished ceiling height is greater than fourteen (14) feet is to be counted two times the actual floor area except for one-story homes.
  - Basement area shall not be included in the FAR calculation.
  - Covered porches that are not open 85% at least two sides shall be included in the FAR calculation.
  - The maximum FAR allowed is 25% for Lots 1-5 and 30% for Lots 6-10.
22. **Prior to building permit submittal**, a list of the green building measures used in the design of the home covered by this approval shall be provided to the Planning Department for the review and approval by the Planning Director. The home covered by this approval shall be designed to achieve a minimum of 50 points using Build It Green's Green Points rating system. The proposed project shall be a "green home" with a minimum of 10 points in each category (Resources, Energy, and IAQ/Health). The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. **Each point identified shall have a notation showing which sheet the item can be found.** A special inspection by a representative from the Planning Department shall be coordinated with regards to landscaping, irrigation, and exterior materials. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, a qualified

specialist, or the applicant shall provide written verification by the project engineer, architect, landscape architect, or designer.

23. Review and approval of the Silver Oaks Estates homes shall conform to the design review procedures set forth by Section 18.20, Design Review, of the Pleasanton Municipal Code with the following exceptions:
  - a. Notice of the proposed house design applications will be sent to the Planning Commission with the noticing sent to surrounding neighbors.
  - b. With the notification of the Zoning Administrator's action sent to the Planning Commission, staff will provide to the Planning Commission copies of the Zoning Administrator's approval letter, conditions of approval, and reduced copies of the plan set of the proposed house including colored building perspectives and building elevations, photos of the study model, and the floor plans, landscape plans, grading plans, and any other design details considered by the Zoning Administrator to be pertinent to the proposed design.
24. This PUD development plan modification will lapse and shall be void within two years following the effective date of the City Council approval, unless a building permit is issued and construction has commenced and is diligently pursued toward completion or an extension has been approved by the City.
25. On the final map, the property owner shall dedicate the portion of land located north of Parcel B, east of Street "A", as noted on Sheet 1, "Preliminary Development Plan, Apperson Ridge", of Exhibit A, to the City of Pleasanton as right-of-way to serve future development on the Brozosky site.
26. As part of the improvements for the project, the applicant shall install a two-inch water service for the benefit of the Brozosky property. The service shall be installed within the right-of-way as described in Condition 25 above. The applicant shall purchase and install a  $\frac{5}{8}$  x  $\frac{3}{4}$  standard water meter for this new water service, shall purchase and install a reduced pressure backflow device, and pay for all applicable connection fees. The water meter and backflow device shall be installed within the right-of-way east of Street "A" at the time the waterline is extended to the Brozosky site which shall be at the same time that the applicant extends water service to either the Chrisman residence or to the subdivided lots on the Chrisman property. The waterline shall be 30 inches below ground. The applicant shall also reimburse the Brozoskys for the installation of a two-inch PVC water line within the Brozosky property and along the westerly property line of the Brozosky site from the backflow device to approximately 400 feet southerly thereof. The exact location of the two-inch water service in the dedicated right of way and the two-inch PVC water line shall be shown on the improvement plans for the final map. In addition, the Brozoskys shall submit three bids from three licensed contractors for the

construction of the two-inch PVC water line. The bids shall be submitted to the City Engineer for review and approval, and the applicant, prior to the approval of the final map, shall deposit with the City the full amount of the lowest responsible bid. When the two-inch PVC water line has been installed and approved by the City, the City will release the funds to the Brozoskys. The applicant's providing water service to the Brozosky property and reimbursing the Brozoskys for the water line on their property is not intended to and does not extinguish or eliminate any existing rights that the Chrismans have in and to the water well on the Brozosky property.

This condition supersedes Condition No. 124 of PUD-05 and Condition No. 23 of City Council Resolution No. 03-105.

*{End}*