

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATIONS OF PONDEROSA HOMES II, INC. FOR PLANNED UNIT DEVELOPMENT (PUD) REZONING AND DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-111

WHEREAS, Ponderosa Homes II, Inc. has applied for Planned Unit Development (PUD) to rezone a 4.23-acre portion of the 6.22-acre site at 3410-3450 Cornerstone Court from Planned Unit Development – Public & Institutional (PUD-P&I) District to Planned Unit Development – Medium Density Residential (PUD-MDR) District and construct 25 single-family homes and related site improvements (the “Project”, also known as PUD-111); and

WHEREAS, at its public hearing on August 12, 2015, the Planning Commission adopted Resolution No. PC-2015-23 determining that the proposed rezoning and development plan are appropriate for the sites, making findings, and recommending to the City Council that PUD-111 be approved; and

WHEREAS, on October 6, 2015, the City Council held a duly noticed public hearing on the application and considered all public testimony, agenda reports, and related materials, and the recommendations of City staff and the Planning Commission; and

WHEREAS, based on the Initial Environmental Study, a negative declaration was adopted by the City Council on October 6, 2015; and

WHEREAS, the City Council finds that the proposed PUD rezoning and development plan are consistent with the City’s General Plan and purposes of the PUD ordinance for the reasons set forth in the staff report.

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

Section 1. Approves the rezoning of a 4.23-acre portion of the 6.22-acre site at 3410-3450 Cornerstone Court from Planned Unit Development – Public & Institutional (PUD-P&I) District to Planned Unit Development – Medium Density Residential (PUD-MDR) District and construct 25 single-family homes and related site improvements;

Section 2. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No.494, attached hereto as Exhibit B, dated October 6, 2015, and incorporated herein by this reference.

Section 3. Approves Case PUD-111, the application of Ponderosa Homes II, Inc. for a Planned Unit Development (PUD) plan to construct 25 single-family homes and related site improvements located at 3410-3450 Cornerstone Court, subject to the conditions as shown in Exhibit A, attached hereto and made part of this ordinance by this reference.

Section 4. 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 5. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on October 6, 2015 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Jerry Thorne, Mayor

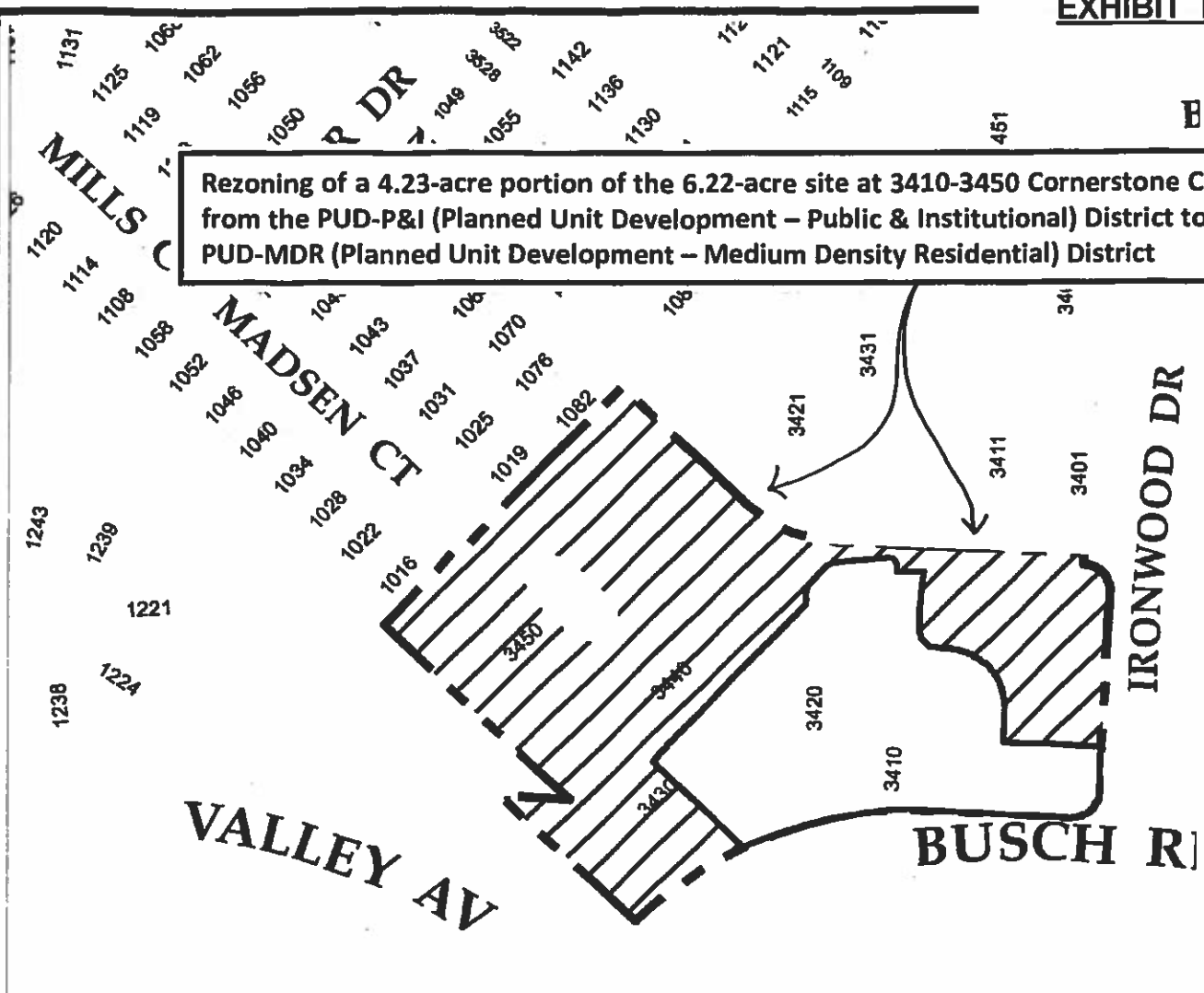
ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan Lowell, City Attorney

Rezoning of a 4.23-acre portion of the 6.22-acre site at 3410-3450 Cornerstone Court from the PUD-P&I (Planned Unit Development – Public & Institutional) District to the PUD-MDR (Planned Unit Development – Medium Density Residential) District



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. _____
Zoning Unit Map No. 494**

DRAWN BY:
M. Hoey

APPROVED BY:

DATE:
October 6, 2015

SCALE:
1" = 300'


**DIRECTOR of
COMMUNITY DEVELOPMENT**

SEC. NO.:
PUD-111

EXHIBIT A

CONDITIONS OF APPROVAL PUD-111 Ponderosa at Centerpointe

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The approval of PUD-111 includes the following uses:
 - a. The permitted and conditionally permitted uses for the 4.23-acre residential portion of PUD-111 zoned Planned Unit Development – Medium Density Residential (PUD-MDR) District shall follow the One-Family Residential (R-1) District uses of the Pleasanton Municipal Code.
 - b. The modified school facility (operation and site plan) on a 1.99-acre portion of PUD-111 zoned Planned Unit Development – Public and Institutional (PUD-P/I) is a conditionally permitted use.
 2. The PUD development plan shall lapse two years from the effective date of this ordinance unless a tentative or parcel map, as applicable, is approved. If a tentative map is approved, the PUD development plan approval shall lapse when the tentative map or parcel map approval expires. If a final map is recorded before the tentative map or parcel map expires, then the PUD development plan approval shall not lapse.
 3. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued unless otherwise provided in a development agreement covering the project.
 4. The project developer shall submit project Conditions, Covenants & Restrictions (CC&Rs) for review with the improvement plans that create a homeowners association for this project to provide ownership and maintenance of the facilities within the project. This association shall be responsible for the maintenance of the common areas, on-site private utilities, private streets (including street trees and street lights), the on-site stormwater treatment facilities (including bioswales, bioretention areas, etc.), soundwall, front yard landscaping, the CC&Rs shall include language that parking/storing of boats, campers, recreational vehicles, and/or trailers on site or in any parking space (i.e., garage or uncovered space) shall be prohibited and that the garages shall not be modified or used for storage in a manner that would interfere with the ability to park cars within the garage. The association shall also be responsible for enforcing the allocated parking within the project site.
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The CC&Rs shall include language if this development would share maintenance responsibilities of common areas with the existing Ironwood HOAs.

A plan clearly showing these areas of association-owned and maintained facilities shall be submitted for review by the Director of Community Development and City Engineer prior to approval of the final map. The CC&Rs shall be submitted for review and approval to the City Attorney and the City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the association. These CC&Rs shall be recorded with the final map for the project.

5. The project developer shall provide documents, subject to review by the City Attorney's Office, addressing the following items prior to issuance of a permit or recordation of the tentative map, whichever occurs first:
 - a. the responsible party (i.e., school or HOA) for the maintenance of the school monument sign; and
 - b. the allotted number of parking spaces on the school site to the Gardens and the residential lots and maintenance and enforcement responsibility.
6. Prior to issuance of a building permit, the applicant/developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters, applicable to the portion or phase of the project covered by the permit. Additionally, the developer shall pay any applicable Dublin-San Ramon Services District (DSRSD) sewer permit fee.
7. Prior to issuance of a building permit, the applicant/developer shall pay the applicable City and Tri-Valley regional traffic impact fees for the project as determined by the City Traffic Engineer, or as identified in a project development agreement.
8. The applicant/developer shall pay the applicable in-lieu park dedication fees.
9. The project 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 project developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
10. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to the recordation of a Final Map, issuance of a grading permit, issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant/developer shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that

water is available for the project. To receive the verification, the applicant/developer may need to offset the project's water demand.

11. The project shall meet all requirements of the City's Growth Management Ordinance, as described in a Growth Management Ordinance.
12. Development standards for the single-family home lots shall be as follows:

Site Development Standard	Proposed
Maximum Floor Area Ratio	69%(lot and model-specific)
Maximum Height*	31 feet
Minimum Principal Structure Setbacks	
<i>Front (garage/house)</i>	<i>20 feet/11.2-20 feet</i>
<i>Side (interior/street-side)</i>	<i>5 feet</i>
<i>Rear</i>	<i>8.8 feet</i>
Minimum Accessory Structure Setbacks	
<i>Front</i>	Not allowed between the front of the house and the front property line.
<i>Side</i>	3 feet (interior) 5 feet (street side)
<i>Rear</i>	5 feet
Maximum Accessory Structure Height	15 feet

*Measured from the grade to the highest point of the building.

13. Unless otherwise specified in the conditions of approval or shown on the PUD development plan, site development standards of the single-family home lots shall be those of the R-1-6,500 District.
14. The developer shall strive to avoid placing two of the same models adjacent to each other. In the event adjoining lots have the same model, they shall have different elevations.
15. The final design of the recreational area between Busch Road and Private Court B shall be included in the improvement plans submitted for issuance of a building permit and is subject to review and approval by the Director of Community Development and City Landscape Architect. The maintenance of the recreational area shall be responsibility of the homeowners association.

16. The development plan shall be modified such that the architectural detailing on the front elevations of the homes shall be consistently used on all sides of the buildings. Consistent architectural detailing shall include similar trims, rafter tails, window sills, etc. Said modifications shall be shown on the plans submitted for issuance of building permits and/or the subdivision improvements plans, as applicable, and shall be subject to review and approval by the Director of Community Development prior to issuance of building permits for the project.
17. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include the following:
 - a. A disclosure statement indicating the adjacency to the Livermore Municipal Airport and of possible impacts to homes due to aircraft overflights.
 - b. A disclosure statement indicating the adjacency of the City's Operations Service Center, including the police firing range and fire training facility, industrial uses in the vicinity, including the Pleasanton Garbage Service transfer station and the Kiewit Construction and Oldcastle Precast facilities, gravel harvesting and processing in the vicinity, gravel and garbage truck traffic on Busch Road, and future uses of the quarry pits and possible noise, dust, smoke, and related impacts from said operations and activities.
 - c. A disclosure statement indicating the private streets and storm drain system are to be owned and maintained by the homeowners association.
 - d. A clause which states that the property is in an area subject to noise, dust, and vibration levels from gravel harvesting and processing and gravel truck haul route and that the City of Pleasanton is not liable for possible damages due to such impacts.

Wording for these clauses and/or disclosures shall be submitted to the City Attorney for review and approval before City Council approval of the first final subdivision map for this development and shall be recorded over the project site by separate instrument.

18. A statement disclosing the proximate uses, including but not limited to the City's Operations Services Center, including the police firing range and fire training facility, industrial uses in the vicinity, including the Pleasanton Garbage Service transfer station and the Kiewit Construction and Utility Vault facilities, gravel harvesting and processing in the vicinity, gravel and garbage truck traffic on Busch Road, future uses of the quarry pits, and the Livermore Airport shall be prominently displayed on a minimum 24" by 36" sign in the tract sales office for this development.
19. The project developer shall provide all buyers with copies of the project conditions of approval.

20. Prior to issuance of a building permit, the project's acoustic consultant, Edward Pack and Associates, shall update or provide a supplement to the noise assessment study dated June 25, 2015 to include analysis of noise generated from the firing range located at the City's Operation Services Center and from the Livermore Municipal Airport. The updated or supplemented noise assessment study shall include mitigation measures, if necessary, and is subject to review and approval by the Director of Community Development.

The project developer shall comply with the recommendations of the noise assessment study and its updates. Details of the noise mitigations, if warranted, shall be submitted in conjunction with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project. The applicant's noise consultant shall review the applicable noise mitigations shown on the building permit plans to ensure that the recommendations have been properly incorporated into the design. The consultant shall certify in writing that such recommendations have been followed.

21. The project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc., dated March 2015. All existing trees located along the perimeter of the subject site shall be preserved (Tree Nos. 248-257, 312-318). The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
22. If grading is to occur during the raptor-nesting season (February 1 to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of grading. If nesting raptors are found during the focused survey, no grading shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), or until the project applicants receive written authorization from California Department of Fish and Wildlife to proceed.
23. The final landscape plan shall include the dimension of the landscaping strip between the existing walk and the proposed fence on the side of Lot 5. This landscaping strip shall match the existing planting on the opposite side of the walkway in terms of species, quantity, and spacing. This revision shall be reflected on the final landscape plan, and is subject to review and approval by the Director of Community Development prior to issuance of a building permit.
24. A fence plan shall be provided prior to issuance of a building permit depicting fence locations. The street side yard fence for Lots 12 and 13 shall follow the street side

yard requirements of the R-1-6,500 District. The street side yard fence for Lots 20, 21 and 22 may be located on the street side property line.

25. The proposed masonry wall along the project's southern and western boundaries shall be modified so that it will not wrap around the hammerhead (i.e. beyond the southern side property lines of Lot 19) at the end of "Private Court B." This revision shall be included in the improvement plans submitted for issuance of a building permit and is subject to review and approval by the Director of Community Development.
26. The plan set submitted for plan review shall include the location/style of the mailbox for the private school. The location and style of mailbox is subject to review and approval by the Director of Community Development prior to issuance of a building permit.
27. The dimension of the monument sign for the private school shall be submitted for the review and approval by the Director of Community Development with the subdivision improvement plans.
28. All parking spaces in the parking areas of Lot F and Lot G shall be striped. Wheel stops shall be provided for the surface parking spaces unless the spaces are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
29. Prior to issuance of a building or grading permit, the applicant/developer shall work with staff to incorporate all the applicable measures of the Climate Action Plan checklist. The incorporated measures are subject to the satisfaction of the Director of Community Development.
30. The garages shall all have automatic opening sectional roll-up garage doors throughout the project.
31. The project developer shall investigate and is strongly urged to install water conserving measures into the homes, such as greywater systems (e.g., greywater is recycled for irrigation purposes).
32. Appliances meeting Energy Star standards shall be installed as part of the project. The proposed appliances shall be indicated on the plans submitted for the issuance of a building permit.
33. Water conservation devices such as low-flow faucets, toilets, shower fixtures, etc. shall be installed as part of the project. The devices shall be indicated on the plans submitted for the issuance of a building permit.

34. Only recycled water shall be used on the site during the grading and construction periods, and this specification shall be included on all grading plans and other construction documents.
35. The project developer shall submit a street lighting plan including photometrics and drawings and/or manufacturer's specification sheets showing the height of the light poles and the size and types of light fixtures. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
36. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
37. All trash and refuse shall be contained completely within the approved trash enclosures. Trash containers shall be stored within the trash enclosures at all times, except when being unloaded. The trash enclosures shall be sized to accommodate trash, recycling, and green waste containers. Elevation drawings and plan details, including color and material of the enclosures noted, shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
38. The final location of pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping to the satisfaction of the Director of Community Development. All transformers shall be shown on the plans submitted for issuance of building permits.
39. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structures.
40. All excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. Unless otherwise approved by the Director of Community Development, no stockpiling of dirt on this site shall occur.
41. The applicant/developer shall implement construction best management practices to reduce construction noise, including:
 - a) Locate stationary construction equipment as far from adjacent occupied buildings as possible.
 - b) Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences and outdoor recreation areas,

are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.

- c) All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. In addition, no construction shall be allowed on State and federal holidays, Saturdays, or Sundays. The Community Development Director may allow earlier "start times" for specific construction activities (e.g., concrete foundation/floor pouring), if it can be demonstrated to the satisfaction of the Community Development Director that the construction and construction traffic noise will not affect nearby residents. Prior to construction, the hours of construction shall be posted on site.
- d) All construction equipment must meet DMV and City noise standards and shall be equipped with muffling devices.
- e) Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise sensitive areas.
- f) Construction activities conducted on the subject property shall not exceed 86 dBA at any point outside of the property plane of the subject property (Pleasanton Municipal Code Section 9.04.100.B.).

These requirements shall be printed on the construction plans to the satisfaction of the Director of Community Development.

- 42. Rain gutters shall discharge into landscaping planter areas where feasible. These details shall be shown on the plans submitted to the Building and Safety Division for plan check and are subject to the review and approval of the Director of Community Development prior to building permit issuance.
- 43. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. A licensed landscape architect shall verify the project's compliance with the ordinance and checklist: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
- 44. The residential buildings shall be constructed to allow for future installation of a Photovoltaic (PV) system and solar water heating systems. The project applicant/developer shall comply with the following requirements for making all apartment buildings photovoltaic-ready and solar-water-heating-ready:
 - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;

- b. An area shall be provided near the electrical panel for the installation of an “inverter” required to convert the direct current output from the photovoltaic panels to alternating current;
- c. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a prototypical photovoltaic system beyond that anticipated for roofing;
- d. Plumbing shall be installed for solar-water heating; and
- e. Space shall be provided for a solar-water-heating tank.

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

- 45. The State of California’s Green Building Standards Code, “CALGreen,” shall apply, if applicable.
- 46. Energy Star appliances shall be installed in each residential unit. The proposed appliances shall be stated on the plans submitted for the issuance of a building permit.
- 47. Dust and mud shall be contained within the boundaries of the property during times of construction. The project developer shall submit a dust control plan or procedure as part of the improvement plans.
- 48. Unless a phasing plan for improvements is approved by the Director of Community Development, the applicant shall complete all of the on-site improvements at one time.
- 49. The gate at the trail connection shall not have a lock. The design of the gate shall be similar to the gate providing accessing to the Iron Horse Trail at the end of Madsen Court . This revision shall be reflected on the improvement plans.
- 50. The applicant/developer shall repaint the existing soundwall located on the east side of Valley Avenue between Busch Road and Santa Rita Road. The repainting of the soundwall shall be completed prior to issuance of the first building permit
- 51. Prior to the issuance of a building permit, the applicant/developer shall contribute to the City \$25,000 for the implementation of projects in the Parks and Recreation Master Plan.

Engineering Division

- 52. The project developer shall reconstruct the curb ramps at the intersection of Cornerstone Court and Ironwood Drive in compliance with Caltrans’ Revised Standard Plan RSP A88A.

53. The project developer shall install trash capture devices as needed to meet NPDES C.10 requirements.
54. The project developer shall provide written approval from the Busch Garden Investors for all work within the Busch Garden Investors' property with the tentative map application.
55. The project developer shall provide a public sanitary sewer easement as proposed within Lot C of this PUD plan from Busch Garden Investors to the City of Pleasanton, on behalf of public, prior to the recordation of the final map.
56. The project developer shall provide details of the access for the proposed subdivision to the Lot D public trail as part of the improvement plan submittal. The existing rights of the adjacent subdivision to the public trail shall be maintained.
57. The project developer shall provide details of the drainage on Lot D of this PUD plan as part of the improvement plan.
58. The project developer shall identify the maintenance responsibility of the perimeter fencing and masonry wall.
59. The project developer shall remove the existing 10-inch sanitary sewer line and sanitary sewer manholes that are approximately 7-feet deep and located within the proposed residential lots to the satisfaction of the City Engineer / Chief Building Official.
60. The project developer shall update the existing recorded storm water operation and maintenance agreement between the Centerpointe Presbyterian Church and the City of Pleasanton prior to recordation of the final map.
61. The project developer shall show details of the keyways per the soils engineer's recommendation on the vesting tentative map for backfill of the two depression areas.

Traffic Division

62. The subdivision improvement plans shall note that curbside parking is only allowed on one side of the streets within the development. "No Parking" signs shall be posted where no curbside parking is allowed.

Landscaping

63. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior to issuance of a building permit. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought-

tolerant nature and suitable for reclaimed water, and the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.

64. Prior to project final, front yard and street side landscaping for the residential development shall be installed and inspected by the Planning Division.
65. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Landscaping Basic requirements. A licensed landscape architect shall verify the project's compliance with the ordinance: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
66. The final landscape plan for the school site shall also include planting in the existing excavated areas. The planting details shall be included in the plan set submitted for issuance of building permit. The details are subject to review and approval by the Director of Community Development and the City Landscape Architect prior to issuance of a building permit.
67. All trees used in landscaping be a minimum of fifteen (15) gallons in size and all shrubs a minimum of five (5) gallons, unless otherwise shown on the approved landscape plan.
68. The project developer shall provide root control barriers and four inch (4") perforated pipes for street trees and trees in planting areas less than ten feet (10' 0") in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans. No other trees shall be removed other than these specifically designated for removal.
69. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.
70. No tree trimming or pruning other than that specified in the tree report shall occur. The project 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.
71. The project developer shall install an automatic irrigation system for all landscaping, including the landscaping installed in the City right-of-way. The site irrigation design shall utilize low-volume drip, bubbler, or other water conserving

irrigation systems to maximize water conservation to the greatest extent possible. The irrigation systems shall include a soil moisture, rain sensor, or other irrigation efficiency device. The proposed type of irrigation efficiency device shall be shown on the plans submitted for the issuance of building permits.

72. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) outside of the existing tree drip lines, as shown on the plans. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a "stop work order."
73. The project developer shall mitigate the tree removal by planting additional trees on the lots, increase the size of some or all of the trees that are presently shown on the landscape plan, and/or making a payment to the Urban Forestry Fund, subject to the satisfaction of the City Landscape Architect and Director of Community Development. The required payment shall be paid in full prior to issuance of a building permit.

Livermore-Pleasanton Fire Department

74. All buildings covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted for review and approval by the Livermore-Pleasanton Fire Department prior to installation. The fire alarm system, including water flow and valve tamper, shall have shop drawings submitted for review and approval by the Livermore-Pleasanton Fire Department prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).
75. The location(s) of the fire hydrant(s) and the detail of the turn-around areas for fire trucks shall be reviewed and approved by the Livermore-Pleasanton Fire Department prior to issuance of a building permit.

STANDARD CONDITIONS

Community Development Department

76. The project applicant shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
77. The project applicant shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

78. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.

Planning Division

79. Development shall be substantially as shown on the development plans, Exhibit B, dated "Received August 31, 2015," single-family GreenPoint Checklist, and related materials such as the noise assessment report, arborist report, and health assessment report, Exhibit B, dated "Received July 21, 2015," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
80. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design has significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.
81. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the project 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.
82. The applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to offset this project's long term effect on school facility needs

in Pleasanton in addition to the school impact fees required by State law. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities. The method and manner for the provision of these funds and/or facilities shall be approved by the PUSD and in place prior to building permit issuance. Written proof of compliance with this condition shall be provided by Applicant to the City, on a form generated by the PUSD, prior to building permit issuance.

83. Prior to building permit submittal, a list of the green building measures used in the design of the unit covered by this approval shall be provided to the Planning Division for the review and approval by the Director of Community Development. The homes covered by this approval shall be designed to achieve a "certified rating" of a minimum of 50 total points, achieving at least the minimum points in each category, using BuildItGreen's current GreenPoints rating system.

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 indicating the sheet the point can be found, and each sheet shall note where the point is located.** All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Director of Community Development.

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

84. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside the homes.
85. All HVAC condensing units shall be shown on the plans and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
86. All conditions of approval shall be attached to all building permit plan check sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant/developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant/developer to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval.

87. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, building design, building colors or materials, green building measures, landscape material, etc. Planning Division approval is required before any changes are implemented in site design, grading, house design, house colors or materials, green building measures, landscape material, etc.
88. Prior to building occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
89. The developer and/or property management shall use reclaimed gray water, rain water, etc., for landscape irrigation when available. If used, the details and/or plans shall be provided for review and approval by the Director of Community Development before use of the reclaimed gray water, rain water, etc.
90. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
91. The project applicant must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
92. The approved building colors and materials shall be indicated on the final building permit plans. Any proposed revisions to these approved colors or materials must be submitted for review and approval by the Director of Community Development prior to building permit issuance and/or painting/installation.
93. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
94. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
95. 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.

Landscaping

96. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas included in this project will be maintained at all times in a manner consistent with the approved landscape plan for this development. Said agreement shall run with

the land for the duration of the existence of the structures located on the subject property.

97. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
98. The project developer shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.
99. The following statements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
 - a. No existing tree may be trimmed or pruned without prior approval by the Director of Community Development.
 - b. No equipment may be stored within or beneath the driplines of the existing trees to be saved.
 - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
 - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.

Building and Safety Division

100. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
101. At the time of building permit plan submittal, the project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures to prevent stormwater runoff onto adjoining properties.
102. Prior to issuance of building permits, the applicant/developer shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During

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

Engineering Division

103. A “Conditions of Approval” checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
104. The project developer shall comply with the recommendations of the project’s geotechnical consultant. The project developer’s geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical 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 City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
105. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.
106. The project developer shall construct vertical 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.
107. All existing septic tanks or holding tanks shall be properly abandoned, pursuant to the requirements of the Alameda County Department of Health Services prior to the start of grading operations, unless specifically approved by the City Engineer.
108. The haul route for construction materials and equipment transported to/from this development via large trucks (three tons and greater) shall be restricted to come from the east (via Stanley Boulevard and/or Busch Road) and not through the Santa Rita Road/Valley Avenue intersection unless a specific exemption is granted by the City Engineer. The City Engineer shall approve said haul route prior to the issuance of an encroachment permit
109. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.

110. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer and includes but is not limited to slurry seal, overlay, restoration of landscaping and irrigation system, signing, striping, pavement marking or street reconstruction if deemed warranted by the City Engineer.
111. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
112. A final map/parcel map shall be required to subdivide the property into 34 lots.
113. The tentative map shall contain a brief legal description of any parcel being re-subdivided, a statement of lot and total acreage, and a statement referencing any separate documents required to be recorded with the map.
114. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
115. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
116. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a subdivision grading permit.
117. The project developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project 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 City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place.
118. 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.
119. The project developer shall be responsible for the installation of the street lighting system serving the development. The street lights shall be LED units mounted on galvanized steel poles with poured in place bases, on the LS-1C schedule per City requirements and PG&E standard details, unless otherwise specifically approved.

The lighting system design shall conform to the Illuminating Engineering Society (IES). Approval for the number, location, and type of electroliers shall be subject to the review and approval of the City Engineer.

120. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
121. The applicant shall post with the City, prior to approval of the final map, a separate performance bond for the full value of all subdivision improvements that are not to be accepted by the City of Pleasanton.
122. 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 cleanouts installed at the beginning of the pipe. The end 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 a subdrain, 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.
123. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
124. Prior to approval of the Final Map, the applicant developer shall comply with all applicable conditions of outside agencies having jurisdiction.
125. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydromodification worksheets, etc., shall be submitted as part of the improvement plans.
126. The minimum grade for the gutter flowline shall be set at one percent where practical, but not less than .75% unless otherwise approved by the City Engineer.
127. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
128. A sanitary sewer lateral with two-way cleanout (located at the back of the sidewalk or curb, whichever is applicable) shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
129. The in-lieu park dedication fees shall be paid to the City prior to approval of the map, at the rate then in effect, for the total number of buildable lots on the map, unless this requirement has been otherwise satisfied.

130. For residential subdivisions or properties in residential zones, any existing assessment to which the property may be subject shall be cleared prior to the approval of the final map.
131. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
132. The curb and gutter along the street shall have a subdrain installed at either the back of the curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.
133. The property owner/developer shall deposit a bond with the City to ensure completion of any required improvements. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer. The City Engineer may waive this requirement if the required improvements have been satisfactorily installed prior to approval of the map.

Livermore-Pleasanton Fire Department

134. The project applicant shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
135. Prior to any construction framing, the project applicant shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
136. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.
137. The Fire Chief and the Director of Building Inspection shall approve the number, type, and location of all private fire hydrants.
138. All curbs located with a seven-foot, six-inch radius of a public/private fire hydrant shall be painted red, unless, modified by the Fire Chief. Blue street "hydrant markers" shall be installed for all fire hydrants per City of Pleasanton Standard Specifications.
139. All private streets and driveway aisles designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code which permits towing vehicles illegally parked on the fire lanes. Fire lane curbs shall be painted red with "No Parking, Fire Lane, Tow Away Zone" or "No Parking,

Fire Lane, Tow Away Zone" signs shall be installed as required by the Vehicle Code.

140. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.
141. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LFPD prior to commencing operations. Please contact the Hazardous Materials Coordinator at (925) 454-2361.
142. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. For buildings located greater than 50 feet from street frontage, the character size shall be 16" high by 1 ½" stroke minimum. Where multiple access is provided, address or tenant space numbers shall be provided on each access door and the character size shall be no less than 4" high by ¾ " stroke. In all cases, address numerals shall be of contrasting background and clearly visible in accordance with the Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping, or other obstructions.
143. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.
 - a. Emergency vehicle access shall be provided to the site, including the area where construction is occurring. If Public Works improvements are part of the project to access the site, an emergency vehicle access plan shall be submitted for review and approval.
 - b. Emergency vehicle access shall be a minimum of 20 feet in clear width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) is required. This clearance shall be a minimum of 13-feet, 6-inches.
 - c. All exterior portions of buildings must be within 200 feet of an access road. Yard and parking areas may be able to be located farther than 200 feet from access roads, depending on the specific use.
 - d. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
 - e. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
 - f. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.
 - g. On-site fire hydrants shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.

- h. Where a project is phased as part of the development approved by the City, specific access, water supply and fire hydrant installations will be required as part of each phase. As needed a phasing plan with these improvements will be required.
- i. Where on-site grading/utility plans are submitted for review and approval prior to building construction drawings, emergency vehicle access routes, fire hydrant locations, material staging areas, etc. shall be provided.

144. The following schedule for NO PARKING signs shall apply:

<u>Width</u>	<u>Requirements</u>
36 Feet or Greater	No Requirements
Between 28 and 36 Feet	Post one side
Between 20 and 28 feet	Post both sides
Less than 20 feet	Not permitted

CODE CONDITIONS

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

Building and Safety Division

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

Livermore-Pleasanton Fire Department

- 149. All construction covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in

effect, and the City of Pleasanton Ordinance 2015. All required permits shall be obtained.

150. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies, NFPA 13D for residential occupancies, and NFPA 13R for multifamily residential occupancies.
151. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant/developer is responsible for obtaining approval for the location and the number of boxes from the Fire Prevention Bureau. Information and application for the Knox Box is available through their website or the Fire Prevention Bureau. The applicant/developer and/or responsible party shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
152. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection."
 - The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type and license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
 - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
 - All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
153. Dead-end fire service water mains shall not exceed 500 feet in length and/or have more than five Fire Department appliances* shall be looped around the site or building and have a minimum of two points of water supply or street connection. Zone valves shall be installed as recommended under NFPA, Pamphlet 24 and the Fire Marshal.

*Note: Fire Department appliances are classified as fire sprinkler system risers, fire hydrants, and/or standpipes.
154. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.

URBAN STORMWATER CONDITIONS

155. The project shall comply with the NPDES Permit No. CAS612008, dated October 14, 2009, and amendments, issued the by California Regional Water Quality Control Board, San Francisco Bay Region, a copy of which is available at the Community Development Department, Public Works/Engineering section at City offices, Alameda County Clean Water Program, State Water Board, and at the following websites:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml;

and

http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2007/march/alameda%20final%20order%20r2-2007-0025.pdf

The project shall comply with the "Construction General Permit" as required by the San Francisco Bay Regional Water Quality Control Board:

(http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

A. Design Requirements

1. The NPDES Permit design requirements include, but are not limited to, the following:
 - a) Source control, sight design measures, and design and implementation of stormwater treatment measures are required when commercial, industrial or residential development creates and replaces 10,000 square feet or more of impervious surface, including roof area, streets and sidewalk.
 - b) Hydro-modification standards are required when a new development or redevelopment project creates and replaces total impervious area of one acre or more.
 - c) The NPDES Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
 - d) The NPDES Permit requires complying with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.
2. The following requirements shall be incorporated into the project:
 - a) The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the stormwater running off the paved surface that enters the

bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.

- b) In addition to natural controls the project developer may be required to install a structural control, such as an oil/water separator, sand filter, or approved equal (on-site) to intercept and pre-treat stormwater prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to issuance of building permits. The structural control shall be cleaned at least twice a year: once immediately prior to October 15 and once in January.
- c) The project developer shall submit sizing design criteria to treat stormwater runoff and for hydromodification, if required, at the time of PUD plan submittal and an updated detailed copy of calculations with subsequent submittals.
- d) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - I. Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - II. Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required. (See planting guide line by Alameda County Clean Water Program.)
 - III. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - IV. Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- e) Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if

found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin-San Ramon Services District (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Department.

- f) All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building Official and as required by the State Water Board.
- g) All metal roofs, if used, shall be finished with rust-inhibitive paint.
- h) Roof drains shall discharge and drain away from the building foundation. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

B. Construction Requirements

The Construction General Permit's construction requirements include, but are not limited to, the following:

Construction activities (including other land-disturbing activities) that disturb one acre or more (including smaller sites that are part of a larger common plan of development) are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstrpermit.pdf

Stormwater

1. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City Engineer/Chief Building Official prior to issuance of building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.

2. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
 3. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
 - a) The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
 - b) All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/stormwater quality measures are in place, subject to the approval of City Engineer/Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is in place.
 - c) Gather all sorted construction debris on a regular basis, place it in the appropriate container for recycling, and empty at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
 - d) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
 - e) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or
-

replace filter materials to ensure effectiveness and to prevent street flooding.

- f) Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- g) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h) Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
- i) Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage “topping off” of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- j) Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.
- k) Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

C. Operation Requirements

The Permit’s operation and maintenance requirements include but are not limited to the following: The operation and maintenance of treatment measures including but not limited to bio-swales, lawns, landscaped areas with deep-rooted plants, oil/water separator, filterra units, etc., requires completing, signing and recording an agreement with Alameda County recorder’s office in a format approved by the State and Alameda County.

1. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing

maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:

- a) A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
- b) On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
- c) Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
- d) Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
- e) Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
- f) Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
- g) Regularly but not less than once a month, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.
- h) Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

{end}

RESOLUTION NO. 15-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADOPTING AN AMENDMENT TO THE GENERAL PLAN REGARDING A CHANGE IN LAND USE DESIGNATION OF A 4.23-ACRE PORTION OF THE 6.22-ACRE SITE AT 3410-3450 CORNERSTONE COURT FROM COMMUNITY FACILITIES – OTHER PUBLIC AND INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL, AS FILED UNDER CASE P15-0250

WHEREAS, Ponderosa Homes II, Inc. has applied for a General Plan Amendment to modify the General Plan Land Use Designation of a 4.23-acre portion of the 6.22-acre site at 3410 to 3450 Cornerstone Court from Community Facilities – Other Public and Institutional to Medium Density Residential to accommodate the construction of 25 single-family homes and related site improvements (the “Project”); and

WHEREAS, the Planning Commission at its regular meeting on August 12, 2015 adopted Resolution PC-2015-22, determining that the proposed General Plan Amendment is appropriate for the site, and recommending to the City Council that P15-0250 be approved; and

WHEREAS, on October 6, 2015, the City Council held a duly noticed public hearing on this application and considered all public testimony, agenda reports, and related materials, and the recommendations of City staff and the Planning Commission; and

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

SECTION 1. The City Council adopts an amendment to the Land Use Element of the Pleasanton General Plan 2005-2025, as set forth in Exhibit A, attached hereto and made part of this resolution by reference.

SECTION 2. The City Council determines that this is one of the four times in 2014 that the Land Use Element of the Pleasanton General Plan 2005-2025 may be amended as provided in Government Code Section 65358.

SECTION 3. The City Council finds that this amendment to the Land Use Element of the Pleasanton General Plan 2005-2025 is part of the Project for which a Negative Declaration has been adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on October 6, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on 6th day of October, 2015 by the following vote:

Ayes:

Noes:

Absent:

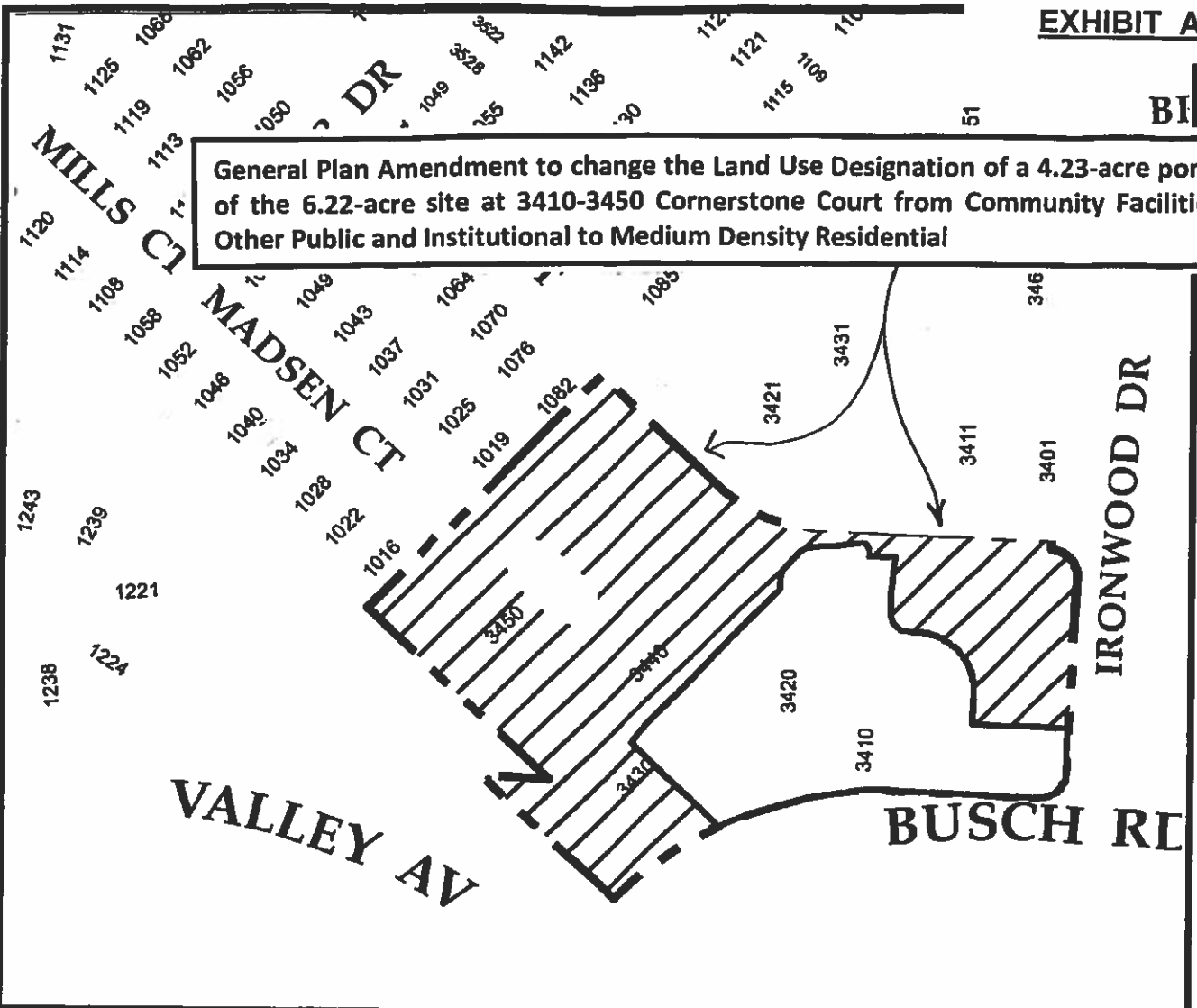
Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:


Jonathan P. Lowell, City Attorney

General Plan Amendment to change the Land Use Designation of a 4.23-acre portion of the 6.22-acre site at 3410-3450 Cornerstone Court from Community Facilities - Other Public and Institutional to Medium Density Residential



CITY OF PLEASANTON PLANNING DIVISION

General Plan Amendment

DRAWN BY: M. Hoey	APPROVED BY:  DIRECTOR of COMMUNITY DEVELOPMENT	DATE: October 6, 2015
SCALE: 1" = 300'		SEC. NO.: P15-0250

RESOLUTION NO. 15-___**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING A NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND PLANNED UNIT DEVELOPMENT (PUD) ZONING, REZONING, AND DEVELOPMENT PLAN FOR PONDEROSA HOMES II, INC., AS FILED UNDER CASE P15-0248/PUD-111/P15-0249/P15-0390/P15-0250**

WHEREAS, at its meeting October 6, 2015, the City Council received a proposed Negative Declaration for the application of Ponderosa Homes II, Inc. for a General Plan Amendment (P15-0248), zoning/rezoning and Planned Unit Development plan (P15-0249 and PUD-111) for the construction of 25 single-family homes and related site improvements on an approximately 4.23-acre portion of an 6.22-acre site, modifications to eliminate the Centerpointe Presbyterian Church and modify the approved site plan (P15-0390) and retain the existing preschool uses (P15-0250) located at 3410-3450 Cornerstone Court (collectively the "Project"); and

WHEREAS, the Planning Commission at its regular meeting on August 12, 2015, adopted Resolution No. PC-2015-21, determining that the proposed Negative Declaration is appropriate for the Project, making findings, and recommending to the City Council that the proposed Negative Declaration for P15-0248/PUD-111/P15-0249/P15-0390/P15-0250 be approved; and

WHEREAS, at its public hearing on October 6, 2015, the City Council received and reviewed the Initial Study, dated July 24, 2015, and received the recommendation of City staff and the Planning Commission; and

WHEREAS, at that public hearing, the public was given the opportunity to comment on the potential environmental impacts of the Project; and

WHEREAS, the City Council has reviewed the potential impacts in accordance with the applicable state and local guidelines governing the preparation of Negative Declarations; and

WHEREAS, the City Council finds that the Project will have no potential for adverse impacts;

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

SECTION 1. Approves the Negative Declaration for the application of Ponderosa Homes II, Inc. for a General Plan Amendments for a General Plan Amendment (P15-0248), zoning/rezoning and Planned Unit Development plan (P15-0249 and PUD-111) for the construction of 25 single-family homes and related site improvements on an approximately 4.23-acre portion of an 6.22-acre site, modifications to eliminate the Centerpointe Presbyterian Church and modify the approved site plan (P15-0390) and

retain the existing preschool uses (P15-0250) located at 3410-3450 Cornerstone Court;
and

SECTION 2. City staff is directed to cause a Notice of Determination to be filed pursuant to Section 5.4(g) of Resolution No. 77-66.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regulation meeting held on October 6, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on October 6, 2015, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan Lowell, City Attorney

RESOLUTION NO. 15-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE MODIFICATION TO THE APPROVED SITE PLAN AND CONDITIONAL USE PERMIT TO ELIMINATE THE EXISTING CHURCH AND ITS RELATED USES, AND TO RETAIN THE EXISTING PRESCHOOL AND PRIVATE SCHOOL FACILITY AS A STANDALONE USE WITH A MODIFIED OPERATION AND SITE PLAN LOCATED AT 3410-3450 CORNERSTONE COURT, AS FILED UNDER CASE NOS. P15-0390 AND P15-0250, RESPECTIVELY

WHEREAS, Ponderosa Homes II, Inc. filed for modifications to the approved site plan and Conditional Use Permit to eliminate the existing Centerpointe Presbyterian Church and its related uses, and to retain the existing preschool and private school facility as a standalone use with a modified operation and site plan located at 3410-3450 Cornerstone Court; and

WHEREAS, at its meeting on August 12, 2015, the Planning Commission recommended approval of these modifications; and

WHEREAS, at its regular meeting of October 6, 2015, the City Council received a report from the Director of Community Development, together with a copy of the staff report to the Planning Commission, regarding this matter; and

WHEREAS, based on the Initial Environmental Study, a negative declaration was adopted for the proposed modifications by the City Council on October 6, 2015; and

WHEREAS, the City Council held a regular public hearing on October 6, 2015, at which time the applicant, and other members of the public were offered an opportunity to present evidence regarding the proposed modifications.

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

SECTION 1. For the reasons set forth in the staff report and statements made during the public hearing, approves the modifications to the approved site plan and Conditional Use Permit to eliminate the existing church and its related uses and to retain the existing preschool and private school facility with a modified operation and site plan as a standalone use, subject to the conditions as shown in Exhibit A, attached hereto and made part of this resolution by this reference.

SECTION 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on October 6, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 6th day of October 2015, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan Lowell, City Attorney

**EXHIBIT A
CONDITIONS OF APPROVAL**

**P15-0390
Site and Use Modifications
3410-3450 Cornerstone Drive**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The proposed school activities and operations shall conform substantially to the plans and narrative, Exhibit B, dated "Received June 23, 2015," on file with the Planning Division, except as modified by the following conditions. Minor changes to the approved activities and/or operation may be approved by the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. The church use approved as part of PUD-18 shall become null and void when the approval of this application becomes effective.
3. The previous site plan and buildings approved under Case Nos. PDR-377 (church master plan), PDR-537 (sprung structure) are null and void on the effective date of this application (P15-0390) except that an approximately 20,344 square-foot preschool building (including the approved but unbuilt 13,968 square-foot portion of the preschool building) approved under Case No. PDR-377 shall remain valid.
4. The proposed Montessori West school shall replace the existing preschool.
5. Montessori West shall be operated at the capacity of 120 students and 15 staff members. Prior to an increase in student and/or staff capacity, the applicant shall submit a parking survey prepared by a transportation consultant to assess parking adequacy at the school site and traffic/operational impacts generated from the school. If the report shows that the proposed enrollment increase would not adversely affect parking supply, circulation, and traffic, the Director of Community Development may approve the increase or refer it the Planning Commission for review and action.
6. No school uses/activities approved as part of this application for the school land on the west side of the buildings. The land on the west side of the building shall be landscaped.
7. If the operation of Montessori West with 120 students results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director of Community Development, this approval may be referred to the Planning Commission for subsequent review at a public hearing. If necessary,

the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.

8. Montessori West shall provide drop-off and pick-up policies and a circulation plan detailing the area(s) designated for student drop-off and pick-off on the site plan, means to facilitate safe and efficient on-site circulation, and measures to maintain on-site parking and circulation to ensure the residential neighborhoods are least impacted. The drop-off/pick-up plan shall be provided prior to issuance of a building for the site modification, and are subject to review and approval by the Director of Community Development and Traffic Engineer.
9. If additional hours of operation or activities beyond those proposed in the applicant's written narrative or as modified by these conditions are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
10. Prior to an individual working and/or providing services at the school, said persons shall complete and pass a criminal background check. The administrator of Montessori West shall submit a letter to the Planning Division stating that all persons at the school have satisfied this condition.
11. Prior to an individual working and/or providing services at the school, the administrator of Montessori West shall require said persons to undergo and pass first-aid and CPR training. The applicant shall ensure that these certifications are current at all times. The applicant shall submit a letter to the Planning Division stating that all persons at the school have satisfied this condition.
12. Children 12 years old and younger shall be signed in/out of the school by a parent and/or legal guardian.
13. Prior to commencing enrollment, the administrator of Montessori West shall prepare and submit a disaster plan for the school to the Planning Division and shall ensure that it is always in effect for the school.
14. This conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued to modify the existing site plan or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.

STANDARD CONDITIONS

Planning Division

15. The applicant and/or staff/employees/volunteers/faculty shall maintain the area surrounding the school in a clean and orderly manner at all times.

16. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (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.

CODE REQUIREMENTS

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

17. The business shall comply with the Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places).
18. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

[end]

RESOLUTION NO. 15-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY OF PLEASANTON AND PONDEROSA HOMES II, Inc., AS FILED UNDER CASE NO. PUD-111.

WHEREAS, Ponderosa Homes II, Inc. has made an application to the City for an Affordable Housing Agreement for the construction of 25 single family residential homes 3410-3450 Cornerstone Court, as filed under Case No. PUD-111; and

WHEREAS, the Pleasanton Housing Commission reviewed and recommended approval of the Affordable Housing Agreement at its meeting of August 20, 2015; and

WHEREAS, a duly-noticed public hearing was held by the City Council on October 6, 2015, at which time the public was given the opportunity to comment on the Affordable Housing Agreement; and

WHEREAS, based on the Initial Environmental Study, a negative declaration was adopted for PUD-111 by the City Council on October 6, 2015; and

WHEREAS, the City Council considered all the information presented at the public hearing regarding the terms of the Affordable Housing Agreement.

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

SECTION 1. Finds that the proposed Affordable Housing Agreement between the City of Pleasanton and Ponderosa Homes II, Inc. is consistent with the City's General Plan and the objectives of the City's affordable housing polices.

SECTION 2. Approves the Affordable Housing Agreement between the City of Pleasanton and Ponderosa Homes II, Inc., a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and authorizes the City Manager to execute the Affordable Housing Agreement in generally the form attached as Exhibit A, subject to approval by the City Attorney.

SECTION 3. This resolution shall become effective immediately upon the effective date of the ordinance approving PUD-111.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on October 6, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 6th day of October 2015, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan Lowell, City Attorney

EXHIBIT A

GROWTH MANAGEMENT AGREEMENT

THIS GROWTH MANAGEMENT AGREEMENT is made and entered into on the _____ day of _____, 2015, between **Ponderosa Homes II, LLC, a California Limited Liability Company** ("Developer"), and the **CITY OF PLEASANTON**, a municipal corporation ("City").

RECITALS

A. Developer owns a legal or equitable interest in real property commonly known as 3410 -3450 Cornerstone Court (the "Subject Property") in the City of Pleasanton.

B. The City has granted to Developer development plan approval (PUD-111) to build 25 new single detached family homes on the Subject Property (the "Project").

C. Section 17.36.060. of the Pleasanton Municipal Code (Growth Management Program) establishes annual new residential limits. For 2015, there are 235 growth management unit allocations. The City has reviewed the growth management unit allocations established for 2015 and determined that the growth management unit allocation capacity is available for the Project.

D. City may enter into growth management agreements with project developers under the City's Growth Management Program.

E. City and Developer wish to enter into a growth management agreement in order to achieve the benefits of the Project to the City and its residents and in accordance with the purposes of the City's Growth Management Program.

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

I. GROWTH MANAGEMENT APPROVAL

City grants growth management approval to the Project for 25 units in 2015. Developer may be issued building permit(s) in the year(s) following 2015 until Developer has received building permits for all 25 units.

II. PROJECT CONDITION

Nothing in this Agreement shall reduce any obligation of Developer required as a condition of any other approvals granted by the City for the Project.

III. SUCCESSORS IN INTEREST

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

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

DEVELOPER:

**Ponderosa Homes II, LLC, a California
Limited Liability Company,**

By: _____

Name: _____

Title: _____

Ponderosa Homes II, LLC, a California limited liability
company, its sole member

By: _____

Name: _____

Title: _____

CITY:

CITY OF PLEASANTON,
a Municipal Corporation

By: _____
Nelson Fialho, City Manager

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

RESOLUTION NO. 15-____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING A GROWTH MANAGEMENT AGREEMENT BETWEEN THE CITY OF PLEASANTON AND PONDEROSA HOMES II, INC., FOR THE CONSTRUCTION OF 25 SINGLE-FAMILY HOMES AND RELATED SITE IMPROVEMENTS AT 3410-3450 CORNERSTONE COURT, AS FILED UNDER CASE NO. PUD-111**

WHEREAS, the City has approved PUD-111 by Ponderosa Homes II, Inc. for the construction of 25 single-family homes (the "Project"); and

WHEREAS, Ordinance 2112 of the City of Pleasanton sets forth a Growth Management Program (at Chapter 17.36 of the Pleasanton Municipal Code) which authorizes the City to enter into agreements with developers to achieve orderly growth rates for residential development; and

WHEREAS, Ordinance 2112 states that for the current Regional Housing Needs Allocations (RHNA) cycle (5th Cycle from January 1, 2014 – October 31, 2022), the annual Growth Management unit allocation shall not exceed the number of units required to meet the City's RHNA for the fifth cycle divided by the number of years in that cycle; and

WHEREAS, the Project's units would be used to meet the RHNA for the fifth cycle; and

WHEREAS, a duly noticed hearing concerning the Growth Management Agreement was held by the City Council on October 6, 2015; and

WHEREAS, based on the Initial Environmental Study, a negative declaration was adopted for this Project by the City Council on October 6, 2015; and

WHEREAS, the City Council finds that it is in the best interest of the City to enter into a Growth Management Agreement for the above referenced PUD.

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

SECTION 1. Approves the Growth Management Agreement with Ponderosa Homes II, Inc. for PUD-111 in substantially the same form as the agreement attached hereto as Exhibit A, which is incorporated herein by this reference, and authorizes the City Manager to sign the agreement when approved as to final form by the City Attorney.

SECTION 2. This resolution shall become effective immediately upon the effective date of the ordinance approving the PUD development plan for this project.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on October 6, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 6th day of October 2015, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

EXHIBIT A

GROWTH MANAGEMENT AGREEMENT

THIS GROWTH MANAGEMENT AGREEMENT is made and entered into on the _____ day of _____, 2015, between **Ponderosa Homes II, LLC, a California Limited Liability Company** ("Developer"), and the **CITY OF PLEASANTON**, a municipal corporation ("City").

RECITALS

A. Developer owns a legal or equitable interest in real property commonly known as 3410 -3450 Cornerstone Court (the "Subject Property") in the City of Pleasanton.

B. The City has granted to Developer development plan approval (PUD-111) to build 25 new single detached family homes on the Subject Property (the "Project").

C. Section 17.36.060. of the Pleasanton Municipal Code (Growth Management Program) establishes annual new residential limits. For 2015, there are 235 growth management unit allocations. The City has reviewed the growth management unit allocations established for 2015 and determined that the growth management unit allocation capacity is available for the Project.

D. City may enter into growth management agreements with project developers under the City's Growth Management Program.

E. City and Developer wish to enter into a growth management agreement in order to achieve the benefits of the Project to the City and its residents and in accordance with the purposes of the City's Growth Management Program.

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

I. GROWTH MANAGEMENT APPROVAL

City grants growth management approval to the Project for 25 units in 2015. Developer may be issued building permit(s) in the year(s) following 2015 until Developer has received building permits for all 25 units.

II. PROJECT CONDITION

Nothing in this Agreement shall reduce any obligation of Developer required as a condition of any other approvals granted by the City for the Project.

III. SUCCESSORS IN INTEREST

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

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

DEVELOPER:

**Ponderosa Homes II, LLC, a California
Limited Liability Company,**

By: _____

Name: _____

Title: _____

Ponderosa Homes II, LLC, a California limited liability
company, its sole member

By: _____

Name: _____

Title: _____

CITY:

CITY OF PLEASANTON,
a Municipal Corporation

By: _____

Nelson Fialho, City Manager

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney