

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**TRACT 8317  
1851 Rose Avenue, Vesting Tentative Map  
May 25, 2016**

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

**Planning Division**

1. Approval of Vesting Tentative Map 8317 shall be contingent upon the passage of the City Council Ordinance No. 2142 approving PUD-99.

**Engineering Department**

2. A final map shall be required to subdivide the property into 19 single-family residential lots and a common parcel.
3. The bio-swale on Lynn Drive shall be located within a private storm drain easement and maintained by the homeowners association. The right to the easement shall be held by the homeowners association.
4. The bio-swale on Rose Avenue shall be maintained by the homeowners association.
5. The acceptance of public stormwater runoff within the bio-swale on Lynn Drive shall be provided for in the Stormwater Treatment Measures, Inspection and Maintenance Agreement.
6. A public trail easement, consistent with PUD-99 development plan, shall be dedicated on the face of the final map for Parcel A. The public trail and the remainder of Parcel A, including bio-swale/retention areas, landscaping, irrigation, and fencing, shall be maintained by the homeowners association.

**STANDARD CONDITIONS**

**Planning Division**

7. Vesting Tentative Map 8317 shall be in substantial conformance to Exhibit B, dated "Received May 12, 2016," 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.
8. The expiration date for Vesting Tentative Map 8317 shall coincide with the expiration date of the development agreement, approved by the City Council on May 3, 2016.

9. Planning Division approval is required before any changes are implemented in the design, grading, drainage, etc. of the subdivision map.
10. The Final Subdivision Map plan check package will be accepted for submittal only after completion of the 15-day appeal period from the date of the resolution unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal.
11. To the extent permitted by law, the project developer 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 attorney fees), action, or proceeding brought by a third party against the indemnified parties and the project developer to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney 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.

### **Engineering Department**

12. The project developer shall grant an easement to the City over those parcels needed for public service easements (PSEs) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.
13. The project developer shall create drainage easements across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
14. The project developer shall create utility easements across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
15. Prior to approval of the Final Map, the applicant developer shall comply with all applicable conditions of outside agencies having jurisdiction.
16. 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.
17. Prior to the first plan check, the applicant's engineer/surveyor shall submit a preliminary copy of the Final Map or Parcel Map (whichever is applicable) along with a preliminary copy of the title report and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely,

should consultant's estimate be insufficient to cover all of the consultant's time, the applicant will be required to pay the City the difference between the estimate and the actual cost prior to submittal of the map for the City Engineer's approval.

18. At the time applicant submits the fee for the consultant map review, the applicant shall also submit the following information to the City Engineer for review and approval:
  - a. Two prints of the final tract map
  - b. One copy of the preliminary title report
  - c. One set of the computer closures
  - d. One legible copy of the latest recorded deed for the property being subdivided
  - e. One legible copy of the recorded deeds for each of the adjacent properties unless those properties are part of a recorded map which has been recorded within the last seven years; and
  - f. One legible copy of the Recorded Final Map, Parcel Map, or Record of Survey used to prepare this Final Map.
19. The applicant/developer's title company shall record the final map, CC&R's, Storm Water Operations and Maintenance Agreement, any grant deeds or easements, and any other required documents concurrently with the Alameda County Recorder's Office. After the recording of these documents the City shall be provided with a legible recorded copy.
20. The project developer shall provide the City with an electronic copy of the recorded map with all recording data shown.
21. When the map is submitted for the City Engineer's signature, the applicant shall provide the City with an electronic copy of the Final Map in 2010 AutoCAD format. In addition to the information shown on the final map, the electronic information submitted should include:
  - a. Street address(es) centered on lot(s)
  - b. Building outlines for existing structures
22. 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.
23. Any dedications, open offers of dedication, or grants of easements may be dedicated and accepted on the face of the map. Agreement or other required items shall be recorded as separate documents concurrently with the recordation of the final map.

<End>

**ORDINANCE NO. 2142**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF PONDEROSA HOMES II, INC. FOR PUD DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-99**

**WHEREAS**, Ponderosa Homes II, Inc. has applied for Planned Unit Development (PUD) plan approval to remove the existing buildings and construct nineteen (19) new detached single-family homes on new separate lots on an approximately 9.02-acre site located 1851 Rose Avenue in two phases; and

**WHEREAS**, a Supplemental Environmental Impact Report (SEIR) was prepared for the Housing Element update in 2011. The project site was part of Housing Element update. The proposed development is substantially consistent with the 2011 Housing Element update, which was analyzed in the SEIR. No new information or changed circumstances have occurred that would require supplemental environmental review, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162; and

**WHEREAS**, at its meeting of April 19, 2016, the City Council received a report from the Director of Community Development, including the Planning Commission's recommendation for approval of PUD-99; and

**WHEREAS**, the City Council held a public hearing on April 19, 2016, at which time the applicant and other members of the public were offered an opportunity to present information regarding this application; and

**WHEREAS**, after a review of the materials presented, the City Council determines that the PUD plan is consistent with the General Plan and the purposes of the PUD ordinance based on the findings set forth in the report presented to the City Council on April 19, 2016, and information presented at the public hearing.

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

**Section 1.** The City Council finds that the project is consistent with the Pleasanton General Plan and the PUD District ordinance.

**Section 2.** The City Council approves Case PUD-99 the application of Ponderosa Homes II, Inc. for a Planned Unit Development (PUD) development plan (Case PUD-99) to remove the existing buildings and construct nineteen (19) new detached single-family homes on new separate lots on an approximately 9.02-acre site generally located 1851 Rose Avenue; and subject to the conditions shown on Exhibit A, attached here and incorporated herein by this reference.

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

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on April 19, 2016 by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Mayor Thorne  
Noes: None  
Absent: Councilmember Pentin  
Abstain: None

\_\_\_\_\_  
Jerry Thorne, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Harryman, Interim City Attorney

## EXHIBIT A

### CONDITIONS OF APPROVAL PUD-99 1851 Rose Avenue

#### PROJECT SPECIFIC CONDITIONS

##### Planning Division

1. The PUD development plan shall lapse two years from the effective date of this ordinance or later as approved by a development agreement unless a tentative or parcel map, as applicable, is approved. If a tentative or parcel 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.
2. The applicant/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.
3. The lots covered by this PUD development plan shall be subject to the permitted and conditional uses of the One-Family Residential District as defined in the Pleasanton Municipal Code.
4. Unless approved by the Director of Community Development and City Engineer, no grading/building permits shall be issued prior to City approval of the tentative map and recordation of a Final Map.
5. The applicant/project developer shall submit for review draft Conditions, Covenants & Restrictions (CC&Rs) for the project with the improvement plans and recording with the final map that creates a homeowners association (HOA). The HOA will provide ownership and maintenance of the common areas within the project, including the portion of the arroyo that is located within the project site, as well as landscaping, street lights, on-site stormwater treatment facilities, the precast wall on the south side of Rose Avenue along the project frontage, and the trees screening the golf ball fence/net structure (the screen trees). The CC&Rs shall include the following:
  - HOA obtains from City an easement and right of entry for construction of the bio-retention area and the precast wall;
  - HOA provides certificate of insurance naming City as additional insured for the bio-retention area and the precast wall on the City right-of-way property for duration of project;

- HOA obtains encroachment or other permit(s) when needed for repair work that requires HOA or its contractor to block the public road right of way;
- HOA maintains the screen trees within an easement from the remainder parcel for maintenance of the screen trees and the golf ball fence/net structure.
- HOA maintains and pays the cost of irrigation water and electricity for irrigating the screen trees;
- When the golf ball fence/net structure is removed, the owner of the underlying remainder parcel can decide whether to keep the trees (subject to heritage tree requirements);
- When Phase II develops, HOA needs to reconvey the screen trees easement to the owner of the underlying parcel or the easement is automatically extinguished.

The CC&Rs shall also include language that parking/storing of boats, campers, recreational vehicles, and/or trailers on site or in any parking space (i.e., garage) 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.

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. The CC&Rs shall be recorded with the final map for the project.

6. A separate recorded document covering Phase I development shall state that the golf ball fence/net structure shall be maintained by Ponderosa Homes or its agent.
7. The property owner of the remainder parcel shall be responsible for property maintenance of its parcel except for the screen trees easement area, which would be maintained by the HOA.
8. Prior to issuance of a building permit, the applicant/project developer shall obtain necessary permits and approvals from applicable regulatory agencies for discharging stormwater into the arroyo.
9. Prior to issuance of a building permit, the applicant/project 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.

10. 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.
11. The applicant/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.
12. 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.
13. The project shall meet all requirements of the City's Growth Management Ordinance.
14. Development standards for the single-family home lots shall be as follows:

<b>Site Development Standard</b>	<b>Proposed</b>
Maximum Floor Area Ratio*	45%
Maximum Height**	32 feet
<b>Minimum Principal Structure Setbacks</b>	
Front (house/porch/garage)	20/15/25 feet
Side (interior/street-side)	10/10 feet
Rear	30 feet (Lots 1-5) 20 feet (all other lots)
<b>Minimum Accessory Structure Setbacks (Class I)</b>	
Front	Not allowed between the front of the house and the front property line.
Side	3 feet (interior) 10 feet (street side)
Rear	5 feet
Maximum Accessory Structure Height	15 feet

\*Garage area exceeding 600 square feet shall be included in the FAR calculation.

\*\*Measured from the grade adjacent to the house to the highest point of the building excluding chimneys.



15. 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-1-10,000 District.
16. The applicant/project developer shall 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.
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 Alameda County Fairgrounds and the driving range at the fairgrounds.
  - b. A disclosure statement indicating the portion of the arroyo within the project site, bio-retention basins, public trail, and the precast wall on the south side of Rose Avenue abutting the Alameda County Fairgrounds' property are to be owned and maintained by the homeowners association.

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. The applicant/project developer shall provide all buyers with copies of the project conditions of approval.
19. The applicant/project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc. 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.
20. The applicant/project developer shall construct and install an approximately 45-foot tall golf ball fence/net structure as recommended in the Corral de Tierra Driving Range Golf Ball Trajectory Study by Tanner Consulting Group (TCG) at the location depicted on the site plan. The construction plans submitted for issuance of a building permit shall include the design details of the poles and netting as specified in the TCG report. The pole and net design are subject to review and approval by the Director of Community Development. In addition, the pole and net design shall also be reviewed by TCG and TCG shall certify in writing that the approximately 45-foot tall golf ball fence/net structure complies with the recommendations stated in the Corral de Tierra Driving Range Golf Ball Trajectory Study.

21. The applicant/project developer shall install screen trees immediately after the issuance of a grading or building permit of the development and when water supply is verified and a common area meter is installed.
22. The garages shall all have automatic opening sectional roll-up garage doors throughout the project.
23. 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.
24. 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.
25. The street lights shall match the street lights in the adjoining residential neighborhood to the east. 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. The lighting plan shall be subject to the review and approval by the Director of Community Development and City Engineer prior to issuance of building permits for the project.
26. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
27. The applicant/project 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.
28. 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.
29. The applicant/project 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.

- 30. 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.
- 31. The project shall comply with the State of California Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. Prior to issuance of a Building Permit, the applicant and/or project developer shall submit the following documentation to the Planning Division:
  - a. Landscape Documentation Package, which includes date; project applicant/contact information; project address; total landscape area; project type (new, rehabilitated, public, private, cemetery, homeowner-installed); water supply type (potable, recycled, well, greywater, combination of potable/greywater); and applicant signature/date with the statement that "I agree to comply with the requirements of the prescriptive compliance option of the Water Efficient Landscape Ordinance."
  - b. Landscape Plan documenting: incorporation of compost at a rate of at least 4 cubic yards/1,000 square feet; compliance with the plant material criteria; compliance with the turf criteria; compliance with the irrigation system criteria;

and installation of private sub-meters if the project is non-residential with a landscape area of 1,000 square feet or greater.

32. 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 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.

33. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.
34. The golf ball fence/net structure shall be removed prior to issuance of a building permit for Phase II construction (i.e. Lots 17-19).
35. The plot plans and house model and elevation type for Lots 1-5 shall adhere to the "Lots 1-5 Preliminary Plotting Exhibit," dated "Received, March 21, 2016," on file with the Planning Division.
36. Prior to issuance of a building permit, the applicant/project developer shall provide plot plans for the five homes that will be constructed with a bonus room option. The plot plans are subject to review and approval by the Director of Community Development.
37. The location of street trees at the corners of Leah Lane/Lynn Drive and Melinda Way/Lynn Drive shall be adjusted and/or additional street trees shall be added to reduce the glare of vehicle headlights to the north. This revision shall be shown on the street improvement plan, and is subject to review and approval by the Director of Community Development and City Landscape Architect.

## **Engineering Department**

38. The project developer's geotechnical engineer shall conduct additional testing to determine the presence of an isolated or non-isolated lens of high hydraulic conductivity gravel or similar material located within the proposed bioretention facility (BMP 1) located on Lynn Drive. The results of the testing shall be submitted to the City Engineer for review and approval concurrently with the initial submittal of the on-site grading and utility improvement plans.
39. The applicant/project developer's geotechnical engineer or civil engineer shall design the bioretention facility located on Lynn Drive to include an impermeable membrane that underlays the bioretention facility to limit water infiltration into the underlying soils.
40. Trees shall not be planted within the bioretention facility located on Lynn Drive.
41. The on-site grading and utility improvement plans shall include a north-south cross section through Lynn Drive adjacent to lot 9. The cross section shall start from the centerline of the Arroyo del Valle and end at a point on the lot 9 pad. At a minimum, the cross section shall show the AC path, bioretention facility (BMP 1), street section, and the creek bank setbacks for non-habitable and habitable structures projected from the toe of the creek bank to the existing or proposed ground surfaces as recommended in the Updated Seismic Hazards Evaluation prepared by ENGEO and dated October 21, 2013.
42. Prior to the first submittal of the improvement plan review, the project developer shall provide written verification from the County of Alameda County Administrator that the County of Alameda County Administrator approves the proposed improvements and public sanitary sewer and water easements as depicted on their property, APN 946-3485-1-7, on the Preliminary Off-Site Sewer & Water Improvement plans prepared by Ruggeri-Jensen-Azar and dated January 2016.
43. The applicant/project developer's civil engineer or land surveyor shall prepare and submit the grant of public sanitary sewer and water easements (deed, plats, and legal descriptions) required by the off-site sewer & water Improvement plans to the City Engineer for review and approval prior to the approval of the off-site sewer & water Improvement plans, on-site grading and utility improvement plans.
44. The applicant/project developer shall pay all costs to prepare and record the grant of public sanitary sewer and water easements required by the off-site sewer & water Improvement plans.
45. The project developer's engineer shall submit off-site sewer & water improvement plans concurrently with the on-site grading and utility improvement plans. All plans shall be at an equal state of completion.

46. The offsite sanitary sewer main and water main shall be a size acceptable to the City Engineer and Director of Operations. The City will reimburse the developer in an amount determined by the City Engineer for the design and construction of the City's share of the off-site sewer and water improvements per the reimbursement agreement approved by the City Council.
47. The precast wall and its foundation along Rose Avenue shall not encroach onto Alameda County Fairground's property.
48. The applicant/project developer shall convey Parcel A by separate instrument to the homeowners association. The homeowners association shall maintain the landscaping, creek bank, irrigation, fencing, and the public trail and all appurtenances within Parcel A.
49. The applicant/project developer shall dedicate a public trail easement on Parcel A on the final map.
50. The applicant/project developer's contractor shall protect Arroyo del Valle Creek during all construction activities. A \$15,000 bond shall be posted with the City Engineer to ensure compliance with this requirement. Protection measures shall be described in detail on the on-site grading and utility improvement plans and any other construction or building plans to the satisfaction of the City Engineer prior to the start of construction.
51. Any damage to existing street improvements, including the central island at the intersection of Rose Avenue and White Stable Drive (the roundabout), during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to applicant/project developer and includes but is not limited to slurry seal, overlay, restoration of landscaping and irrigation system, signing, striping, pavement marking, concrete or street reconstruction if deemed warranted by the City Engineer.
52. The recorded deed of sale for lots 14, 15 and 16 shall include a disclosure that lots 17, 18 and 19 will be constructed in a future phase, Phase II. Wording for this disclosure shall be written in simple/plain language, shall be submitted to the City Attorney for review and approval before City Council approval of the final map, and shall be recorded over lots 14, 15, and 16 by separate instrument.
53. The on-site grading and utility improvement plans shall clearly show all Phase II work to the satisfaction of the City Engineer.
54. The applicant/project developer's engineer shall submit as-built drawings of off-site sewer & water Improvement plans, on-site grading and utility improvement plans and joint trench plans in AutoCAD 2010 and pdf format acceptable to the City

Engineer prior to the release of the performance bond and labor and materials bond.

### **Traffic Division**

55. Comprehensive traffic control measures shall be implemented during construction, including scheduling of major truck trips and deliveries, to avoid peak travel hours. If necessary, as determined by the Traffic Engineer, proper lane closure procedures such as flagger stations, signage, cones, and other warning devices shall be implemented during construction.

### **Landscaping**

56. 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.
57. Prior to project final, front yard and street side landscaping for the residential development shall be installed and inspected by the Planning Division.
58. No trimming or pruning of the existing trees 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.
59. The applicant/project developer shall mitigate the removal of heritage trees that are in fair and better than fair condition by making a payment to the Urban Forestry Fund based on the appraised value of these heritage-sized trees that will be removed for the proposed development. If additional planting is proposed and/or the sizes of some or all of the trees that are presently shown on the landscape plan are increased, credit will be given for additional planting and/or upsizing the tree sizes. The planting size increase and reduced payment to the Urban Forestry Fund is subject to review and approval by the City Landscape Architect and Director of Community Development. The payment shall be paid in full prior to issuance of a building permit.
60. No trees shall be removed. The applicants 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.

61. The final landscape plan shall show the removal or replacement of the proposed *Agapanthus africanus* plants.

#### **Livermore-Pleasanton Fire Department**

62. 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).
63. 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**

64. 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.
  65. 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.
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66. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations. Wells shall be destroyed in accordance with the procedures outlined on the permit obtained from Zone 7. Zone 7 may request the developer/subdivider to retain specific wells for monitoring the ground water. The developer/subdivider shall notify the City of Zone 7's desire to retain any well and make provisions to save the well. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.
67. 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.
68. The project developer shall submit a dust control plan or procedure as part of the improvement plans.

#### Planning Division

69. Development shall be substantially as shown on the development plans, Exhibit B, dated "Received March 9, 2016," single-family GreenPoint Checklist, and related materials such as Tree Report Altieri Property by HortScience, Updated Seismic Hazards Evaluation by Engeo, Investigation of Potential Waters of the United States Rose Avenue Project by Live Oak Associates, Inc., Altieri Property, Pleasanton, CA Environmental Noise Assessment by Illingworth & Rodkin, Inc., Corral de Tierra Driving Range Golf Ball Trajectory Study by Tanner Consulting Group, Visual Simulation by Environmental Vision, 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.
70. 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.

71. The applicant/project developer 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.

72. 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.

73. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside the homes.

74. 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.

75. 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.

76. 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.
77. 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.
78. 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.
79. The developer and/or future homeowners are encouraged to use best management practices for the use of pesticides and herbicides.
80. The applicant/project developer must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
81. 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.
82. 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.
83. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
84. 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**

85. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
86. 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.
87. The applicant/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.
88. The applicant/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.
89. Prior to issuance of a grading or building permit, the applicant/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 of the trees that are to be preserved, 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."
90. 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**

91. 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.
92. 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.
93. Prior to issuance of building permits, the applicant/project 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 Department**

94. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
95. The applicant/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.
96. The applicant/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.
97. The applicant/project developer shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by

the City Engineer, or other easements, which may be designated by the City Engineer.

98. The applicant/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.
99. 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.
100. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit, and shall address the need to schedule major truck trips and deliveries during off peak travel times, to avoid peak travel congestion. It shall also include the provision to monitor the street surfaces used for the haul route so that any damage and debris attributable to the haul trucks is identified and corrected at the expense of the project applicant or developer.
101. 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.
102. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
103. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
104. The applicant/project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
105. The applicant/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.
106. The applicant/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.

107. 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.
108. The applicant/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.
109. The applicant/project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
110. The applicant/project developer's engineer shall investigate the structural section of the existing streets fronting the development. If the structural section is not adequate for the anticipated traffic demand, the structural section of the roadway shall be increased, as determined by the City Engineer. If the street section is adequate the entire street frontage shall be slurry sealed, unless otherwise determined by the City Engineer.
111. 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.
112. 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.
113. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
114. 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.
115. The in-lieu park dedication fees shall be paid to the City prior to approval of the final map, at the rate then in effect, for the total number of buildable lots on the final map, unless this requirement has been otherwise satisfied.

116. All common private improvements including but not limited to storm drainage swales, gutters, inlets, outfalls, channels, retaining walls, soundwalls, fences, etc., shall be privately maintained by the HOA. The project CC&Rs or maintenance agreement shall include an exhibit showing the location of all the common private improvements to be maintained by the HOA.
117. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
118. 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.

#### **Livermore-Pleasanton Fire Department**

119. The project applicant shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
  120. 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.
  121. 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.
  122. The Fire Chief and the Director of Building Inspection shall approve the number, type, and location of all private fire hydrants.
  123. 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.
  124. 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.
  125. 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
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fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.

126. 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.

127. 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**

128. The applicant/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.
129. The applicant/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.
130. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
131. 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**

132. 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.
133. 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.
134. 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.

135. 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.

136. 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**

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

137. The project shall comply with Order No. R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015, 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 and at State Water Board:

[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/Municipal/R2-2015-0049.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf);

and

[http://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agendas/2007/march/alameda%20final%20order%20r2-2007-0025.pdf](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](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) 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/finalconstpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.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 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
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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.
2. Restaurants and similar developments: The restaurant shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by the DSRSD, or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control such as a sand filter or oil/ water separator shall be used, and a sign shall be posted



prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Chief Building Official. The project developer, property owners and business owners shall instruct employees to conduct all washing activities in this area.

3. Outdoor loading areas: The loading areas shall be covered. No other area shall drain into the loading area; a containment berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. The loading area may be required to drain to the sanitary sewer if required by the City Engineer/Chief Building Official, subject to approval by the DSRSD. If connected to the sanitary sewer, a structural control such as an oil/water separator or sand filter shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials.

A regular program of inspecting vehicles for leaks and spills, and of sweeping/vacuuming, litter control, and spill cleanup shall be implemented. Such program shall be submitted to the Director of Community Development for review and approval prior to issuance of building permits.

[end]



**CITY COUNCIL AGENDA REPORT**

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April 19, 2016  
Community Development

**TITLE: PUD-99 AND P16-0865, 1851 ROSE AVENUE – CONSIDER A PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT PLAN, GROWTH MANAGEMENT AGREEMENT, AFFORDABLE HOUSING AGREEMENT AND DEVELOPMENT AGREEMENT AT AN APPROXIMATELY 9.02-ACRE SITE LOCATED AT 1851 ROSE AVENUE, ALLOWING FOR THE DEVELOPMENT OF NINETEEN (19) SINGLE-FAMILY HOMES AND RELATED SITE IMPROVEMENTS**

**APPLICANT:** Ponderosa Homes II, Inc.

**SUMMARY**

The applications would result in removal of the existing buildings on the approximately 9-acre project site and construction of 19 single-family homes and related on-site improvements in two phases. The application also includes the installation of a 45-foot tall net/structure along a section of Rose Avenue and the rear property lines of Lots 14-16 of the site to block golf balls from the Alameda County Fairgrounds driving range. Related land use entitlements include a Growth Management Agreement, an Affordable Housing Agreement, and Development Agreement.

**HOUSING COMMISSION RECOMMENDATION**

On February 18, 2016, the Housing Commission recommended approval of an Affordable Housing Agreement, as described in Attachment 7.

**PLANNING COMMISSION RECOMMENDATION**

On March 23, 2016, the Planning Commission unanimously made the applicable findings and recommended approval of the application, with modified conditions of approval requiring specific home plans on Lots 1-5 and only allowing five of the nine homes that were proposed with a bonus room option to be constructed with a bonus room in order to minimize building mass. The Planning Commission staff report and meeting minutes are included in Attachment 6.

**RECOMMENDATION**

1. Find that the anticipated environmental impacts of the proposed development are adequately evaluated in the Supplemental Environmental Impact Report (SEIR) prepared for the 2011 Housing Element update and that none of the conditions in CEQA Guidelines Section 15162 calling for preparation of subsequent environmental review have occurred;

2. Make the PUD findings for the proposed development plan as listed in the March 23, 2016 Planning Commission staff report (pages 12 through 14 in Attachment 6);
3. Introduce a draft ordinance approving PUD-99, subject to the conditions of approval listed in Exhibit A of Attachment 1;
4. Adopt a resolution approving the Growth Management Agreement (Attachment 2);
5. Adopt a resolution approving the Affordable Housing Agreement for the project (Attachment 3); and
6. Introduce a draft ordinance approving the Development Agreement for the project (Attachment 4).

### **FINANCIAL STATEMENT**

The project would be expected to generate revenues to cover its costs of service. Increases in property tax would be used to provide services, such as police and fire services, to the occupants of the dwelling units. The applicant will be required to pay development impact fees (e.g., in-lieu park dedication fee, public facilities fee, traffic fees, water/sewer connection fees) that will be used to offset the cost of City facilities and infrastructure, necessitated by development.

### **BACKGROUND**

In February 1989, the City Council approved a PUD rezoning and development plan for the construction of 21 single-family homes on an approximately 12.3-acre site located at 1851 Rose Avenue (PUD 88-11). The PUD approval expired during the Great Recession. In 2005, approximately 3.28 acres of the original 12.3-acre site were developed as part of the adjoining property to the east (Roselyn Estates). The remaining 9.02 acres are the subject of the current applications.

### **SITE DESCRIPTION**

The project site is irregularly shaped and is bounded on the east by single-family homes (Roselyn Estates), on the south by the Alameda County Fairgrounds, and on the west and north by the Arroyo Del Valle. The project site is currently occupied by an existing residence and several accessory structures. The house and accessory buildings are located on the eastern portion of the site. The majority of the site is undeveloped and contains the remnants of an old walnut orchard. The site is generally flat except for the slope bank along the arroyo. Figure 1 shows the project site and surrounding land uses.

**Figure 1: Project Site and Surroundings**



### **PROJECT DESCRIPTION**

The applicant, Ponderosa Homes, proposes to demolish the existing residence built in the 1950s and accessory buildings, and construct 19 single-family homes and related improvements. The requested entitlements include a Growth Management Agreement, Affordable Housing Agreement, and a Development Agreement which would expire on or around August 2034.

The 19-lot residential development is summarized below:

Range of Lot Sizes:	9,881 sq. ft. – 18,913 sq. ft.
Range of Home Sizes (living area):	3,937 sq. ft. – 4,458 sq. ft.
Range of Garage Sizes:	650 sq. ft. – 847 sq. ft.
Range of floor area ratios (FARs) <sup>1</sup> :	23% - 45%
Building Height <sup>2</sup> :	32 ft.

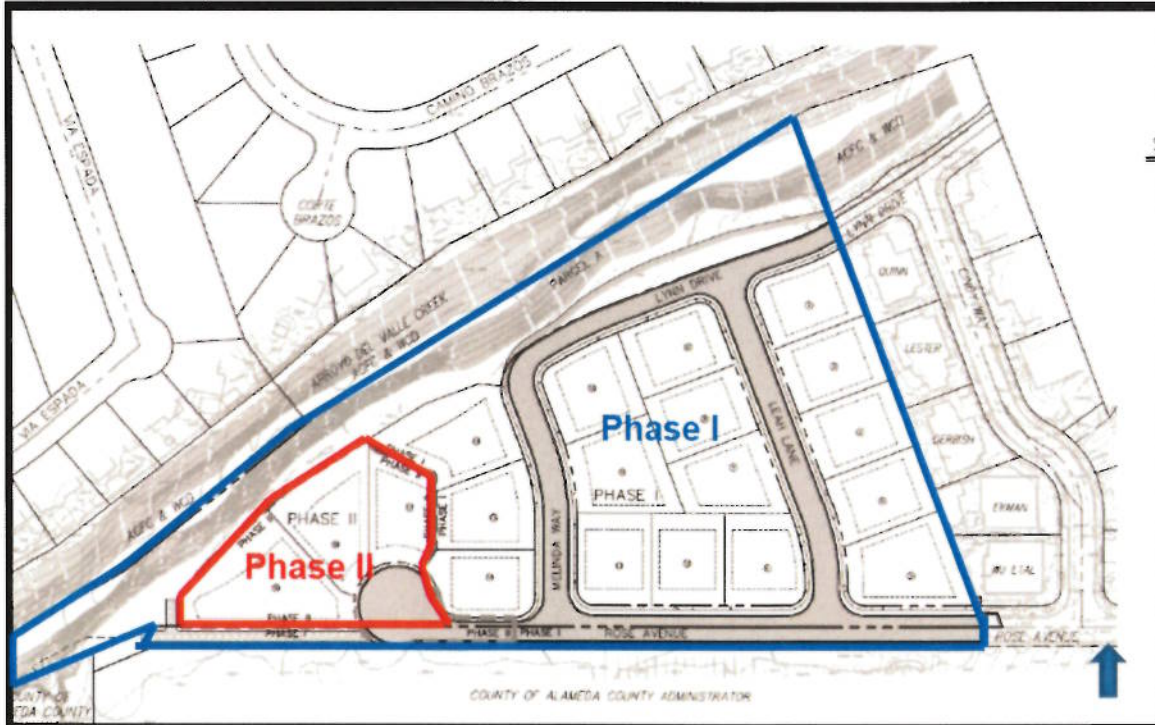
<sup>1</sup> Floor area ratio is one measure of building mass (square footage of a structure divided by the size of the lot). Proposed FARs includes garage area over 600 sq. ft.

<sup>2</sup> Building height is measured from the lowest finished grade adjacent to the house to the highest point of the roof excluding chimneys.

The proposed 19-lot residential development would be constructed in two phases. Lots 1-16 would be developed soon after project approval. Lots 17-19 would be developed when the driving range ceases operation. Please refer to "Golf Ball Net/Structure and Visual Simulations," below, for a discussion of the proposed golf ball net that would remain in place until the initiation of Phase 2. The project details are described in more detail in the attached Planning Commission staff report (Attachment 6). There are no major changes to the proposed PUD development plan that was reviewed by the Planning Commission. Figure 2 shows the project site and phasing plan.



**Figure 2: Project Site and Phasing Plan**



### **Growth Management**

The City's Growth Management Program (GMP) allows a total of 235 growth management unit allocations to be issued within a calendar year for new residential units. One allocation is required for each residential unit upon approval. To date in 2016, a total of 60 growth management allocations have been issued. The proposed development would require 19 allocations. If Council approves the requested allocations, a total of 79 GMUAs<sup>1</sup> would be issued this calendar year, below the allocation limit. The Growth Management Agreement for the project is included as Attachment 2.

### **Affordable Housing Agreement**

The City's Inclusionary Zoning Ordinance (IZO) requires that applicants of new single-family residential projects of fifteen units or more provide at least 20% of their dwelling units as units affordable to very low, low, and/or moderate income households, pay an in-lieu fee, or use Inclusionary Unit Credits (IUCs) from past projects. Ponderosa Homes provided more affordable units in the Ironwood Development than was required. Thus, Ponderosa Homes was granted 51 IUCs that could be used to satisfy the requirements of the IZO on Ponderosa's Busch Road site or, subject to City Council approval, at other sites in the City.

<sup>1</sup> Two growth management allocations for PUD-115 (11249 Dublin Canyon Road) are also pending approval at the April 19, 2016 City Council meeting.

The Housing Commission, at its February 18, 2016 meeting supported Ponderosa's proposal of using its remaining IUCs for this project. The Housing Commission unanimously recommended approval of the Affordable Housing Agreement (AHA) to the City Council. Please refer to the Housing Commission staff report for a detailed discussion (Attachment 7). With the approval of the proposed development, Ponderosa Homes will exhaust its remaining IUCs.

### **PLANNING COMMISSION ACTION**

The Planning Commission held a public hearing on March 23, 2016 to review the proposed project. The draft minutes of this meeting are provided in Attachment 6. The Planning Commission focused its discussion primarily on the proposed development standards for the housing project. The Commission agreed that it could support the proposed FAR range but would only allow five of the nine homes that were originally proposed to have a bonus room option to be constructed with a bonus room in order to minimize building mass. As requested by staff, the Planning Commission also added a condition requiring specific home plans on Lots 1-5, the result of an agreement between Ponderosa and residents to the east of the project site. The Commission unanimously recommended the approval of the proposed applications by Ponderosa Homes to the City Council.

### **DISCUSSION**

The Planning Commission staff report (Attachment 6) provides additional background information and a detailed discussion of the proposed project, including the project's General Plan and zoning consistency, development standards, architectural design, tree removal and replacement, golf ball net study, and considerations related to the geotechnical study, investigation of potential waters of the United States, noise and visual simulations. The following sections summarize key points of analysis, and the proposed Development Agreement.

#### General Plan and Zoning

The General Plan Land Use designation for the Arroyo Del Valle is Open Space – Public Health and Safety and Wildland Overlay. The non-creek portion of the subject site is designated Medium Density Residential (MDR) in the General Plan. The MDR designation allows a density of 2 to 8 dwelling units per acre (DU/AC). The General Plan states that major arroyos are not to be counted as part of residentially designated gross developable acreage. Excluding the arroyo area, the site has approximately 7.01 gross developable acres, resulting in a density of 2.7 DU/AC, which is consistent with the General Plan.

#### Floor Area Ratio (FAR)

The proposed site development standards include FARs up to 45%. The Commission questioned the compatibility of the proposed FAR with the existing residential developments in the vicinity and discussed whether the proposed FAR could be capped at 40%. While the applicant indicated that it could accommodate further restrictions on FAR, it desired some flexibility to exceed 40% FAR on selected lots in order to meet the market demand for larger units. The Commission approved a condition of approval allowing only five homes to have a bonus room option instead of the proposed nine

homes. The applicant agreed. The condition (No. 36) requires that the plot plans for the five homes with a bonus room option be submitted for review and approval by the Director of Community Development prior to issuance of a building permit.

#### Golf Ball Net/Structure and Visual Simulations

A golf ball trajectory study was prepared to analyze options to intercept golf balls from the nearby driving range and prevent them from entering the Phase I portion of the project site. The design options included golf ball nets varying from 45 feet to 135 feet in height based on the net location. Both the applicant and staff preferred a 45-foot-tall option along the western boundaries of Lots 14-16 and the southern boundary of Lot 14, which would be the least visually-obtrusive option. However, the location of this 45-foot tall golf ball net/structure would entail delaying development of Lots 17-19. These three lots would be constructed when the driving range ceases operation in approximately 18 years. At that time, the golf ball net/structure would be removed.

Visual simulations from three viewpoints were prepared to assess the visibility of the netting. Screen trees planted behind the netting would assist in reducing the visibility of the netting. The visual simulations are included in Attachment 5.

#### Development Agreement

A development agreement is a commitment between the City and a property owner or developer to proceed with a specific development in accordance with the terms of an agreement that describes what land use and related processes shall apply to the application. The applicant has proposed a development agreement which would expire on or about August 2034. While a typical development term is 10 years, staff believes an agreement with an 18-year term is appropriate here because development of Phase II (which is contingent on the driving range at the fairgrounds ceasing operation) may not occur prior to 2034.

The proposed development agreement requires the developer to pay applicable development impact and permit fees in accordance with the City's building permit ordinance in effect at the time the applicable building permit is granted by City. The draft development agreement is attached as Attachment 4.

#### **PUD FINDINGS**

Please refer to the attached Planning Commission staff report, pages 11-13 for a discussion of the required PUD development plan findings.

#### **PUBLIC COMMENT & NOTICE**

In response to the Planning Commission hearing notice, the following persons spoke in front of the Planning Commission:

- Michael Derbish, a resident at 1624 Cindy Way, spoke at the Planning Commission hearing. Mr. Derbish stated that the proposed project is in his backyard and expressed support for the project.

- David Pitcher, a resident at 2190 Camino Brazos, expressed concerns about automobile traffic at night and associated glare.
- Bertram Roberts, who resides on the north side of Arroyo Del Valle, expressed concerns that additional developments would result in traffic congestion, overcrowded schools and also possibly crime.

Notices regarding the City Council public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of the project site. At the time this report was written, staff had not received any comments.

### **ENVIRONMENTAL ASSESSMENT**

A Supplemental Environmental Impact Report (SEIR) was prepared for the Housing Element update in 2011. The project site was part of Housing Element update. The proposed development is substantially consistent with the 2011 Housing Element update, which was analyzed in the SEIR. No new information or changed circumstances have occurred that would require supplemental environmental review, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162. Therefore, no environmental document accompanies this report.

### **CONCLUSION**

The proposed PUD development plan conforms to the sites General Plan and zoning designations. The proposed project is in keeping with the existing residential developments on Rose Avenue. The homes are attractive and the architectural style, finish colors, and materials will complement the surrounding developments. A riparian buffer would be preserved along the length of the arroyo within the project site. Therefore, staff recommends approval of the proposed development.

Submitted by:

Fiscal Review:

Approved by:

Gerry Beaudin  
Director of Community  
Development

Tina Olson  
Director of Finance

Nelson Fialho  
City Manager

### **Attachments:**

1. Draft City Council Ordinance for PUD Development Plan (PUD-99) with Exhibit A, Recommended Conditions of Approval
2. Draft City Council Resolution approving the Growth Management Agreement
3. Draft City Council Resolution approving the Affordable Housing Agreement
4. Draft City Council Ordinance approving the Development Agreement
5. Proposed Development Plans and Visual Simulations by Environmental Vision  
*The following items are available upon request:*
  - *Tree Report Altieri Property by HortScience*
  - *Updated Seismic Hazards Evaluation by Engeo,*



- *Investigation of Potential Waters of the United States Rose Avenue Project by Live Oak Associates, Inc., Altieri Property, Pleasanton, CA*
  - *Environmental Noise Assessment by Illingworth & Rodkin, Inc.*
  - *Corral de Tierra Driving Range Golf Ball Trajectory Study by Tanner Consulting Group,*
  - *Green Point Checklist*
6. April 23, 2016 Planning Commission Staff Report (without attachments) and Draft excerpts of the April 23, 2016 Planning Commission Meeting Minutes
  7. February 18, 2016 Housing Commission Staff Report (without attachments) and Meeting Minutes
  8. Location and Noticing Map

The Mayor opened the public hearing.

Guy Houston spoke on behalf of Valley Capital Realty. A PowerPoint Presentation was displayed. He provided information about the development history of the project, including the original 2006 approval. The 2010 renewal has expired and they have modified the project and made it better. The hillside and trees will be protected. An overlay limit line can be memorialized in the tentative map. This is a secondary gateway, in a country setting, into the City of Pleasanton. Photos of the current site were displayed. He complimented the Planning Commission for working with them on the meandering walkway. The homes will be wired for solar and have drought resistant landscaping. Renderings were displayed which showed the home elevations. He spoke about concerns from the community regarding trees being cut down and storage of hazardous materials on the site. Staff was provided with a letter from the environmental consultant who stated that there were no containers, barrels, or standing of the soil that would denote any environmental hazards on the site.

The Mayor closed the public hearing.

Mayor Thorne commented that he felt the Planning Commission did a great job in vetting out this project and those actions were evidenced in the Planning Commission minutes. He stated that he is having difficulty reading staff reports as there are more and more referrals to other documents.

Councilmember Brown echoed Mayor Thorne's comments about the number of attachments referred to in the staff reports provided. She also appreciates the decrease in massing.

Councilmember Narum suggested a friendly amendment to Councilmember Brown's motion. She would like to have the limit line for development on Lot 2 added at the Tentative Map level.

**MOTION:** It was m/s by to Brown/Narum to introduce and waive first reading of **Ordinance No. 2141** approving a Planned Unit Development (PUD) Development Plan at 11249 Dublin Canyon Road, allowing for the retention of the existing single-family residence and development of two residential units and related site improvements; waive full reading and adopted **Resolution No. 16-846** approving a growth management agreement for the construction of two single-family homes and related site improvements for the project as filed under case PUD-115. Motion passed by the following vote:

Ayes: Councilmembers Brown, Olson, Narum, Mayor Thorne

Noes: Councilmember Pentin

Absent: None



21. **Public Hearing:** PUD-99 Ponderosa Homes - Consider a Planned Unit Development (PUD) Development Plan Growth Management Agreement, Affordable Housing Agreement and Development Agreement with Ponderosa Homes for an approximately 9.02-acre site located at 1851 Rose Avenue, allowing for the development of nineteen (19) residential homes and related site improvements

Planning Manager Adam Weinstein presented a staff report. A PowerPoint Presentation was displayed. The project site was described and a vicinity map was displayed. The remnants of the orchard were shown. The Fairgrounds contains a driving range and golf balls sometimes land on the project site. The History of the project's development plans was reviewed. There are General Plan designations that allow for this type of proposed project. The site is designated for medium density which would allow for more than the nineteen units proposed. The Zoning District also allows for the project. Two phases of development are proposed. Phase I would include sixteen

residences, needed infrastructure, and extension of the Creekside trail. As part of Phase I, a 45 foot net would be established to catch errant golf balls. The net was designed by a golf ball trajectory consultant. The architecture would be traditional to complement existing projects in the area, including craftsman-style influenced homes. Development standards, including those in surrounding areas, were described. Height of projects in this area were discussed and that a Planned Use Development effective height is calculated differently. It is measured from the lowest grade to the peak of the roof. A maximum of 45% of Floor Area ratio is allowed in this development. This project is very well designed so a maximum of 45% Floor Area ratio would be acceptable for this project; however the Planning Commission reduced the Floor Area ratio for the majority of the units.

A visual simulation of the proposed golf ball net was displayed. The actual net will be minimally visible. The Planning Commission's discussion was reviewed and they ultimately imposed further restrictions on the Floor Area ratios initially proposed. They also added a condition between Ponderosa and the residents to the east and requested specific housing types. Staff stated that project is consistent with the existing General Plan, it looks and feels like surrounding developments, a portion of the property would be protected as a community amenity, the golf ball net would be the least visually impactful option, and the Development Agreement of twenty years is acceptable in light of the driving range terms.

Mayor Thorne inquired about the driving range and the staff responded that the current financial arrangement for the driving range lease does not work. A new vendor may come in or they will look to reprogram the property to another use.

Mayor Thorne requested information regarding the growth management allowance. Staff stated that 225 growth management allocations must be allocated each year, based on REHNA. To date, a total of 59 growth management allocations have been issued. If the two projects described tonight are approved, the City will have expended additional growth management allocations.

Councilmember Narum inquired whether the HOA is responsible for maintaining the net. Staff confirmed that a multi-party agreement is in place for maintaining the net. It is included in one of the conditions of approval. Councilmember Narum confirmed the Floor Area ratios for the proposed lots as the owners may or may not be able to add to their homes. Staff confirmed that this is covered in the conditions of approval so that homeowners are aware of the potential restrictions.

Councilmember Brown confirmed growth management agreement allocations would be issued at approval for all of the houses and they could be used when the future phases are built. Staff noted that typically when projects come through, the growth management allocations are done at time of approval.

Councilmember Brown referred to a public speaker at the Planning Commission level who spoke about street lights. Staff stated that the headlights will be blocked primarily by the existing vegetation. There will be more traffic traveling down the road and some headlight spillover; however, when combined with the design and existing habitat, the headlight glare should be mitigated.

Councilmember Brown suggested moving a tree near Melinda which would help to block headlights. This can be added to the conditions. There is street parking for this project which would be on both sides of the street on the surrounding streets, excepting Lynn, due to the narrowness of that street.

The Mayor opened the public hearing.

Pam Hardy, applicant, described the goals of the project, including working with the surrounding neighbors. They also wanted to provide a plan that was below the midline of the General Plan and also terminates Rose Avenue in a cul-de-sac. This project achieves a sewer and storm drain extension across the Fairgrounds which eliminates the need for a future sewer lift station. It allows for the resolution of the errant golf ball hazards. They will be adding to the vegetation in the project area and she is confident that the possibility for glare is minimal. In regard to Floor Area ratio they are in agreement with the staff's recommendations and the Planning Commission's decision. The Floor Area ratio includes non-inhabitable garage space.

Councilmember Brown expressed her concern with the perpendicular lights which would affect the upstairs windows. She suggested shifting the trees to mitigate certain glare issues. The applicant stated that they would accommodate any suggestions on landscaping as long as they did not interfere with the bio retention zones.

Bert Roberts stated he had also expressed his concerns at the Planning Commission meeting. He commended the City Council for their outstanding work over the year. He expressed concerns with the overdevelopment in the community and was concerned about the Camino Brazos neighborhood. In 1988, there was a vote for a freeze on development which was overruled by then Attorney General Jerry Brown. The environmental impact of the Ponderosa project would result in erosion and other negative environmental impacts, including traffic congestion and overcrowded schools. He also referenced the existing drought conditions.

Mayor Thorne assured the speaker that there were also other organizations which sued the City regarding development.

The Mayor closed the public hearing.

Councilmember Brown requested that using trees as a "shield" to mitigate lighting glare for the street perpendicular to Camino Brazo be added as a condition. Councilmember Olsen stated that this was not an issue for the Planning Commission and he complimented the applicant for finding a reasonable solution.

Mayor Thorne clarified that the condition suggested by Councilmember Brown was to have staff work with the applicant to provide trees as a mitigating measure for lighting glare. Staff requested that the conditions circulated earlier to the Council be included in the final motion as well.

Councilmember Brown thanked staff for phasing the project appropriately and holding firm on the driving range matter.

Councilmember Narum appreciates the cul-de-sac that was included in the project and the work done with the neighbors to the rear of the property.

22. **MOTION:** It was m/s by to Olsen/Brown to introduce and waive first reading **Ordinance No. 2142** approving the application of Ponderosa Homes II, Inc. for PUD Development Plan Approval, as filed under case PUD-99; waive full reading and adopt **Resolution No. 16-847** approving a Growth Management Agreement for construction of nineteen (19) single-family homes and related site improvements at 1851 Rose Avenue; waive full reading and adopt **Resolution No. 16-848** approving an Affordable Housing Agreement; waive first reading and introduce **Ordinance No. 2143** approving a Development Agreement with Ponderosa Homes for an approximately 9.02-acre site located at 1851 Rose Avenue, allowing for the development of nineteen (19) residential

homes and related site improvements; and include the additional conditions of approval circulated by staff, and direct staff to work with the applicant to better utilize trees as a mitigating measure for lighting glare. Motion passed by the following vote:

Ayes: Councilmembers Brown, Olson, Narum, Mayor Thorne  
Noes: Councilmember Pentin  
Absent: None

#### **MATTERS INITIATED BY COUNCIL**

Mayor Thorne inquired as to whether any members of the City Council had a desire to sign the letter regarding coal cars transferring through the City of Pleasanton.

Councilmember Narum inquired as to the actual City Council vote regarding placing Measure K on the June Ballot, as a public speaker had stated it was a 3 – 1 vote.

Mayor Thorne stated it was his recollection that it was a unanimous vote to place Measure K on the June ballot.

Councilmember Olsen stated he would sign the coal dust item.

#### **COUNCIL REPORTS**

Councilmember Brown reminded the public about the upcoming LAFTA meeting at the Bankhead Theatre. LAFTA will be soliciting public input regarding a more effective route to serve both the BART and ACE systems.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:15 p.m. The Council extended a tribute to our nation's men and women serving in the military. We wish to honor the memories of those who have died in past wars in defense of our country, including those who have died in the current conflicts in Iraq and Afghanistan.

Respectfully submitted,

Karen Diaz  
City Clerk



**Planning Commission  
Staff Report**

March 23, 2016  
Item 6.a.

**SUBJECT:** PUD-99

**APPLICANT:** Pamela Hardy, Ponderosa Homes II, Inc.

**PROPERTY OWNERS:** John G. and Jana C. Altieri, et al.

**PURPOSE:** Application for Planned Unit Development (PUD) Development Plan to construct 19 single-family residences and related site improvements

**GENERAL PLAN:** Medium Density Residential; Open Space-Public Health and Safety/Wildland Overlay

**ZONING:** PUD-MDR (Planned Unit Development – Medium Density Residential) District

**LOCATION:** 1851 Rose Avenue

**EXHIBITS:**

- A. Recommended Conditions of Approval
- B. Proposed PUD Development Plan, Tree Report, Updated Geotechnical study, Investigation of Potential Waters of the United States, Noise Assessment, Golf Ball Net Study, Visual Simulations, and GreenBuilding Checklist
- C. Alameda County Fair Association Board of Directors Meeting Minutes of May 12, 2015
- D. Public Comments
- E. Location Map/Notification Map

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**BACKGROUND**

In February 1989, the City Council approved a PUD rezoning and development plan for the construction of 21 single-family homes on an approximately 12.3-acre site located at 1851 Rose Avenue (PUD 88-11). The PUD approval expired during the Great Recession. In 2005, approximately 3.28 acres of the original 12.3-acre site were developed as part of the adjoining property to the east (Roselyn Estates). The project site is now approximately 9.02 acres in area.

**SUBJECT PROPERTY**

The project site is irregularly shaped. It is bounded on the east by single-family homes (Roselyn Estates), on the south by the Alameda County Fairgrounds, and on the west and north by the Arroyo Del Valle. Figures 1a and 1b show the project site and surroundings.

The project site is currently occupied by an existing residence and several accessory structures. The house and accessory buildings are located on the eastern portion of the site. The majority of the site is undeveloped and contains the remnants of an old walnut orchard. The site is generally flat except for the slope bank along the arroyo.

**Figure 1a: Project Site and Surroundings**



**Figure 1b: The Existing House and the Site**





**PROJECT DESCRIPTION**

The applicant, Ponderosa Homes, proposes to demolish the existing residence built in the 1950s and accessory buildings, and construct 19 single-family homes and related improvements. The 19-lot residential development is summarized below:

- Components of the proposal:

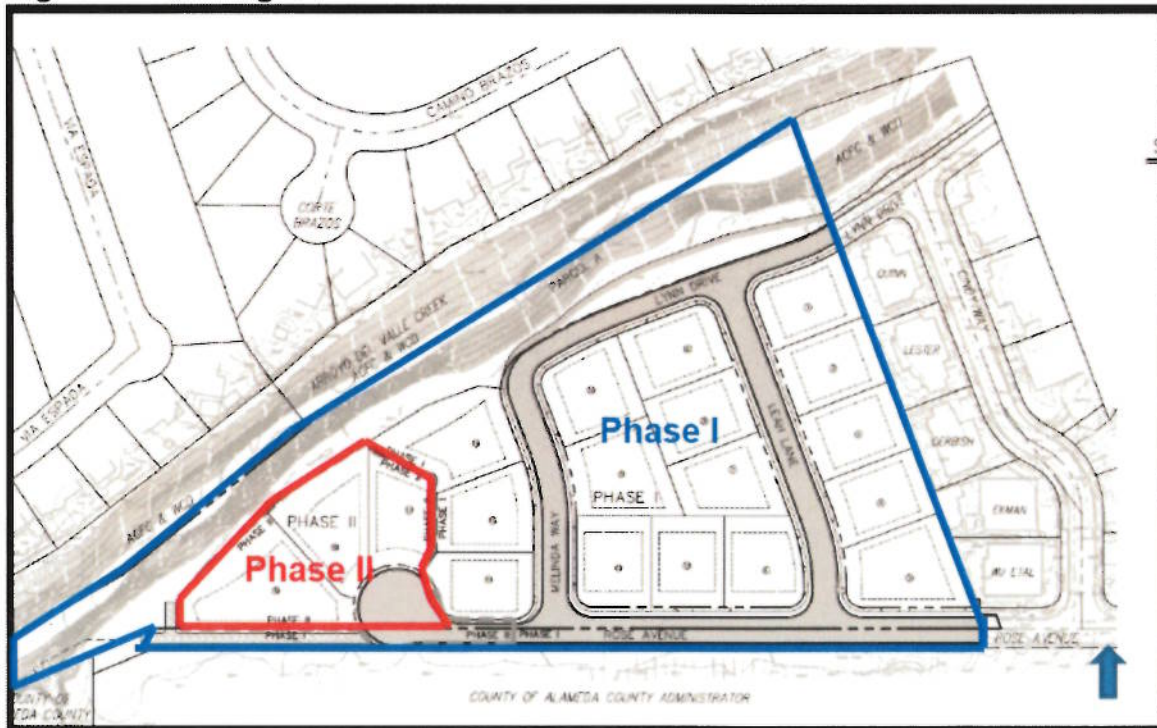
Range of Lot Sizes:	9,881 sq. ft. – 18,913 sq. ft.
Range of Home Sizes (living area):	3,937 sq. ft. – 4,458 sq. ft.
Range of Garage Sizes:	650 sq. ft. – 847 sq. ft.
Range of FARs <sup>1</sup> :	23% - 45%
Building Height <sup>2</sup> :	32 ft.

<sup>1</sup> Excluding 600 sq. ft. of garage area.

<sup>2</sup> Building height is measured from the finished grade adjacent to the house to the highest point of the roof excluding chimneys.

The existing driving range at the Alameda County Fairgrounds is located to the south of the project site. Golf balls have been exiting the fairgrounds and landing in the western portion of the project site. The applicant proposes to construct this 19-lot development in two phases. Phase I development would start if the project is approved. Phase II development would not occur until the driving range ceases operation. Figure 2 shows the proposed phased development.

**Figure 2: Phasing Plan**





### **Phase I (Lots 1-16) development includes:**

- Construct 16, two-story homes.
- Construct two house models with three elevation variations for each: Berkeley, Craftsman, and Kensington.
- Construct two public streets: Leah Lane would provide access for Lots 1-9 and Melinda Way would provide access to Lots 10-16. Both streets would be 32-foot wide with parking on both sides of the street.
- Extend Rose Avenue to the west of Melinda Way and terminate Rose Avenue along the side of Lot 14.
- Extend the existing trail from the Roselyn Estates development to the west and connect to the sidewalk of Melinda Way.
- Erect an approximately 45-foot tall golf ball fence/net structure behind Lots 14-16 to prevent errant golf balls at the Fairgrounds' driving range from entering the backyards of homes. The golf ball fence/net structure will be maintained by the applicant or its agent.
- Plant screen trees behind Lots 14-16.
- Install on-site improvements, including curbs/gutters, sidewalks, bio-retention areas, and landscaping.
- Install off-site improvements, including water and sanitary sewer line extensions connecting the project to City infrastructure on Valley Avenue via Alameda County Fairgrounds.
- Construct a gravel road along the south side of the remainder parcel for access to the proposed stormwater system.
- Retain the arroyo that is located within the project site and limit development to the outside of the creek bank.
- Extend the existing six-foot tall precast wall located on the south side of Rose Avenue at the fairgrounds.
- Create a 1.49-acre remainder parcel for the Phase II development. The remainder parcel would be owned by the Altieris until it is ready to be developed.

### **Phase II (Lots 17-19) development includes:**

- Construct three homes with the same models as Phase I.
- Extend Rose Avenue to provide access to Lots 17-19. Rose Avenue would end in a cul-de-sac.
- Remove the golf ball fence/net structure.
- Remove the screen trees, if desired by the owner of Lot 17.

A homeowners association (HOA) would be established for this 19-lot development. The HOA would take ownership and maintenance responsibilities for the arroyo that is located within the project site, bio-retention areas, street trees, etc. The specific responsibilities of the HOA would be detailed in the Conditions, Covenants & Restrictions (CC&Rs).

An arborist report prepared for the project surveyed a total of 239 trees comprising 13 species within the development area. The report recommends preservation of 16 trees including 12 heritage-sized trees and removal of 223 trees, including 126 heritage-sized trees. The trees to be preserved are located along the southern bank of the arroyo. The report is attached as Exhibit B.

A Vesting Tentative Map application has also been submitted to subdivide the existing 9.02-acre site into 18 parcels--16 residential lots (Phase I), one reminder parcel (for the future Phase II development), and one common area parcel (Parcel A). The Vesting Tentative Map would be subject to review and action by the Planning Commission following the processing of the proposed PUD development plan.

## **ANALYSIS**

### **General Plan Compliance**

The General Plan Land Use designation for the Arroyo Del Valle is Open Space – Public Health and Safety and Wildland Overlay. The non-creek portion of the subject site is designated Medium Density Residential (MDR) in the General Plan. The MDR designation allows a density of 2 to 8 dwelling units per acre (DU/AC). The General Plan states that major arroyos are not to be counted as part of residentially designated gross developable acreage. Excluding the arroyo area, the site has approximately 7.01 gross developable acres, resulting in a density of 2.7 DU/AC, which is consistent with the General Plan.

### **Proposed Development Plan**

#### Lot Size

During the planning process of previous developments along Rose Avenue west of Fair Street, the City Council and Planning Commission have directed that development along Rose Avenue maintain the existing rural character of the area through the creation of large single-family lots of at least 10,000 square feet in size. As proposed, all lots, except for one, meet the 10,000 square foot minimum lot size. The smallest lot is approximately 9,881 square feet, 119 square feet shy of 10,000 square feet.

One of the purposes of a PUD is to provide greater flexibility in the design of integrated developments than is otherwise possible through strict application of zoning regulations. The intent of the proposed PUD development plan is to encourage the design of a well-planned residential development through creative planning. For example, there are lots within the Nolan Farm development and Roselyn Estates that are slightly under 10,000 square feet in size. As such, a proposed PUD development plan with only one lot just 119 square feet shy of 10,000 square feet is acceptable to staff, particularly when considering that almost one acre of the parcel is not developable due to the arroyo.

Site Development Standards

The proposed development standards are similar to the previously approved developments along Rose Avenue. Table 1 shows the proposed development standards compared to some of the previously-approved developments along Rose Avenue and R-1-10,000 zoning district.

**Table 1: Comparison of Site Development Standards**

	R-1-10,000	Nolan Farm	Calico Lane	Roselyn Estates (PUD-38 and PUD-94)	Proposed Development
Front Setback					
Living Area/House	23	20	20	20	20
Covered Porch	12	12	15	15	15
Garage (Front Facing)	23	20	23	20	25
Garage (Side Entry)	15	n/a	15 (If one story)	15 (Lot 8 of PUD-38 only)	n/a
Rear Yard Setback					
Living Area/House	20		20	20	30 (Lots 1-5) 20 (Lots 6-17) Creek setback (Lots 18-19)
Side Yard Setback	5 min./20 combined	10 min./20 combined 5/15 Affordable lots only		10 min./20 combined	10 min./20 combined (lot 16: to the creek setback line)
Height	30 ft. max	30ft.-10 in. <sup>1</sup>	22 (one-story) <sup>1</sup> 30 (two-story) <sup>1</sup>	24 (one-story) <sup>1</sup> 32 (two-story) <sup>1</sup>	32
FAR	40% (max.) <sup>2</sup>	40% (max.) <sup>2</sup>	40% (max.) <sup>3</sup>	40% (max.) <sup>3</sup>	45% <sup>2</sup>

- 1) Height is measured from the lowest finished grade adjacent to the house to the highest point of the roof excluding chimneys.
- 2) FAR for R-1-10,000 District exclude garage area.
- 3) Excluding up to 600 square feet of garage area.

The Nolan Farm, Roselyn Estates, and Calico Lane developments varied from the R-1-10,000 standards in regard to the setbacks, minimum lot size, building height measurement, and FAR calculation. The proposed PUD would have similar setbacks and building height as these developments on Rose Avenue.

Site Layout and Site Improvements

The proposed development would extend Lynn Drive to the west, following the alignment of the Arroyo. As it turns southerly to connect to Rose Avenue, it becomes Melinda Way. Leah Lane would be located to the east of Melinda Way, connecting Rose Avenue with the extended Lynn Drive.

Separated sidewalks (i.e., sidewalks which are separated from the street by a planting strip, including trees) are proposed. Separated sidewalks are common in residential areas, and are a fundamental principle of good design. The proposed separated sidewalks would be compatible with the street design of the surrounding residential developments.

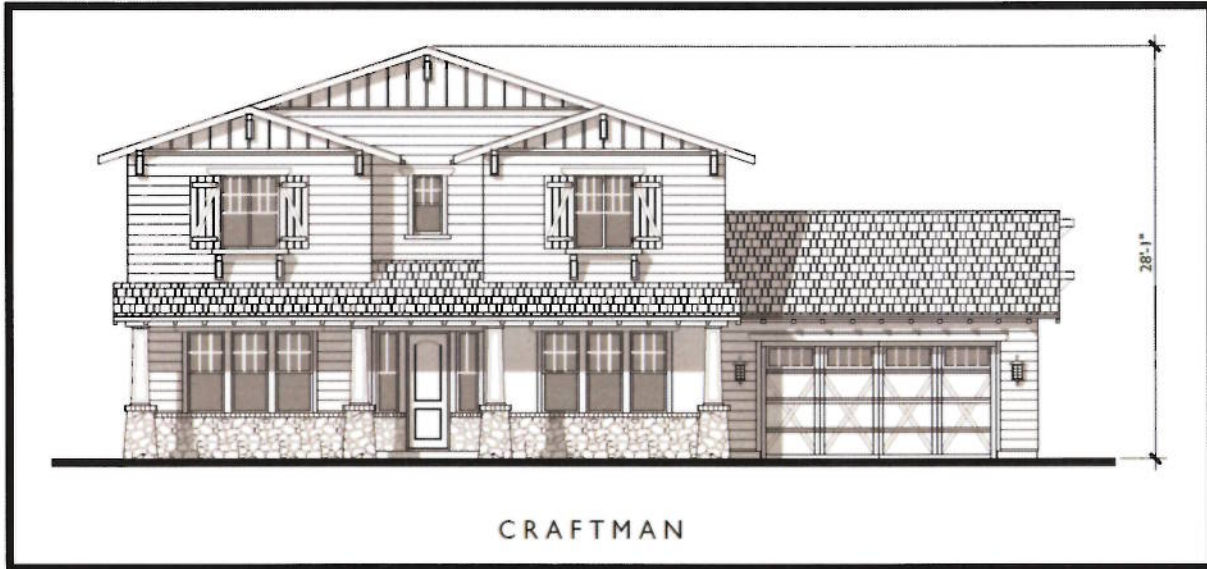
Home Design

The proposed “Craftsman”, “Kensington” and “Berkeley” models would be compatible with the style of homes found in the existing developments along Rose Avenue. Figure 3 shows the front elevations of Plan 1. Staff finds the stucco, siding, and stone wall materials, composition shingles, garage doors, window shutters, and porch posts to be compatible with the design of adjacent neighborhoods. Window treatments are traditional in appearance and would enhance the building exteriors. The applicant has provided architectural detailing and accent relief on the building elevations to break up the two-story facades and provide visual relief. Staff believes that the proposed color schemes would be compatible with the house colors in the existing homes in the vicinity.

**Figure 3: Front Elevations of Plan 1**







Staff generally believes that the building designs are attractive and that the architectural styles, finish colors, and materials will complement the surrounding development.

Please refer to Exhibit B for additional elevations.

Grading and Urban Stormwater Runoff

The subject site slopes gradually down to the arroyo. Minor grading is proposed to prepare the home foundations and to direct stormwater runoff to the proposed bio-retention basins. No retaining walls are proposed between lots.

Stormwater runoff would be collected and conveyed through bio-retention basins located on the north side of the extended Lynn Drive, and on the south side of Rose Avenue. Stormwater would be conveyed through underground piping to a proposed energy dissipater outfall into the arroyo. Staff finds the proposal is acceptable.

#### Sewer Infrastructure

Wastewater from existing development in the area flows east towards a sanitary sewer main near Fair Street. To avoid the need for a pump station to move wastewater from the project site to the existing Fair Street main, the applicant would install a new sanitary sewer line from the project site through the Fairgrounds, to existing lines on Valley Avenue. Because this new line would also carry wastewater from other residential areas in the vicinity of the project site, pro-rata contributions for the infrastructure have already been collected and would be used for construction of the new infrastructure.

#### Geotechnical and Creek Bank Stability Analysis

The northerly portion of property lies within the Arroyo Del Valle channel bottom and embankment. A geotechnical engineering consulting group analyzed the slope stability of the creek bank and geotechnical hazards of the project site. The consultant concluded that the project site is suitable for the proposed development and provided recommendations and guidelines for the foundation and retaining wall designs.

Staff has reviewed the report and found it is acceptable; however, staff requests that additional testing to be performed in the proposed bio-retention area located between the arroyo and the proposed Lynn Drive to determine the existence of any soil that could compromise the integrity of the bio-retention area and the slope bank. Staff has included a condition of approval to address this item.

#### Arborist Report and the Proposed Landscape Plan

An arborist report was prepared by HortScience. It surveyed a total of 239 trees, representing 13 species within the development area. The report stated that 13 trees are dead; 182 trees are in poor condition; 39 trees are in fair condition; and five are in good condition. Of the 239 surveyed trees, 138 trees are heritage-sized trees. The report recommends preservation of 16 trees (12 of which are heritage-sized trees) and removal of 223 trees (126 of which are heritage-sized trees).

The 2005-2025 General Plan states the following regarding tree removal:

Policy 2: Preserve heritage trees throughout the Planning Area.

Program 2.1: Strongly encourage preservation of heritage trees; where preservation is not feasible, the City will require tree replacement or a contribution to the Urban Forestry Fund. Allow no net loss of trees.

The proposed landscape plan shows that 68 street trees and approximately 38 front yard trees would be planted in the project. The proposed planting includes various species, such as marina, southern magnolia, purple-leaf plum, Bradford pear, live oak, valley oak, white alder, European hornbeam Leyland cypress, and Saratoga laurel. The proposed street trees would be 24-inch box size and other trees would be either 24-inch box or 15-gallon size.

In the past, the Planning Commission and/or City Council have attempted to discourage tree loss in developments by adding an extra requirement to contribute the value of the removed trees to the City's Urban Forestry Fund. The Urban Forestry Fund is used to plant new trees in the City as well as to promote conservation and public education about urban forest. Staff normally tries to mitigate tree removal by requiring additional trees be planted on the site beyond what is normally required in production home developments (i.e., street trees and other trees installed in the front yards). In some developments, tree mitigation is required at a 6:1 ratio for each tree removed with a certain percentage of those trees being box-sized.

The proposed landscape plan for both phases does not include any additional trees beyond what is typically required for a residential development. There is little room on each lot for additional tree planting. Staff has included a condition that requires the applicant to mitigate the removal of the heritage trees that are in fair and better than fair condition by making a payment to the Urban Forestry Fund. Also, should the applicant increase the size of some or all of the trees that are presently shown on the landscape plan, staff would support reducing the payment to the Urban Forestry Fund proportionately.

### **Noise Assessment**

The City's General Plan requires new projects to meet acceptable exterior and interior noise level standards. For single-family residential development, private yard areas excluding front yards cannot exceed 60 day/night average decibels (dB L<sub>dn</sub>) and indoor noise levels cannot exceed 45 dB L<sub>dn</sub>.

A noise assessment study was prepared by Illingworth & Rodkin, Inc. to analyze noise created primarily by activities from the fairgrounds. Ambient noise data in and around the project site were collected in November 2015. To ascertain noise generated by the fairgrounds during the Alameda County Fair, the consultant used data collected during the Alameda County Fair in 1998 for the adjoining Roselyn Estates development. As the activities during the fair have remained similar between 1998 and now (i.e., horse racing, bands and concerts, carnivals, fireworks, etc.), staff believes the previous data is still valid to use to assess existing noise conditions.

The noise study stated that the ambient noise from the activities at the fairgrounds during the fair would, during a worst-case situation, reach 57 dB L<sub>dn</sub>, meeting the General Plan exterior noise requirements. Staff has included a condition requiring disclosure to future homeowners of the activities at the fairgrounds.

### **Driving Range Golf Ball Trajectory Study**

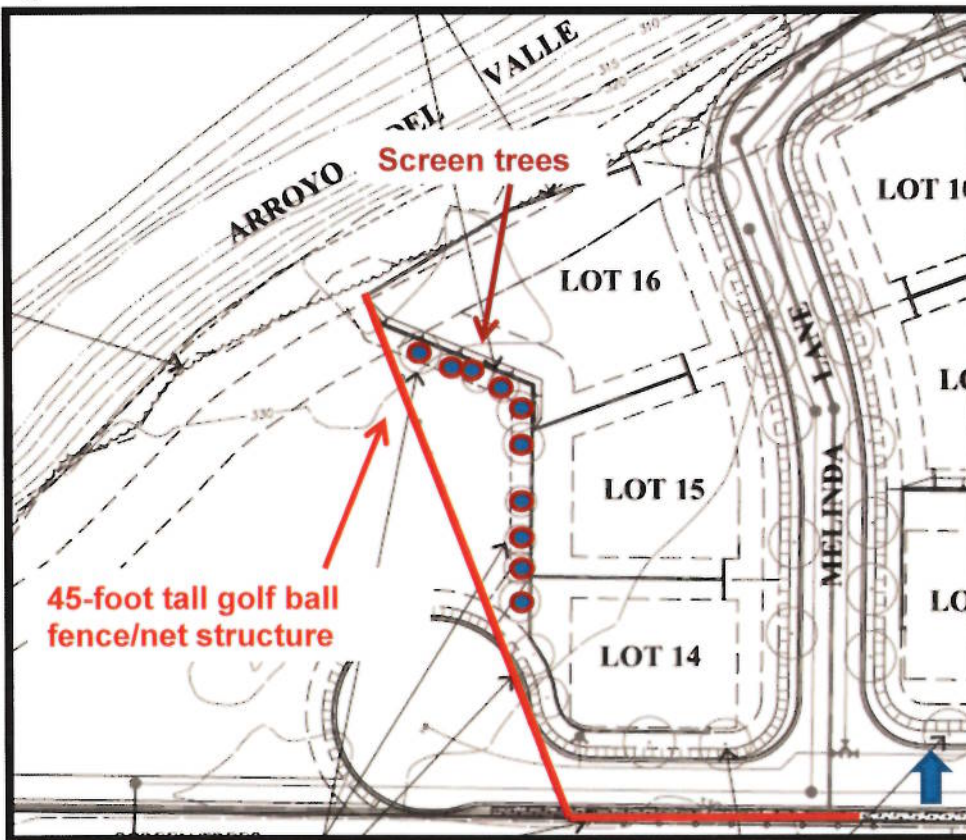
The project site is approximately 390 feet from the tees at the driving range and golf balls have been landing on the western portion of the project site. To protect the proposed residential development from being hit by golf balls from the driving range, a fence/net structure to block the balls would need to be erected. A golf ball trajectory study was prepared by Tanner Consulting Group (TCG), attached as Exhibit B. TCG completed a statistical study of golf ball trajectories at the current tee location as well as at the range landing area. The study includes four golf ball fence/net structure design options with golf ball fence/net heights at 135 feet (Options 1 and 2), 45 feet (Option 3), and 80 feet (Option 4) based on the net location.

Option 3 is proposed by the applicant (and is the option supported by staff) because it would be the least visually-obtrusive option. Option 3 entails delaying construction of Lots 17-19 and constructing a 45-foot tall golf ball fence/net structure behind Lots 14-16. The construction of Lots 17-19 would be delayed until the operation of the driving range at the fairgrounds ceases in approximately 18 years. To mitigate the visual impacts of the net, the applicant proposes to install screen trees near the rear property lines of Lots 14-16 (on future Lot 17) with a minimum size of 15 gallons. The golf ball fence/net structure will be constructed by the applicant and maintained by the applicant and its agent. The screen trees will be planted by the applicant and maintained by the HOA until Lots 17-19 are constructed. When the operation of the driving range ceases, the applicant or future developer will remove the fence/net structure. As the planted screen trees would be located on Lot 17, the owner(s) of Lot 17 could decide either to retain or remove the screen trees subject to the heritage tree requirement, if applicable. The development's HOA would no longer be responsible for the maintenance of these trees. Figure 4 shows the locations of the golf ball fence/net structure (Option 3) and screen trees.

Visual simulations from three viewpoints were prepared to assess the visibility of the netting. The visuals were prepared with the screen trees. The visuals show that the netting could be seen from areas on the north side of the arroyo, from Rose Avenue, and remotely from Valley Avenue. The appearance of the netting would be similar to that of the existing netting at the City's Callippe Preserve Golf Course. The visual simulations are attached in Exhibit B.



**Figure 4: Golf Ball Fence/Net Structure and Screen Tree Locations**



### **PUD DEVELOPMENT PLAN FINDINGS**

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal. The Planning Commission must make the following findings that the proposed PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

**1. Whether the proposed development plan is in the best interests of the public health, safety, and general welfare:**

The proposed project, as conditioned, meets all applicable City standards concerning public health, safety, and welfare. The subject development would include the installation of all required on-site and off-site utilities, with connections to municipal systems in order to serve the new lots. The project will not generate volumes of traffic that cannot be accommodated by existing City streets and

intersections in the area. The structures would be designed to meet the requirements of the California Building Code, California Fire Code, and other applicable City codes. The proposed development is compatible with the adjacent uses and would be generally consistent with the existing scale and character of the area. Adequate setbacks would be provided between the new dwellings and the existing structures on the adjacent properties. Therefore, the proposed PUD development plan is in the best interests of the public health, safety, and general welfare.

**2. Whether the proposed development plan is consistent with the Pleasanton General Plan and applicable specific plan:**

The proposed development includes the removal of the existing residence and accessory buildings and construction of a total of 19 new residential lots on an approximately 9.02-acre site. The proposed density of 2.7 dwelling units per acre conforms to the General Plan density range for the Medium Density Residential land use designation. The proposed project would further General Plan Programs and Policies encouraging new housing to be developed in infill areas that are adjacent to existing residential developments. Thus, the proposed development plan is consistent with the City's General Plan.

**3. Whether the proposed development plan is compatible with the previously developed properties in the vicinity and the natural, topographic features of the site:**

Surrounding properties include single-family homes, Alameda County Fairgrounds, and an arroyo. As conditioned, staff believes that the proposed residential lots and homes would be compatible with the surrounding uses, as the basic site layout and architecture would not be substantially different from that of surrounding neighborhoods. The subject property has relatively flat terrain except for the creek bank on the north side. Grading of the lots has been limited to the creation of pads for the future homes and to achieve the proper functioning of utilities and the creek bank on the north side of the project site. Therefore, the PUD development plan is compatible with previously developed properties and the natural, topographic features of the site.

**4. Whether grading in conjunction with the proposed development plan takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding, and to have as minimal an effect upon the environment as possible:**

As described above, the site would be graded to create the needed building pad areas. Erosion control and dust suppression measures will be documented in the improvement plans and will be administered by the City's Building and

Engineering Divisions. The site is not located within an Alquist-Priolo Earthquake Fault Zone. The flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate that the proposed residential development on the subject site is not located in a flood hazard zone.

**5. Whether streets, buildings, and other manmade structures have been designed and located in such manner to complement the natural terrain and landscape:**

The project site is in a developed area of the City. The proposed homes will be compatible in size and scale with the existing homes in the neighborhood. The arborist report prepared for the proposed development surveyed a total of 239 trees and recommends the removal of all except for 16 trees that are located on the creek bank. Staff has included a condition requiring the payment into the City's Urban Forestry Fund to mitigate the removal of the trees.

**6. Whether adequate public safety measures have been incorporated into the design of the proposed development plan:**

Two public streets would provide access to and from the site. The existing Lynn Drive and Rose Avenue would be extended to connect the proposed development with the existing residential neighborhoods. The new homes would be equipped with automatic residential fire sprinklers. The homes would be required to meet the requirements of applicable City codes, and State of California energy and accessibility requirements.

**7. Whether the proposed development plan conforms to the purposes of the PUD District:**

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to allow for creative design of projects that takes into account site constraints. The proposed project would help to implement the purposes of the PUD ordinance. Through the PUD process the proposed project has provided the applicant and the City with a development plan that optimizes the use of this site in a reasonably sensitive manner.

**PUBLIC COMMENT**

A sewer lift station was originally proposed as part of the project. Roselyn Homeowners Association (RHOA) questioned the ownership and location of the lift station, and raised concerns regarding the funding of the lift station. The RHOA also commented on the proposed outfall into the creek and creek bank maintenance, vehicles speeding on Rose Avenue, use of well water for irrigation, and house design. The proposal has

been revised a few times since the letter was received. The current proposal does not include the sewer lift station; the proposed development would establish its own HOA and maintain the arroyo within the project site. Staff believes that RHOA's comments have been addresses through project revisions and/or conditions of approval.

Public notices were sent to all property owners and tenants within a 1,000-foot radius of the project site, including the project site. Bertram Robarts, resident at 2157 Camino Brazos, contacted staff and indicated he opposes the proposed residential development as it would bring additional traffic to the area, impact existing schools, and may result in an increase in crime. Debra and John Griffith, residents at 2380 Via Espada emailed staff, opposing the proposed development. The Griffith stated that they bought their property for the privacy, quiet location and the beauty of the creek and walnut trees all along the back side. The proposed development would ruin their neighborhood and replace their views with more homes.

Staff has not received other comments or concerns from any of the adjacent owners or tenants.

## **ENVIRONMENTAL ASSESSMENT**

A Supplemental Environmental Impact Report (SEIR) was prepared for the Housing Element update in 2011. The project site was part of Housing Element update. The proposed development is substantially consistent with the 2011 Housing Element update, which was analyzed in the SEIR. No new information or changed circumstances have occurred that would require supplemental environmental review, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

Staff believes that the proposed project is in keeping with the existing residential developments on Rose Avenue. The homes are attractive and the architectural style, finish colors, and materials will complement the surrounding developments. Staff, therefore, believes that the proposed development merits a favorable recommendation from the Planning Commission.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission forward Case PUD-99 to the City Council with a recommendation of approval by taking the following actions:

1. Find that the anticipated environmental impacts of the proposed development are adequately evaluated in the Environmental Impact Report prepared for the 2011 Housing Element update and that none of the conditions in CEQA Guidelines

Section 15162 calling for preparation of subsequent environmental review have occurred;

2. Make the PUD findings for the proposed development plan as listed in the staff report;
3. Adopt a resolution recommending approval of the PUD development plan to construct 19 detached single-family homes and related site improvements on separate lots, subject to the conditions of approval listed in Exhibit A, and forward the application to the City Council for public hearing and review.

**Primary Author:**

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**Reviewed/Approved By:**

Steve Otto, Senior Planner

Adam Weinstein, Planning Manager

Gerry Beaudin, Community Development Director

**PUD-99, Ponderosa Homes**

**Application for Planned Unit Development (PUD) Development Plan to construct 19 single-family residences and related improvements on an approximately 9.02-acre site located at 1851 Rose Avenue. Zoning for the property is PUD-MDR (Planned Unit Development – Medium Density Residential) District.**

Jenny Soo presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner O'Connor: I have one question. On page 11 of 14, I wasn't sure of what you were pointing to for the golf netting fence, is it the red line or is it the dotted line that's a little bit left of that? They both look like they cross the street that's eventually going to be built at the end.

Soo: Are you talking about this one?

Commissioner O'Connor: Yes. So does the net actually cross the street?

Soo: Yes, it goes from here to here, but the street would end right there for Phase 1, beyond that is Phase 2.

Commissioner O'Connor: So does the net come down for Phase 2?

Soo: Yes, there is a condition stating that.

Chair Ritter: And at that point the trees replace the net?

Soo: The trees would be purely on Lot 17 and so it would be up to the Lot 17 homeowners to see what they would do. Staff also pointed out in the staff report that by the time Phase 2 is under construction those trees may be considered heritage trees. So if the property owners of Lot 17 wanted to remove those trees, they will have to come in per the tree ordinance and get a permit to do so.

Commissioner O'Connor: Okay, thank you.

Commissioner Allen: I have a couple of questions. In regard to the trees being used for screening the netting, how many gallons are those trees?

Soo: We have a typical condition for the minimum size of 15 gallons, but if the Commission requests they be a little bit larger we could modify the conditions to say the trees should be a 24-inch box size.

Commissioner Allen: I'm just thinking about screening. How high is the netting and how high will the trees be say in 5 years versus 10 years at the current configuration? I'm just trying to determine whether they are really going to screen at the current level or do we need to consider something larger.

Weinstein: The applicant can probably best speak to the height of trees when they mature.

Soo: A correction—the trees are 24-inch box size so they are larger than 15 gallon.

Commissioner Allen: Okay, thank you.

Commissioner Nagler: If I could continue on this theme for a moment. Given that this netting is being constructed, why put off the final three homes?

Beaudin: There's a lease issue and the applicant can better speak to the final three, but I think the idea is that there'd be continued use of the driving range for this period of time...do you want to add to that Larissa?

Seto: If the development was going to develop Phase 2 now, the netting would have to be a lot higher to protect those homes because those homes are closer to the driving range.

Commissioner Nagler: So it's an angle thing. I get it, okay.

Seto: There wasn't an interest right now in putting up a golf ball net that might be 80 feet or higher.

Commissioner Nagler: Presumably though there will be a different Planning Commission in place 18 years from now to decide what these three homes should look like, but that's fine.

Seto: They would be covered by this PUD design, that's part of the phasing where they wanted the guarantee for the design going forward.

Commissioner Nagler: Okay, just a couple of other quick questions—the allowance by the Alameda County Fairgrounds to bisect their property at the sewer line—that approval is secured? There's no doubt that the County fair board will agree to that?

Soo: The County board reviewed it and did give conceptual approval. I could have the applicant further elaborate on that, but they did review it. Also the board's meeting minutes are included as part of the packet.

Commissioner Nagler: I'm just wondering from a legal perspective how secure we are.

Seto: Well, the easement has not been granted yet so it isn't final, but we are relying on the representations that they've made to date which are positive for it to proceed.

Commissioner Nagler: So let me just ask, if this is approved and then the easement is not ultimately awarded for some reason, what happens then?

Seto: I would imagine they would need to redesign the utilities to make the sewer work or put in different structures or equipment if they ended up needing a different alignment.

Commissioner Nagler: As I understand it, there was an alternate design which was problematic to at least one of the homeowners and that's how they've come to this

design. Is it possible that we could ask that the matter come back to the Planning Commission if that easement is not awarded?

Weinstein: Yes, it would probably be considered, depending on the extent of the utility changes from this current plan to what ended up being proposed, in the form of a Planned Unit Development Modification. If it is a Major Modification we would take it back to you. If there are minor changes, such as a slight change in the alignment of the easement or something like that, it would probably be a PUD Minor Modification. But I think if we're bringing it back to the previously contemplated utility structure, it would likely be a Major Modification that we would take to the Commission.

Commissioner Nagler: Okay. And just out of curiosity mostly, the height of some of the homes obviously exceeds the standards, but you're suggesting that's fine. As I understand it in the development of this project and deliberations, what was originally proposed by Ponderosa was actually a much taller home, is that right? And that they've already modified it down?

Weinstein: I don't think the houses were originally proposed to be taller than this. An important consideration regarding the building height in this case is that we use a couple of different ways of measuring height in the City and we can talk for a half hour or so about the nuances of measuring height, but suffice it to say that in straight zoned districts we use a more permissive method of measuring height; that it actually allows for taller buildings. It does not take into account so much of the roof, whereas in this PUD we are employing a pretty restrictive approach to measuring height where we look at the lowest grade at the bottom of the building and then we measure height to the very peak of the roof. So the effective height here, although in feet it seems it is higher than what's allowed in our straight zone districts, is not resulting in taller buildings than would be allowed under the straight zoning district.

Commissioner Allen: I want to just clarify what we're really looking at on height. In the architectural designs for the project, the front elevations, the applicant actually shows it at 30 feet from grade to roofline using your methodology which would meet the standard within our downtown district. But, the table in the report shows 32 feet. So I'm trying to reconcile that. I think the applicant is really only planning to build a 30-foot tall home. Is that correct?

Weinstein: Yes, that's correct. There's a little bit of wiggle room in the PUD development standards to allow for any changes made to the design of the project from these initial plans to the ultimate building plans, so that's where I think you see the additional 2 feet pop up.

Commissioner Allen: These plans are for 30 feet is, so hopefully the applicant will support 30 feet because that's what it is.

Commissioner O'Connor: And the Rosalyn Estates height?

Commissioner Allen: Everything else is 30 feet.

O'Connor: Well, the Rosalyn Estates were 32 feet.



Chair Ritter: Okay, so the height is comparable.

Commissioner O'Connor: I agree with Nancy, but their depiction shows just under 30 feet at 29'10".

Ritter: All right, let's hear from the applicant.

#### **THE PUBLIC HEARING WAS OPENED.**

Pamela Hardy, Applicant (Ponderosa Homes): Good evening Chairman Ritter, Commissioners and staff. I'm Pam Hardy with Ponderosa Homes and I'm joined this evening by Jeff Schroeder, our Senior Vice President and Mark Falgout, RJA, our Senior Civil Engineer. I'd like to thank staff for an excellent staff report and presentation. I think she covered quite a bit of ground. I'd like to start if I might—I'll go a little out of order here and perhaps answer some of the questions Commissioners had before I give you my summary. These are in no particular order.

The 45-foot high net that we're proposing between Phase 1 and Phase 2, as Jenny pointed out, it is on Lot 17 which is part of our future Phase 2. It is substantially lower than the net that would have otherwise been required along Rose Avenue which would be in the neighborhood of about 135-feet tall. So there's been a long, long discussion with Jeff being the lead on that, with the operators of the driving range, the fairground board, and representatives from Supervisor Nate Miley's office coming together with an agreement that would also allow the infrastructure to run across a portion of the golf range and continue out to Valley Avenue which I might add is a substantial benefit for the City. By doing so, we are eliminating a planned lift station on Rose Avenue which would be adjacent to houses on Cindy Way. So we see that as being a great benefit to those existing neighbors as well as the City because it's a lesser cost. Also, they wouldn't have the maintenance responsibility they would have if the lift station were to be built.

The screen trees are in the 40- to- 50-foot height range. We specifically worked with our landscape architect to pick fast-growing trees because believe me when I say this, Ponderosa has a very big interest in making sure that net screening is screened by trees because we're going to be selling homes next to them. We'll continue to refine that palette as we go along and make adjustments, but those trees would be planted immediately on the installation of that screen structure so we'll get a little growth by the time we build out the first phase of 16 lots. And clearly those trees will be in place should those additional three lots in Phase 2 be built. Again, should the golf range concession go away the property owners, the Altieri's, will retain ownership of that land and ultimately make the decision to construct Phase 2.

As far as the easement with the fairgrounds, we do have an agreement signed by the fair board and its procedure to ultimately go to the Board of Supervisors, but of course, the County staff is going through their plan check process with their own engineering staff. But, essentially the Board of Supervisors—it's perfunctory in nature that they would sign the easement following the fairground board.

With respect to the heights of the building, staff is correct as is Commissioner Allen that the development standards table does show 32 feet. Our homes are designed at 30 feet. We can modify that development standards table if you see the need for that. Again, as Adam indicated, we like a little bit of wiggle room, because when we go from the preliminary design, and Commissioner O'Connor understands this, when we go into construction drawings, sometimes things happen where maybe the design of the roof changes or there are other factors that come into play. I'm not talking in feet, I'm talking in inches really, but if it's important to the Commission, we can modify that standards table and conditions of approval accordingly.

As far as the height of the buildings, the clarification of that, perhaps one of the Cindy Way residents who are here tonight might have a better recall of that than I do because they clearly have a big interest in that. I don't recall the houses being any higher, but what I do recall is working very closely with the neighbors. They actually changed the roof designs for the houses and we completely re-oriented a couple of the ridgelines to improve views towards the ridge—not saying we're going to be completely opening up those views or not blocking those views but we feel that in doing that design, we substantially widen the corridor of view opportunities for those neighbors. So that's the change in the design as I recall.

I'd like to just point out a couple of quick benefits for the project. I already mentioned the elimination of the lift station and the extension of the water and the sewer to Valley Avenue which has been long desired by the City of Pleasanton; the screening of the Altieri property, the property owners have been there for some time and allowing the protection that they need from potential impacts from the golf balls continuing to land on their property which they currently do. So we see that as being a big benefit for that land owner. There are no CEQA impacts. In fact, we got a letter from the Army Corps of Engineers indicating there is a preliminary jurisdictional determination of low impact and the remaining environmental clearance is very minor with respect to Fish and Wildlife, so we're not impacting the Arroyo. The tree elimination issue will be minimal but we are doing everything we can to protect the Arroyo dripline. In fact, as we get deeper into some of those detailed drawings, I might have an opportunity to save some more trees and that's always our goal because we like trees and it's a good selling point for our buyers as well.

FAR, we've already talked about that and that is the precise response I would have given that staff had presented to you. Last but not least is I think that by pre-plotting the houses as we indicated, it gives clear commitment to the abutting property owners on Cindy Way, who are the major stakeholders in this, so they know precisely what to expect when we construct. So with that, unless the Commission has questions, that concludes my presentation.

Chair Ritter: Any questions for the applicant?

Commissioner Allen: Just one question—on the screen trees Ms. Hardy, do you know what the growth plan is? You said 40 to 50 feet was the objective. So in 5 years, do you know the height of the trees versus 10 years roughly?

Hardy: I don't know off-hand what the growth rate is and of course, as you know, it depends upon a lot of things. They are fast-growing trees. I just couldn't tell you what the growth of rate is, but even if we did, it could vary, again, depending on the site conditions. But we are again striving to get trees there. They'll be fast-growing that fit within the Arroyo and they're going to give not only our future home buyers but surrounding property owners some level of screening of that net.

Commissioner Allen: That's great. The reason I ask is that in a previous meeting we actually had a discussion about the growth rate of trees because we wanted them to be a certain height and we ended up increasing the gallon size of the trees so they would provide screening sooner. We don't need to do it now, but that was just an area of interest as we get later in the meeting, we'd just be understanding that so that in case it makes sense to make the decision to go with the larger sized tree to create screening sooner. But it may not be needed either.

Hardy: We can continue to refine that and work with staff as well as with our own arborist. But again, some species actually don't benefit by going in at a bigger size.

Commissioner Allen: Exactly, so that's why we don't know. We'll leave it to the experts to help with. Thank you.

Chair Ritter: Okay, questions?

Commissioner Nagler: I just have a question. We'll get into this I know a little bit later in the discussion but let me just say to put my question in context, I know that you all have done over a long period of time a lot of work with the neighbors abutting this project and you've been quite responsive to the neighbors which has required a lot of time and commitment on Ponderosa's part to come up with a good project and that's good. My question though is in the recent past, Ponderosa has come to this Commission and City with two substantial projects relative to what we typically get, and I know that Ponderosa will have a couple more projects coming to us. This one is relatively straight forward because it's a PUD development plan. As I understand it, other projects that are in the pipeline for Ponderosa require either zoning changes and/or General Plan Amendments.

My question really is this. Is it your intention as you bring forward projects so that your interaction with the Planning Commission will be complete with workshops and more dialogue? As much work as you've been doing in the neighborhood, my experience so far has been that you had the near opposite of those interactions with the Planning Commission with your projects. So I'm just wondering, as your projects go forward, is your intention to participate in the workshops that I know staff will be asking of you?

Hardy: Well, yes. You know, having been here for gosh, 25 years and coming before this Commission and many other Councils, we like the workshop session. The process has really been, up until very recently, to work directly with the residents and to hold our informational outreach and neighborhood meetings. It has always been celebrated. It's not meant to bypass the Planning Commission. We value your input and support. We know you have technical expertise in many areas so I think what we need to do is rely also on our discussions with staff early on. When we have a site we think is unusual or

large enough where it could be kind of like a blank piece of paper if you will, yes, that to me is a good candidate to come to the Planning Commission in a workshop format. It saves us the cost of putting together a lot of detailed plans. We have no interest in spending a lot of money or time in developing a plan that's not going to be acceptable to the Commission. But again, working with staff, we kind of have to gauge that on a case-by-case basis.

Beaudin: Commissioner Nagler and members of the Planning Commission, we have taken formal steps internally to make sure that projects that are looking at General Plan Amendments or significant departures from a zoning perspective are required to have a workshop going forward. In this particular case, because the project was largely consistent with the established single family neighborhood at the end of Rose Avenue next to a driving range, we felt like this was the completion of what had been started a number of years ago, and I know you were asking about the future. In terms of the future, there is a requirement of any development that's proposing a major change from an established policy or existing regulations to come forward with a workshop.

Commissioner Nagler: I appreciate that. That's a double sided equation though, right? The City will, as I understand the change in policy which is terrific, you will require workshops in certain circumstances, but of course the applicant can choose how well to participate, right? So I am just really asking that on Ponderosa's side of the equation and what's their view.

Beaudin: It's not an option anymore. It's a City policy and so legislative changes do provide us with some additional discretion that's not possible with projects that are by right, so we're not concerned about permit streamlining and those kinds of things. We want people to move through the process as efficiently as possible and to help them do that it's really important to get the feedback and input early from the Planning Commission.

Chair Ritter: Thank you. I want to add to that. I know Ponderosa's done a major outreach and has been working on this project for quite a while and we have encouraged our developers to do that outreach and the more you do of that the less issues we have here so we like that. I just wanted to thank you for that. Staff's done a great job working with them too. So thank you.

We have one speaker card. Is there anybody else that has a speaker card on this item or even the next item? Michael Derbish?

Michael Derbish: I live on Cindy Way basically right in the center of Cindy Way on the west side. Ponderosa's development is literally in my backyard. I'm here to support the project. Ponderosa's been really great. They've been working with us, the five neighbors here, and we had a lot of concerns going into this. They've made a lot of concessions for us. They got rid of the lift station which as you said was a problem to our Lot 1 right on the end there, and our other concerns were the setback of the new homes and they've pushed those back 32 feet as well as eliminating the possibility of second story bonus rooms on the 5 houses that will be right directly behind us, limited windows on the second stories at the homes, and designated actual placement of the homes--- which homes were on the actual lots and to prevent them from being mirrored or maybe

not being as nice as some of our homeowners on this side. So they came out to meet with us three or four times and showed us their plans and have been working with us very closely so that we're happy. It is great to be dealing with Ponderosa because they've been very great to us in helping us with our concerns and adjusting their plans accordingly. Not everything, but we got to a good agreement. So, I'm just here to support them. We met just this past Sunday and went over the plans and they agreed to put the concessions in the conditions of approval with the setbacks and the layout of the homes as well, so that's great. Aside from that, I'm also the HOA President of Rosalyn Estates so I just wanted to say that our CC&Rs allow for this HOA to join our HOA and I think everyone is very aware that having a large creek bank liability on a few homes is a huge liability for the new homes. This is going to be 16 homes with pretty much double the Arroyo creek bank that the HOA is going to be responsible for. Aside from that liability, you know, there are also economies of scale. Initially we had some concerns about having an HOA join us that had the responsibilities of maintaining a large golf net but that's no longer the case, as well as the sewer lift station which would be another burden on the HOA. But those things are gone so I think it would be beneficial for staff to consider the possibility, if it can be worked out, for having a larger HOA specifically to deal with the creek bank liability. A major creek bank catastrophe in a huge rainstorm could be up to several hundred thousand dollars in repair costs and to have 16 homes shoulder that burden is not really realistic. You know, the HOA fee would be very high to build up a level of reserve and if the HOA can't foot the bill, it's going to come back to the City.

Chair Ritter: Thanks for your feedback and thanks for working on that. I have a speaker card here, David Pitcher?

David Pitcher: Good evening, my name is David Pitcher. I live on Camino Brazos. I reviewed the staff report today for the first time and have a couple of questions or comments, one of which I put in an email form and I'm not sure if you received that, but I'll read that quickly. "My wife and I reside on Camino Brazos. Our property backs up to the Arroyo Del Val. Our master bedroom, family room and an upstairs bedroom face the side of the new homes being proposed. I'm concerned about automobile traffic at night on Leah Lane and Melinda Way shining car lights into our home and our neighbors. I'm also concerned about the placement of street lighting. With the suggested removal of 93% of existing trees and the impact they will have on our views, would you please address suggestions you would make to mitigate the impact of the foregoing in order to keep as much as possible the rural environment and view we have so enjoyed for over 38 years." In addition to that I would have a question concerning—and I think it may have been answered by the previous speaker—that is, the letter that was written by Rosalyn Estates addressing the setback of the homes from the creek. Those are specifically item number 7, 1, 2, 3 and 4 of their letter of November 2014. In your staff report that was not addressed that I could see. Thank you.

Chair Ritter: All right, no more speaker cards. Let's bring it back to questions. I guess I'll just ask for the last speaker came up and talked about the headlights and the turns, when they develop that corner there, are there trees that might shield some of that? I could see a concern there.

Weinstein: Yes, trees are being proposed around that corner, new trees, and the important thing to keep in mind as well is that the existing riparian vegetation around the Arroyo will also be retained so there is a decent vegetative buffer between Mr. Pitcher's residence and the streets that are within the project site. In regard to street lights, there's a condition of approval that relates to the streetlights that are proposed as part of the project that requires 2 things. One is that streetlights match what's in the adjacent residential development which is sort of low glare, downward directed lights, and then the overall lighting plan has to be submitted to the Community Development Department and the Engineering Department as well for our review where we'll make sure the lights are consistent with what's to the east and that they're also downward facing and reduce spillover glare on the outskirts of the site.

Commissioner Nagler: And then on his final point about whether there are home sites backing up into the Arroyo, that's been changed, right?

Weinstein: Right, there's the entire creek, the riparian area, the banks of the creek are protected. They are not to be developed and excluded from the home sites themselves.

Chair Ritter: One other question, on the liability discussion along the Arroyo with HOAs, how does that work? It sounds like an interesting concept of using the economies of scale. It's a legal question?

Seto: The developments that were developed by the Arroyo, as part of their common areas have that area adjacent to the Arroyo, so depending on what improvements were originally built with them, they've accepted those improvements and then the homeowner's association owns that common area and maintains it. So, typically new developments are not forced to join existing homeowner associations. Usually if we have, for example, a large scale project, it might have several phases. That developer might decide that they start a homeowners association with the first phase and as their project has second phases or third phases, then those phases would join an existing homeowners association. So the existing HOA for Rosalyn Estates can certainly have discussions with Ponderosa Homes, but we would not require the two different groups for two different projects to merge.

Chair Ritter: Okay.

Weinstein: Chair Ritter, I can speak a little about tree growth rate if that's still of interest.

Chair Ritter: Sure.

Weinstein: I took a quick look at our handy Western Garden manual which we keep in our offices just to get a sense of the growth rate of trees that are being proposed as screening trees. And just for illustrative purposes, there are a couple of species that are proposed as screen trees; there's White Alder, there's European Hornbeam, Cypress and Saratoga Laurel. They're all characterized as fast-growing trees in the Western Garden manual and just as an example, the Cypress tree, *Cupressus Leylandii*, the manual says it grows from cuttings to about 15-20 feet within 5 years. So if you think about a 24-inch box tree at several feet growing at a rate that's a little bit slower than

that, you'll probably get to 25, 30, 35 feet within several years, so that's sort of the growth rate we can anticipate for these trees that are proposed for screening.

Commissioner O'Connor: So we did receive one letter that discussed existing traffic problems on streets in the area. So this is really not a Ponderosa issue, but is there anything the City is looking into for improving this? Are there any improvements to the intersection, lighting, street lights, stop signs, whatever, that are going to improve these conditions?

Beaudin: What I would encourage is for those folks to either call me directly or Mike Tassano and we can talk about our neighborhood traffic calming programs and identify the issues more specifically. We hear all the time about increased traffic volumes in the City, speed issues, etc. and we have ways to help address that in the short term with the police department and then longer term working with the neighborhood and possibly implementing some physical solutions. I just haven't had those conversations.

Commissioner O'Connor: They bring up the backup at some of the intersections like there's a 3-way intersection where Division crosses the street that goes out to the high school...on the other side of the bridge...Del Valle? So it backs up far enough that people can't actually come off of Fair and make a left turn. And I've been there before and have seen it. I don't know how prevalent that is, what times of day, but I don't know if there are ways of solving those types of issues outside of speeding issues and I'm not just talking about backup issues.

Beaudin: What I'll do is make some notes now and have a conversation with our Traffic Engineer.

Commissioner O'Connor: Do you have a letter from Tim Lester?

Beaudin: I do.

Chair Ritter: I just have one other speaker card, Bertram Robarts?

Bertram Robarts: Thank you very much for taking the time to hear me and I've lived in Pleasanton since 1971 and I've witnessed considerable growth throughout the City and I've often had nothing but enormous praise for the City Planning Commission and its outstanding job it's done over the years. The thing is my concern is that Pleasanton is rapidly losing its pastoral character which gives it a unique quality whereby it rates the 4<sup>th</sup> most desirable town to live in in the United States. I speak for many of my neighbors and friends who want to keep it that way. In 1998, the people of Pleasanton voted for a housing freeze or a building freeze. Jerry Brown was then Attorney General, at that time because we were in violation of urban housing growth and we need affordable housing—no question about it. However, my concern is that the viable impact—I'm sure you all considered that regarding Arroyo Del Valle, a beautiful stretch—in fact I live across the street from it—it's just a pastoral, beautiful area. In fact, traffic congestion, overcrowded schools in the future, and also possibly crime, drought conditions; we're coming off of 4 years of very unprecedented drought. Since 1850, we've never had a drought such as this. We are being asked to conserve water, required to. We're not out of the drought yet. We're about 80% capacity in Shasta Reservoir and we're still in the

drought, and I noticed that it says here "approval does not guarantee available of sufficient water capacity to serve the project." I think that's a major factor to consider. In fact, I should say also, I don't recognize many parts of Pleasanton along here. There is construction going in, condos on Bernal, apartments there, and a section on Willow Road right across from 24 Hour Fitness. It's a parking nightmare to get into 24 Hour Fitness, and imagine what it'll be like when the construction is completed. I'm just saying a few things of general concern. I'm sure the Planning Commission has considered those. I just wanted to vent some of my concerns, and I know you've probably heard this before but I'm just looking at perspective having been a resident since 1971, and I brag about this City, and I consider myself very fortunate living here. Your Planning Commission is outstanding, the City Council, everything, but I wanted to just pose these concerns to you for your consideration. Thank you very much for hearing me.

Chair Ritter: Thank you. We value your input. I know the Planning Commission and staff wrestles with these issues all the time and that's why it's sometimes painful for us to go through this process. It wasn't brought up yet, but I believe we read in here that drought tolerance is very important to the Ponderosa in their development. Do we have any other comments on that staff?

Weinstein: Yes, like all projects, this development project was reviewed by our Landscape Architect who scrutinizes landscape plans for water use. If you look at the plant list on the landscape sheets, you'll see that the vast majority of plant species that are proposed are low and very low water use plants. There is a sprinkling of moderate water use plants, but overall, there is a huge reduction in water use from standard landscape. The only other element I want to point out about the landscape plans is that there is very, very little turf proposed as part of this project. Turf as you know is a huge source of water demand in residential environments like ours and the fact that these residents will have a very small amount of turf speaks to the fact that they are going to be pretty effective at conserving water.

The project will also be required to adhere to the latest building code requirements for water efficient fixtures which will limit water use as well in terms of project operations or the internal water use of this project.

Chair Ritter: Okay, any other questions for staff?

Commissioner Allen: I have a question for the applicant if I may. It has to do with the FAR and I wanted to share my point of view and then I'll ask the question. So my point of view is related to, and I just pulled from our website, the definition of what is considered in a PUD. There are seven items on what's considered in a PUD. Number 2 is, is it consistent essentially with our General Plan and zoning. And the next one is, is it compatible with properties in the vicinity. Now, we all know in PUDs that under unique circumstances we can make variances; changes to a PUD for specific reasons. As I look at this project, there are 2 items though, and I'm looking at Table 1 on page 6 of 14, where the project is out of sync you might say with what the standard is. I'm specifically talking about height where, in fact, the project is really 30 feet and the applicant said they'd be willing to change some of the tables to be 30 feet, so that solves my table issue on height. But on FAR the maximum should be 40% and I'm looking again at what



the standard is for this kind of area, 40%, whereas this project is 45%. And all the neighboring projects have met 40%. And, this may sound nitpicky because I can understand the rationale about it's the end of the lane and we can see the reason for going a little larger. But what I worry about, in principle when we have projects where we allow fudging on zoning that isn't otherwise required or necessary is a project like this, like any project, is used often times as the precedent. As a matter of fact, the next project we'll see in a workshop has precedent, but is used as a precedent or example for the next project that comes forward. So I in principle get concerned where we have a blank slate like this which is a fairly large, open piece of property and we don't try to design it to just what the standards are. Unless there's some unique circumstance and I'm not seeing that testament here.

So, we discussed height earlier, but after that preface, my question for Ms. Hardy specific to FAR, is there any way you would be able to help us meet the standard of 40% without having a major impact on your development. I think it's a nice development and it deserves to be there personally, but is there a way you can work with us on that so we don't have that being used as a precedent of 45% or have other homeowners come and say you forced us to 40%, why is this project at 45%?

Hardy: Thank you Commissioner Allen. The Commissioner and I have had conversations about FAR on other projects as well so I'm familiar with Nancy's comment, and I'm going to answer your question but I also again want to reiterate that you know because it is a PUD, I don't see the .45 as necessarily being a deviation or modification or fudging or anything like that because I think these are appropriate given proportion and scale to the size of the lots on the site. Now, having said that, our development standards table with the exception of lots 1-5 which we pre-plotted and committed to the Cindy Way neighborhood, shows a combination of the various plans and on Plan 2 with and without the bonus room, and what those resulting FARs would be. That gives us the ultimate flexibility when we go to plot and we consider lots of things about variation, streetscape, buyer preferences and things like that, and just getting a good overall mix of the plans.

I'm doing some quick numbers here while listening to and anticipating your question, we could plot the houses in the first phase, the total of the 16 lots, again, setting aside the Lots 1-5 that are committed for, and using all of the plotting to achieve an overall .40 FAR. We could do that. But then again, I would also add too that again, this is a little unique and I think staff said it as well, is even on the zoning ordinance, it defines FAR as being the relationship of habitable floor area to your gross parcel area. In this case, there was a guideline established I think by a previous Commission to include a portion of the garage that is over 600 square feet in area. We're taking non-habitable floor area and applying that, just like you would with habitable area, to result in the FAR. So, maybe it's not unique in some of the projects that have preceded this one in the last couple of years, but just be mindful of that as well. Again, we have looked at some plotting. We think we put in a good mix that would work with us and still not achieve an overall FAR to exceed .40.

Commissioner Allen: Thank you.

Commissioner Nagler: Could I just ask, what would you change in order to have it calculate?

Hardy: Just to get down to planning, we went through each one of these lots and said, well, does a Plan 1 work here? Does Plan 2 or 2X work here? And does it meet what we need in terms of our overall mix based on our budget? Does it fit with a good variety of streetscape, you know, is it a good match of house size to the lot. We've done all of that and we think we have a workable mix here. It's not ideal, but it's doable.

Commissioner O'Connor: Yeah, we don't want the same model repeated 3 or 4 times on the street.

Hardy: Nor do we.

Commissioner Allen: So I really appreciate you all taking a look at that. Thank you.

### **THE PUBLIC HEARING WAS CLOSED.**

Chair Ritter: All right, just one last question. I know the concept of more building and Pleasanton's growth. I know the Mayor has said the RHNA number is our new cap rate, so I just wanted to make the point that we, the staff, the Planning Commission and the Council don't decide what gets built, we just decide how it gets zoned and it's up to the developer to figure out if they can or can't do it. But I appreciate your comment about too much building in the City because we want to keep it in the top 10 like everybody else. It sounds like we have agreement. Does anyone want to make a motion?

Commissioner Allen: I would like to make a motion. I would like to make a motion for approval of this PUD with two modifications in conditions of approval. One is regarding height and that is we change the condition of approval relative to height which includes the table on page 6 and relevant tables such that this would be 30 feet instead of 32 feet. And number two, we change the FAR for this per Ms. Hardy's comments to 40% for this project versus 45%, except for Lots 1-5.

Hardy: An average FAR of 40%.

Commissioner Allen: Yes, an average FAR of 40%.

Derbish: Why are lots 1-5 excluded?

Hardy: Because we're pre-plotting. The houses we showed you on Lots 1-5, those remain as is.

Beaudin: Can you all help me with what your intention is with average FAR? FAR is not blended across parcels typically. It is per parcel, so the idea of potentially limiting one neighbor by what another neighbor does, if there's an average of 40% across 5 parcels and some people are at 32% and some people are at 48%, that starts to become problematic for us.

Chair Ritter: I think what Commissioner Allen wants is for this to say 40%.

Beaudin: 40%, not 45%.

Commissioner Allen: That's exactly right.

Beaudin: Does that work for Ponderosa?

Jeff Schroeder: I'm sorry?

Beaudin: Changing the number in the table?

Chair Ritter: The proposed development having a maximum FAR of 40%?

Schroeder: We can't live with a maximum FAR of 40%. We have to get the 45%, but we can live with an average of 40%. If you want to limit the houses so they can't go build additional square footage on them, then we're fine with that.

Beaudin: I mean, here's the deal. It's interesting because playing with the numbers in the table doesn't necessarily achieve what Commissioner Allen may be trying to achieve. So FAR is typically used as a bulk and mass control, so allowing it to average over a number of parcels would make sense if you were to say, we're okay with bigger houses back there, but we want the smaller ones up front. If you had a concept like that in mind, then we would probably try and break it up a little bit and go in with parcels. We would go individually and say, these ones can be a maximum of this percent FAR or this FAR and the ones in the back could be a little bit more. Creating an average over an entire area would suggest that one house could be large, one could be small, one could be large again, and that would still meet the intent of what you're trying to do, and I don't know that that's what you're trying to do.

Commissioner O'Connor: How many of the existing lots are over the percent FAR? Do we know? Are we talking 1, 2, 3?

Beaudin: Do you know Pam off the top of your head?

Hardy: If they're over .40?

Beaudin: Yes.

Hardy: Counting there are....8 lots.

Commissioner O'Connor: Do you know what the FARs are on those 8 lots? I mean are they 41% or all 45%?

Hardy: If the Plan 2 with the bonus room is constructed you have a total of 3 houses that would have a .45 FAR. So that's the biggest house; Plan 2 with the bonus room, 3 of which would be .45.

Chair Ritter: 3 of 16 would be at .45?

Hardy: Yes, that's correct.

Commissioner Allen: And how many are between 40% and 44%?

Hardy: I count 11.

Commissioner Allen: That's almost a majority. 11 + 3 are over 40% Pam?

Hardy: 11 total, but you know, they're all over the map. You know, there's 42, 43, 2 at 44, and 3 at 45.

Commissioner Nagler: What Ponderosa's going to do is plot out the homes and build them and then sell them. So someone is not going to come in and say I want or don't want a bonus room?

Schroeder: We plot the houses before pulling building permits and then we offer it as an option.

Commissioner O'Connor: So you pre-determine who's going to have a bonus room and who is not.

Schroeder: Pam and I work closely together on these projects and as she mentioned, we spent a lot of time with the neighbors when we committed to not building bonus rooms on those 5 lots so they were lower FARs on those lots I think. The real driving issue on this site was that when the property goes out to market, you try and get as much money as you can for it. So technically if you come in here and you have an amenity, you know there aren't 50 lots here, but it doesn't really lay out that well on a smaller lot project. It doesn't make a lot of sense to have a big battle and put in a lot of houses here that most people didn't want. We realize it made more sense to kind of do fewer lots and frankly, almost as few lots as possible on this site and still try to make it work and not have a property owner sell to some public builder who would try and build a 30 lot tract or 35 lot tract or whatever. What kind of drove that was being able to get enough house on the lots to make it all work financially. It has to kind of make it work and we invest millions and millions of dollars to try and make these things work. I know you guys don't care about that but that's just how all this works, and so in doing so, we try to be really thoughtful about the houses and how we design them to try and mitigate some of those concerns. So the Plan 1 is a little bit wider but it's a mastered down plan. It only has 3 bedrooms and a loft upstairs so it's got a lot of single story roof. The Plan 2 is a little bit more vertical on part of it, but really the whole half of that house is only a single story. It's a garage except on some of the lots we can put a bonus room. So we know we ended up a little bit over on some of the lots with the FAR, but in plotting it the way after we saw your concern, we looked at it and plotted it in a way that made sense because we don't like to plot the same houses next to each other or across the street if we can. We try to make it varied, and we were able to get to a 40% average FAR because some of them are down to 25% or 28% or something like that because there's a couple of larger lots there. So that's sort of what we tried to think of when this came up, but I believe, I know it says Nolan Farms is 40% but I go back to when this issue came up before and I've checked all those lots there and I believe there are houses in Nolan Farms that are over 40% FAR. There are some pretty big houses on 10,000-square-foot lots out there. 4,200, 4,300 square feet, so I'm not sure exactly and I don't have the history on that, but...there's a few lots in Nolan Farms over 40%. There's

45%, 45%, 47%, you know, there's a few, so it didn't seem like that was looked at before. Anyways, that's sort of how we got here. So with your forbearance, if you could live with an average of 40%, we think we can make it work and I think people would like what they see.

Commissioner Nagler: Could I just ask a question about that? On this replotting average 40% FAR, what's the maximum FAR?

Schroeder: We still have a couple of 45%'s, but nothing goes over 45% in the whole thing. Isn't that right? They're all in that table.

Hardy: 3 are at .45.

Chair Ritter: So the FAR went up in support of trying to help the neighbors.

Schroeder: It just ended up that way because we were trying to have really nice houses that fit in and you know, I think it's going to be a real benefit to the neighborhood and it's the minimum lots we could get on there and make the thing work. The driving range thing has driven a lot of it. The driving range issue was the biggest issue here and it's taken us quite a while to work closely with the fairgrounds and with the neighbors. They've been really helpful and Greg's here tonight I think still, to get to this point, and so we think we've satisfied the neighbor's concern with plotting and whatnot that we've done and so if you guys are comfortable with the average, we can get there.

Beaudin: Jeff, here's the logistic issue, I mean, 10 years from now, we're all gone and somebody says I want to do an addition on my home and you say you're fine limiting it but it's one of those anomalies that will only exist in your PUD.

Schroeder: Well, that's done in other neighborhoods like our smaller lot project. I think we have that restriction at Stanley.

Beaudin: No additions?

Schroeder: Yes, there's no setback room in some of those lots.

Beaudin: But there will be in these ones and that's going to be the issue. People are going to buy that and it's just not going to be obvious to people on the front end.

Schroeder: It will be in the CC&Rs.

Beaudin: Can I propose another way to get to where we're trying to get? If we had a maximum FAR—there's a table. I don't know if everyone's looking at the table or not, but it's sheet 2 of 4 and it's the RJA documents towards the end of your plan. It's 2 of 4 in the staff drawings.

Commissioner Allen: Can you show us what you're looking at?

Seto: It's in this one. If you turn to the second page, it's right at Table 1.

Beaudin: So there's a table and it's not the easiest table to read, but there's Plan 2 FARs and Plan 2 FARs with bonus as some of the column titles. They show the FARs and there's certain lot, the lots are identified. What I'd like to do if there's a willingness to pursue the average, then what I would say is, let's allow for the up to 45% or up to 42% or however we want to limit them and go lot by lot and just set the number based on the plans that you're looking at tonight so that it's clear that those are the ones that can go up to 45%, I think would be the safest way to do that. So 11 of the lots would go up to 45% and everything else would be able to go up to 40%, and that'll give folks some flexibility over time to adjust their properties and it achieves the same thing. You're getting the same development plan. The average is whatever the average will be, but we have two maximum FARs so that folks who come in know that if they're a specific lot, they get up to 45% and other folks get up to 40%. Does that work for you Jeff?

Schroeder: You said the lots that are plotted that way...you're just talking about specific lots that couldn't go over 40%?

Beaudin: That's right, I think we set two maximums-we set a maximum of 40% and a maximum of 45% and frankly, any change that results in a couple of hundred square feet isn't going to be something that will make or break the character of the neighborhood over time. So if somebody had 43% today and wanted to go to 45%, they'd go through the same design review process as anyone else in the community when they want to do an addition. The planner at the counter doesn't have to calculate the average for the neighborhood or try and figure out if someone slipped an addition in or have to say 'no' every time because someone wants to change their property. It just sets a maximum FAR which is a consistent approach to this kind of thing.

Chair Ritter: How many did you say, five?

Schroeder: It might be helpful that instead of trying to figure that out right now is you condition that and we'll work with you on which house.

Chair Ritter: I would agree. I don't think we want to pick the lots. I'd rather the developer pick them.

Commissioner O'Connor: So what you're really saying is some of these larger FARs, they're not going to be able to add onto their house.

Beaudin: Exactly. There are some that are shown with a bonus room at the maximum and they'll have what they have because they're at the maximum at 45%. Most of the lots that were shown here, there would be 11 of them that go over the 40% so I would say set a maximum of 45%, and there would be the rest that would be 40% or less per maximum FAR. And we don't have to say 11 lots. You know, it could just be the lots that are over and we work with the applicant to figure that out.

Commissioner Allen: So where I come out is that it doesn't exactly accomplish my purpose of being able to put it on a table. I mean it doesn't because more than half are that way. However, with that said, I think I can buy into the project. I'm okay with someone else making a motion on this one because my principle is, when we can, to try to design a project, unless there's extenuating circumstances of which I don't see this

being one, to meet the General Plan standards per what is said in our Code about what should be considered in a PUD which is to be consistent with neighboring properties and with the City's General Plan. So I understand and can buy into this being the end of the lane. It's the end of the lane. It's the last project in the area and therefore it's not a standard and I hope never to see it as a standard for going above the FAR.

Commissioner O'Connor: It's also another argument for why we should maybe on some of these, if we can, make comments early enough, unfortunately after all the time that's been put into this project, these things have already been designed. It would be really burdensome to go back to a developer and say, go redesign 11 of your homes so that they meet 40%. I mean, that wasn't contemplated from the beginning. But unless staff is going to take a real hard look on these and limit everyone to what's normal and not give them any variance, it's really late for us to come back and want to change things.

Beaudin: I guess I'm not as concerned about the timing and the process. The percentage changes that we're talking about are not that great. They certainly affect the overall floor plan and Ponderosa would have to have a look at Plan 1 and Plan 2 and maybe break out a different plan model, but if you set the maximum, then that's what the zoning is. Compatible and consistent are pretty subjective words and what the developer has suggested this evening is that some of the neighboring properties are exceeding that 40% as well. I don't have those numbers to verify the statement, but visually, the difference between a 40% FAR and a 45% FAR, if you were just walking down the sidewalk, you're likely not to notice the difference unless somebody put a real funky addition on the front. As long as the architecture is good the massing and bulk control that FAR provides, if you've got a good architect involved, you're just not going to see that level of difference. So if there are concerns about the architecture tonight or there's an interest in having a hard cap on the size of the units, it's not too late to do that; to make those kinds of changes. So I guess that's what I would suggest at this point in the game.

Commissioner Allen: Could I ask you all a question then because I had a discussion earlier with Mr. Weinstein about this and I didn't bring it up today because I was more concerned about a standard. But I did feel like the bonus room designs—I mean my comments to Mr. Weinstein were that it felt too massive to me. And I appreciate your comments because you know, you hate to change something this late in the process. I mean, I really do because I think everything else is really well done. But, I do feel it's a little massive and now that we get into this FAR discussion, it makes me think you know, if we brought the FAR to what the standard is, it might force one to look at things like the bonus room and perhaps scale back a little bit.

With all that said, I appreciate Mr. Beaudin's comments because you're absolutely right. 5% is 5%. 5% well designed you might not notice, but the bottom line is, we have a standard and if now 45% becomes the example and standard for the future, then why not 50% because it's just 5% more than 45%. You know...so that's what I think about and worry about as a Planning Commissioner when we have flexibility.

Chair Ritter: And I would say that if you wanted to change that ratio, make it be 40 homes or something. Then you go to a trade-off and that's what we have to do as Planning Commissioners is adjust for that. So that's why I'm not opposed to 5%. We're close, and then we're going to say pick a maximum of 11. What was it you

recommended? Maybe 11? Or 9? I think we're getting close to making a motion of some sort.

Commissioner Allen: So could I change my motion?

Chair Ritter: Sure.

Commissioner Allen: All right. So my motion would be that we require...actually, my motion is that this project be returned and be redesigned such that it achieve...or, I support approving the project PUD assuming that it is able to achieve a maximum FAR of 40% and a building height of 30 feet per lot, and not an average blended, but rather that the maximum be 40% and the height be 30 feet and if that can be accomplished, I'm in support of this PUD. Now, I recognize that may involve redesigning some of the homes. I don't know what's involved with that, but that would be my motion.

Chair Ritter: I'm not in favor of returning it back. I'm in favor of making a tweak a little.

Commissioner Nagler: Is there a coincidence between the FARs being over 40% and those homes that have bonus rooms planned? Or, are there reasons or explanations that they exceed 40% beyond the addition of the bonus room?

Commissioner O'Connor: So if the bonus rooms were eliminated, would they all make the 40%?

Commissioner Nagler: Yes, that's the question.

Schroeder: There'd still be a few lots over the 40% without the bonus room, but I'd like to point out again to you that the Nolan Farms project which is as new as parts of Cindy Way, there are 7 houses well over 40% in that subdivision as well as some that are fractionally over 40% on top of that. So it's not like everything out there has been 40%. That was a PUD as well and so I think that you have the flexibility to do that with specific projects that have good design. So we did try to address that issue and in looking at those, this is something we printed out years ago. We used this to say, okay, we can be over 40% on some of the lots and we have the ability to get to 40% on average, so that's I think reasonable. One of these houses was actually built in another subdivision on a smaller lot than these in a PUD project, but this house has been modified. It's got different elevations and the floor plan's a little bit different, but it's been seen before with the bonus room.

Commissioner O'Connor: So again, how many of the lots now that have the bonus room that's causing it to go over 40%?

Schroeder: So Plan 2 on some of the lots is over 40% without the bonus room.

Commissioner Allen: So how many would be over 40% if you didn't have bonus rooms.

Schroeder: Well on this table, if you plot a Plan 2 on every lot, 9 of the lots would be over 40 without a bonus room.



Commissioner Allen: Okay, and 11 with a bonus room? Is that right?

Schroeder: I think it's....

Commissioner O'Connor: So it wouldn't be at 45% but it would be over 40%.

Schroeder: Those are all the same lots with the bonus room, they'd still be under 45% so it's the same 9 lots.

Commissioner O'Connor: Nancy's asking for input if we would support.

Schroeder: Well, we're negotiating here. I'm willing to restrict the number of bonus rooms on there if we get maybe 5 of those 9 with bonus rooms. We could live with that. That's another thing to consider, but all that would fit in with our plan to go with 40% average. If we looked at each house, plotted them all, and figured out what the average was, it would be 40% and I think as long as we get 5 of those bonus rooms....

Commissioner O'Connor: If they agree to do this average thing though, I wouldn't want you to put that on the PUD. I wouldn't want that to be the restriction because it's too much like Gerry was saying...that it's really hard to accomplish that and I wouldn't want someone next door not to be able to add on because the guy next door already has 1,000 square feet more than me.

Schroeder: Well, these houses are not small necessarily. They're fairly well designed and in looking at the houses, it's hard to think where you would want to add, but who knows what could happen in 15-20 years from now. But then again, you deal with that anyways. It's part of what you do on a case by case basis. If someone said, "I want to build a single story party room here and it adds 300 square feet and nobody's going to see it," who cares? I mean, I guess it's up to the neighbors. If neighbors care, then they show up and argue with you and don't get it approved. Not that I would create work for you, but I think you do deal with that.

Commissioner Nagler: Just a comment on your thinking which I completely do appreciate the fact that you're trying to look to the future, all right? I guess I don't think all precedents are created equal and there are some things that are precedential which have enormous impacts and we ought to pay attention to like building roads on hillsides. You know, sometimes there are conditions which, you know, your idea about a retaining wall, right? That's precedent and a bridge you may not want to cross and that we didn't cross because that's not the precedent you want to create, right? There are some it seems to me that are implied in us being asked to make decisions about projects, right? Because if everything were just so, then we would have less to talk about and we would be asked to make fewer judgment calls. And on this particular one, it strikes me that it actually does matter, both what is our policy; in this case 40%, but what's the setting? And if it doesn't just completely run rough shod over our policy, then sometimes we can make those decisions because in the context of the setting, the development, the look, the architecture, the whatever, a variation isn't the end of the road. And on the point of not all precedent being equal, I actually think it would be a very damaging precedent to establish FAR on the basis of the average in a development because I think that would raise many more opportunities in the future for an applicant to come in and say, well listen, you have this precedent. We did this here and that there and you said it's okay to average and why isn't it okay now when it was before as compared to, our guidelines

are 40% FAR and in a particular setting we may allow a variation, right? We are recognizing that the developer did a terrific job of working with the neighbors and they set in stone what the FARs are on that street because that was important to the neighbors. And so, we're looking at the overall project. So I guess the point I'm trying to make is I don't agree with your underlying premise that we ought to be absolutely beholden to the 40%.

Commissioner Allen: Thank you for sharing that.

Commissioner O'Connor: I also agree. I don't think Nancy was asking to do an averaging.

Commissioner Nagler: No, I know. I appreciate that. I'm just commenting.

Commissioner O'Connor: I do think though, and I have to thank Jeff for making that option, that by removing some of the bonus rooms, it opens up the sky a bit. It makes it a little less massive through the neighborhood and he said they could live with five of the nine homes having bonus rooms and I think that would be a great compromise.

Commissioner Nagler: Yes, I could support that.

Commissioner Allen: And I would too.

Commissioner O'Connor: So I'll make the motion that we forward Case PUD-99 to the City Council with a recommendation for approval by making the three findings in the staff report and with the modification that only five of the nine homes currently shown with the bonus room are constructed with the bonus room.

Commissioner Allen: Did you want to add something on height?

Commissioner O'Connor: No, I think the height is okay. The neighborhood right next door is at 32 feet and it does give them a little bit of wiggle room and if engineering turns out to be a little off by 6" or 12", because the neighborhood is at 32 feet, I think it's okay at 32 feet.

Chair Ritter: Do we have a second?

Commissioner Nagler: Second.

Chair Ritter: Any discussion?

Beaudin: Chair? Could we just make sure we add/amend the conditions based on the memo that was submitted this evening with that motion? Jenny mentioned it in her presentation.

Commissioner O'Connor: Yes.

Ritter: Per the memo dated March 23<sup>rd</sup>, staff is recommending the following new conditions of approval be added: "The plot plans and house model and elevation type

for Lots 1-5 shall adhere to the "Lots 1-5 Preliminary Plotting Exhibit," dated "Received, March 21, 2016," on file with the Planning Division." Are we all in agreement?

All Commissioners: Yes.

**Commissioner O'Connor moved to forward Case PUD-99 to the City Council with a recommendation for approval by making the three findings in the staff report and with the modification that only 5 of the 9 homes currently shown with the bonus room are constructed with the bonus room, and with the new condition of approval based on the memorandum submitted March 23, 2016 to the Planning Commission from staff.**

**Commissioner Nagler seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, O'Connor, Nagler, and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: Commissioner Balch**

Resolution No. PC-2016-07 approving Case PUD-99 was entered and adopted as motioned.

**Jenny Soo**

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**From:** Anand Oswal  
**Sent:** Tuesday, May 17, 2016 6:38 PM  
**To:** Jenny Soo  
**Subject:** Tentative Map 8317, Ponderosa Homes II

Hi,

I have a few concerns on this:

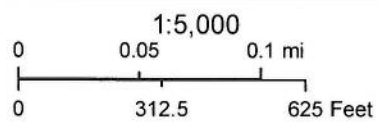
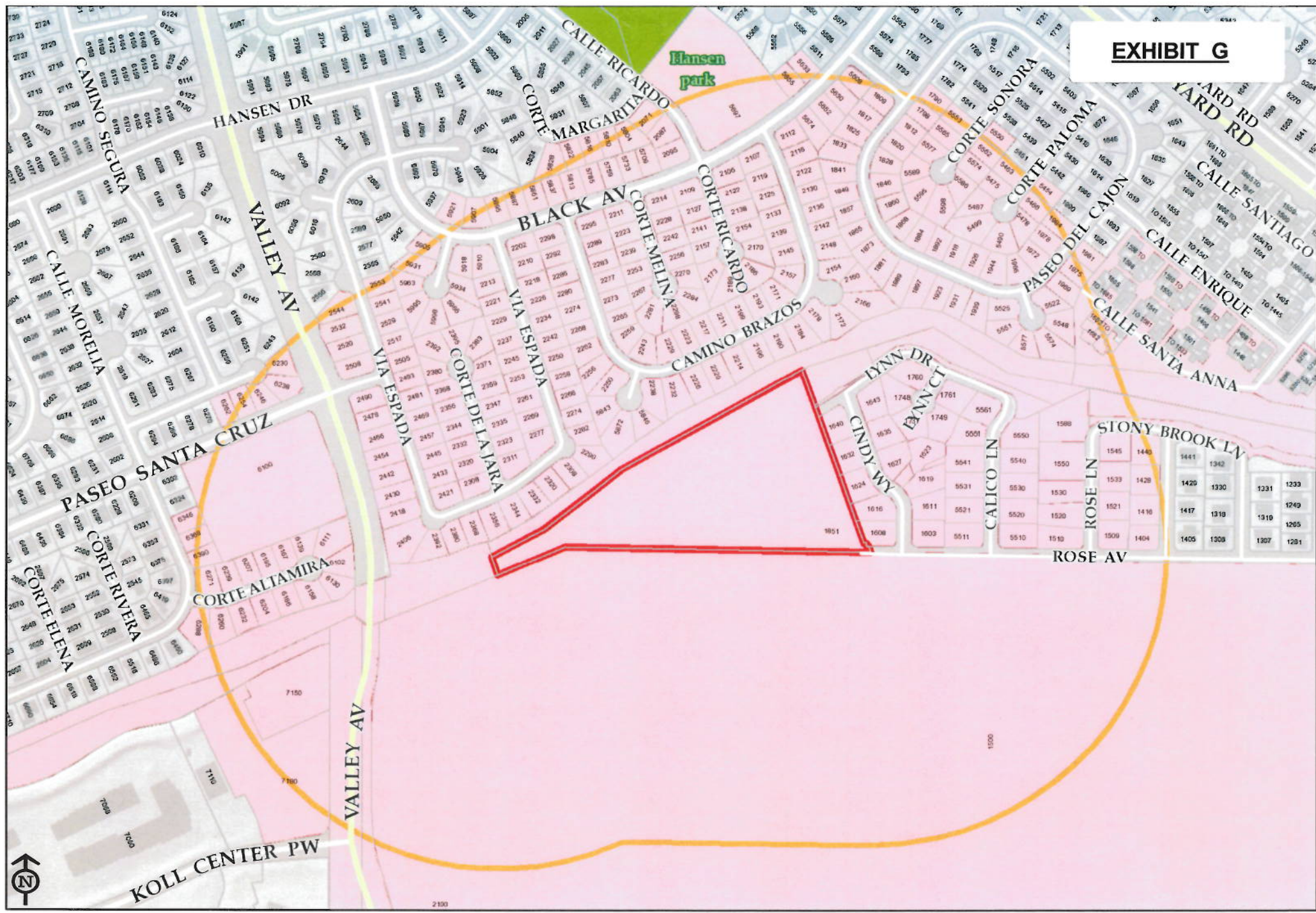
this is along the trails and will have a detrimental effect on the nature, the view and the surrounding areas. Today I see many small deer who are in the area and these will also have an effect on them.

Regards  
Anand Oswal

Click  
<https://www.mailcontrol.com/sr/U!XXPKnnAnXGX2PQPomvUjg7ce8j6mWJIZNMbN!9Gh0Vhmk8zyEFJfJN2G6GB9LP4KdTBTEE0lG3KctAewCA==> to report this email as spam.



**EXHIBIT G**



Vesting Tentative Map 8317, 1851 Rose Ave., Ponderosa Homes II