

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**PUD-99, Ponderosa Homes II, Inc.  
1851 Rose Avenue  
March 23, 2016**

**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:

Site Development Standard	Proposed
Maximum Floor Area Ratio*	45%
Maximum Height**	32 feet
Minimum Principal Structure Setbacks	
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)
Minimum Accessory Structure Setbacks (Class I)	
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).

### **Engineering Department**

35. 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.
36. 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.
37. Trees shall not be planted within the bioretention facility located on Lynn Drive.

38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. The precast wall and its foundation along Rose Avenue shall not encroach onto Alameda County Fairground's property.
45. 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.
46. The applicant/project developer shall dedicate a public trail easement on Parcel A on the final map.



47. 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.
48. 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.
49. 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.
50. The on-site grading and utility improvement plans shall clearly show all Phase II work to the satisfaction of the City Engineer.
51. 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**

52. 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**

53. 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.

54. Prior to project final, front yard and street side landscaping for the residential development shall be installed and inspected by the Planning Division.
55. 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.
56. 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.
57. 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.
58. The final landscape plan shall show the removal or replacement of the proposed *Agapanthus africanus* plants.

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

59. 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).

60. 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**

61. 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.
62. 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.
63. 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.
64. 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.

65. The project developer shall submit a dust control plan or procedure as part of the improvement plans.

### **Planning Division**

66. 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.
67. 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.
68. 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.
69. 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.

70. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside the homes.
71. 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.
72. 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.
73. 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.
74. 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.

75. 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.
76. The developer and/or future homeowners are encouraged to use best management practices for the use of pesticides and herbicides.
77. 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.
78. 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.
79. 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.
80. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
81. 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**

82. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
83. 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.
84. 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.
85. 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.

86. 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."
87. 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**

88. 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.
89. 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.
90. 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 Division**

91. A “Conditions of Approval” checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
92. 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.
93. 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.
94. 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.
95. 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.
96. 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.
97. 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.

98. 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.
99. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
100. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
101. 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.
102. 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.
103. 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.
104. 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.
105. 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.

106. 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.
107. 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.
108. 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.
109. 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.
110. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
111. 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.
112. 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.
113. 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.
114. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
115. 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**

116. The project applicant shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
117. 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.
118. 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.
119. The Fire Chief and the Director of Building Inspection shall approve the number, type, and location of all private fire hydrants.
120. 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.
121. 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.
122. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.
123. 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.

124. 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**

125. 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.

126. 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.

- 127. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
- 128. 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**

- 129. 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.
- 130. 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.
- 131. 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.
- 132. 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.
- 133. 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

134. 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/finalconstructionpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstructionpermit.pdf)

### Stormwater

1. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City Engineer/Chief Building Official prior to issuance of building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.
2. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
3. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
  - a) The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.



- b) All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/stormwater quality measures are in place, subject to the approval of City Engineer/Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is in place.
- c) Gather all sorted construction debris on a regular basis, place it in the appropriate container for recycling, and empty at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
- d) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
- e) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- f) Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- g) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h) Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
- i) Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and

equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.

- j) Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.
- k) Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

### **C. Operation Requirements**

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

1. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
  - a) A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
  - b) On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
  - c) Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
  - d) Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.

- e) Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
  - f) Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
  - g) Regularly but not less than once a month, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.
  - h) Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.
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]

ALAMEDA COUNTY FAIR ASSOCIATION  
BOARD OF DIRECTORS MEETING  
MINUTES  
TUESDAY, May 12, 2015  
BOARD ROOM

**Present**

**Directors:** President Sealana, Vice President Galvan, Directors, Balch, Banke, Chin, Dowdell, Johnson, Lockhart, Moore, Pacheco, Silva, Sherratt, C. Smith, H. Smith, Wallace, Weaver, Wentz

**Absent:** Directors Gilbert, Imhof, Kavanagh, Mahoney McGrail, J. Smith, Wilma & Zeno

**Also**

**Present:** Chief Executive Officer – Jerome Hoban  
Chief Financial Officer – Randy Magee  
Events Manager – Faye Cater  
Marketing Manager – Angel Moore  
Facilities Manager – Richard Simms  
Exhibits Supervisor – Tiffany Burrow  
Racing/Satellite Manager – Jeanne Wasserman  
Executive Assistant – Nancy Kreider

**1. APPROVE MINUTES**

**Board Action Item #1**

It was moved, seconded (Wentz/Lockhart) and unanimously approved to accept the Minutes from the regular Board of Directors Meeting of April 14, 2015.

**2. INTRODUCTION OF GUESTS**

President Sealana introduced the newest member of the Board, Rose Johnson. He noted that Director Johnson has already attended committee meetings. Director Johnson thanked the Board for their support of her husband, Bill McCammon who recently passed away and looked forward to working with the Board.

**3. PRESIDENT'S REPORTS & COMMENTS**

President Sealana announced that Director Amgott-Kwan, Supervisor Chan's appointee, resigned in April from the Board due to commitments of his job. President Sealana requested approval of a resolution for Director Amgott-Kwan.

**Board Action Item #2**

It was moved, seconded, (Wentz/Sherratt) and unanimously approved to send Jared Amgott-Kwan a resolution in recognition of his work on the Fair Board.

**4. CEO UPDATES & REPORTS**

CEO Hoban reported that this Thursday would be the Annual Table Top Exercise. Hoban noted that it was an operational meeting, however, Directors were welcome. The meeting is an opportunity to meet "face to face" with the people who work in the agencies that service the Fair, and to go through a safety exercise.

CEO Hoban noted a list of the non-profit groups that will be recipients of the Oak Tree Racing donations this year at Fair. The criteria for donations are that the group must be local and participate in the racing opening ceremonies.

A calendar of special Fair dates for the Directors was included in the Board packet. It was noted that the Paddock Party will be on opening day of racing, June 18, 5:30 p.m.

CEO Hoban and John Alkire were recently selected to be on a CARF sub-committee to negotiate 2016 race dates.

CEO Hoban met with Special Assistant to the Administrator, Joni Pattillo and County Liaison, Myrna Lopez. They advised that the County contract needs to address the protocol for long-term partnerships (Evergreen or other County approval clause). Evergreen contracts typically have performance clauses in them. The contract process will begin on June 4<sup>th</sup> with a County Liaison meeting. If a long term financial partner is considered, GSA would have to open the lease opportunity and would be the lead agency with the Fair. County staff would develop a matrix to start the contract negotiations.

## **5. CORRESPONDENCE**

Jared Amgott-Kwan's letter of resignation is available on the intranet.

## **6. STAFF REPORTS**

**A. FINANCE-** CFO Magee reported on the April financials, December Y-T-D financials, Cash on Hand, and Working Capital.

**B. FAIR STORY -** Manager Moore reviewed the marketing advertising for the 2015 Fair, which included billboards, posters, web and digital ads, bus & BART partnerships, mailers, flyers/brochures, new mobile application, Action Zone entertainment, Beer Haven, 4<sup>th</sup> of July activities and the TV commercial.

Exhibit Supervisor, Tiffany Burrow, who is filling in for Manager Carrico while out on sick leave, reviewed the youth and Creative Living presentation for Building C.

Events Manager Cater reviewed the list of infield parties during Fair and the list of corporate companies that have reserved the Trackside Terrace. Cater also reviewed the new food that will be at this year's Fair.

## **7. COMMITTEE REPORTS**

**A. ADHOC FOUNDATION COMMITTEE -** Committee Chair Lockhart reported that the committee met with Attorney Jim Gulseth who is structuring the by-laws for the foundation. She noted that the A.C. Fair Board would remain in control and that the Foundation Board is a fundraising body only. The direction of the funds will be made by the A.C. Fair Board. All foundation work will go through CEO Hoban. After clear and concise parameters are created by the attorney, the committee will bring them to the full Board for discussion and approval.

**B. BULDINGS AND GROUNDS COMMITTEE** - Chair Silva reported that the committee discussed the potential of easements on the fairgrounds that would be funded by Ponderosa Homes. The water line extension benefit would be more fire protection with more water hydrants installed on the grounds. Silva noted that any new easements would have to be approved by the County. It was recommended by the Buildings & Grounds Committee for the Board to approve the City Utility Easement through the fairgrounds pending satisfactory design approval by Fair staff, City staff and County Board of Supervisor.

Discussion occurred regarding the benefits of the easements and connection fees.

**Board Action Item #3**

It was moved, seconded (Pacheco/Galvan) and unanimous to approve the concept of the utility easement through the fairgrounds pending satisfactory design approval by Fair staff, City staff and County Board of Supervisors.

Silva also reported that Facility Manager Sims updated the committee on the Capital Projects List which included the Antiques Building renovation, Green Gate restroom, Building O renovation, Gate 8 structure, new ticket booths, new Equibase location, grandstand welding project, Gate 12 improvements and the addition to the monument area.

**C. CITY LIAISON COMMITTEE** – CEO Hoban reported that the committee discussed the 2015 Fair, neighborhood complaint protocol, Bernal Property and Visioning Document. Hoban noted that the City was pleased to hear that the fairgrounds was interested in the fencing that the City plans to put along the Bernal Property and may be interested in duplicating the same style along the fairgrounds side of the road. The meeting was also attended by representatives from Supervisor Miley and Haggerty’s offices.

**D. FINANCE COMMITTEE** – Chair Weaver reported that the committee reviewed last year’s fiscal year, April Monthly Finance Report and the 2014 Audit Report. Weaver noted that it was a good audit and contained no material changes. Discussion occurred regarding the Employee Defined Benefit Plan funding which included two typographical errors in the plan, which had no adverse effect, but needed to be corrected. The committee also recommended establishing a change in the financial reporting in 2015 to comply with the new accounting standards to include the Defined Benefit Plan in the financial statements.

**Board Action Item #4**

It was moved seconded (Wente/Banke) and unanimously approved to include the defined Benefit Plan in the financial statements in 2015.

**Board Action Item #5**

It was moved, seconded (Wente/Banke) and unanimously approved to correct the 2 typographical errors in the Defined Benefit Plan.

E. AUDIT COMMITTEE – Chair Banke reported that the committee reviewed the 2014 Audit Report. Banke noted that it was a clean audit. He reported that the auditors Vavrinek, Trine, Day & Company wrote the following regarding the audit: “In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Alameda County Agricultural Fair Association as of December 31, 2014, and the changes in its net assets and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.” A copy of the Draft Audit Report is posted on the intranet and goes into detail comparing 2014 to 2015. This year the auditors reviewed the employee Defined Benefit Plan and noted that the funding is considered very good. The committee recommends including the Defined Benefit Plan in the financial statements in 2015.

**Board Action Item #6**

It was moved, seconded (Banke/Wente) and unanimously approved to accept the 2014 DRAFT Audit Report.

**Board Action Item #7**

It was moved, seconded (Banke/Wente) and unanimously approved to change the accounting procedures to include the employee Defined Benefit Plan in the financial statements.

F. ADHOC FARM COMMITTEE- President Sealana moved to Closed Session.

**8. OLD BUSINESS**

None

**9. NEW BUSINESS**

None

**10. DIRECTOR'S COMMENTS**

None

**11. MEETINGS TO BE SET:**

A. Regular Board Meeting – Tuesday, June 9, 2015 (VIP Lounge)

**APPROVED:**

  
Richard Sealana  
Board President

6-17-15

Date

  
Jerome Hoban, CEO

6-17-15

Date

RECEIVED

NOV 17 2014

CITY OF PLEASANTON  
PLANNING DIVISION

**ROSELYN HOMEOWNERS  
ASSOCIATION**

1616 Cindy Way  
Pleasanton, CA 94566

[scottekman@mindspring.com](mailto:scottekman@mindspring.com)

November 16, 2014

To: Jenny Soo, Pleasanton Planning Department  
From: Roselyn Estates Homeowners Association (RHOA) Board  
Re: Ponderosa Altieri Development Proposal

Dear Jenny,

The RHOA Board has reviewed the planning department's comments for the Altieri Property at the end of Rose Avenue (dated 1/28/14) as well as the subsequent submission drawings by Ponderosa for the proposed development (dated July 17, 2014). Based on the planning department's comments regarding the inclusion of this development into the existing RHOA, the RHOA board feels a specific obligation to submit our own comments to the city on behalf of the homeowners who would, in fact, assume a great deal of responsibility for the ongoing operation and maintenance of the development after annexation to our HOA.

Below is the RHOA Board feedback on the most recent submission, dated July 17, 2014.

### **1. Sewer Lift Station Ownership**

The 1/28/14 letter (Page 4, last paragraph) indicates that the City wants the HOA to be responsible for the operation and maintenance costs of the sewer lift station, in perpetuity. This is a problem whereas it creates a significant liability/cost differential with the existing RHOA. Either the City or Ponderosa needs to fund the ongoing operation and maintenance of the pump station. We understand that the City has been collecting funds from every developer along Rose Avenue over the last 20 years to be used for the future assumed costs of 'the extensions of the sewer and water mains from Rose Ave to Valley Ave', funds which, with the expected final Ponderosa/Altieri contributions, should be in excess of \$350,000 (i.e. 75 homes x +/- \$5,000 each). It is apparent now with this Ponderosa design that those main line extensions may not happen. So the question is: what is to be done with those earmarked funds? If the Sewer and Water mains are not extended to Valley Ave and a pump station becomes part of this plan, then it would be proper to now use those accumulated funds towards maintenance of this sewer pump station and not leave the future operation and maintenance cost to the RHOA.

### **2. Sewer Lift Station Location**

On the most recent Ponderosa plans, the sewer pump station is not located at the west end of Rose Avenue as the city comment letter suggested but is actually placed at the far east side of Rose Avenue extension adjacent to lot 1 of Roselyn Estates. This location is a concern for property owners in Roselyn Estates as a potential noise and sight nuisance.



### **3. End of Rose Ave. street layout**

Very frequently, drivers inadvertently drive West on Rose avenue as they exit the fairgrounds from the back parking area. Currently drivers get to the end of the street (at the beginning of the Altieri property) and turn around. There is a concern that the many misguided drivers heading west on Rose Avenue will loop back into interior streets when they reach the end of Rose Avenue - as a means to turn back around. A better design would have a cul-de-sac like bulb at the Rose Ave/Lynn Dr. intersection - so that those many errant drivers could simply turn around on Rose Ave without looping into Lynn Dr. and the interior streets.

### **4. Rose Avenue extended Street and potential Car Speeding**

There should be some consideration given to keeping driving speeds down on the long Rose Avenue section (past the traffic circle to the west end) via mitigation measure (speed bumps, flashing lights, traffic circle, etc). We are requesting that the city perform a traffic study to assess the vehicle count impact on Rose Avenue.

### **5. Ponderosa Lot 12 fronting onto Rose Avenue:**

It's been the clear prior precedence with Roselyn Estates, and all other modern Rose Avenue developments, which NO houses front onto, nor driveways open onto, Rose Avenue. This was not raised as an issue on the City letter, and the RHOA Board feels it's a bad design and possibly a risk liability.

### **6. 'Parcel B' at the West End of Rose Avenue:**

The Ponderosa design eliminates houses there, but doesn't specify what's going to happen with that large open space. The RHOA is concerned that this open space may become a nuisance by coming a dumping area, vagrant or delinquent's party zone. Will the RHOA be expected to own it and maintain it and be liable for its risks and/or abuse? Would it remain in private ownership and later be developed into an apartment, an extension of the Fairgrounds, or a Storage/RV Park? We propose the land be acquired as a new City park. With the final Ponderosa homes, the City will have collected 75 x \$10,000/per home of 'In Lieu Park Fees'. The large unused 'Parcel B' area at the end of Rose Avenue is the perfect and proper place for the City to apply some of the \$750,000 of accumulated park funds that have been collected from the Rose Avenue homes.

### **7. Del Valle creek bank setback and stability issues:**

If the City requires that the RHOA becomes the HOA for the Ponderosa property it will ultimately be the owners of the Altieri/Ponderosa creek bank and creek side jogging path, the creek side bio-swale, and new Creek Storm Drain Outfall, AND any creek bank stability and maintenance issues, as is with Roselyn Estates Phase 1&2. This means the RHOA has a stake on anything in, on, or adjacent to the creek and creek bank in Ponderosa's design.

There are a number of concerns with the latest Ponderosa design related to the creek:

- 1) Close proximity of the houses of Lots 16 and 10 to the creek bank. Roselyn Estates 1&2 were required to have houses no closer than 90 feet from the creek waterline (i.e. the 'toe of the creek bank slope'). Ponderosa's Lot 10 and especially Lot 16 appear to

- be much closer than that. Houses placed closer than 90' to the creek should not be allowed.
- 2) Close proximity of the Street and jogging path to the creek bank across from lot 10. Roselyn Estates was required to keep the jogging path and bio-swale and public street a minimum of 50 feet away from the creek waterline or provide extraordinary geotechnical stability provisions within those areas where it encroached closer.
  - 3) Lot 16 is directly adjacent to the creek bank. No Roselyn Estates or Nolan Farms new home was allowed to do so in order to allow the HOA (and/or Zone 7) to have full unfettered capability of accessing any and all portions of the creek bank, because of their maintenance responsibility. Lot 16, as it's currently laid out, interferes with that and should not be allowed. There should either be a creek bank top maintenance road (like exists on the other side - north side - of the creek from Roselyn) or an adjacent City street or, at the very least, an adjacent extension of the jogging path, between and separating Lots 16 from the top creek bank to provide this creek bank maintenance access.
  - 4) Placement of any home along the creek side also impedes the continuity of the trail, in effect, terminating the trail within the neighborhood.

#### **8. Creek side Bio-swale:**

The Ponderosa project's bio-swale system is an HOA issue as it is HOA maintained. In review of the proposed drainage from the bio-swale retention areas into the creek, there is a concern that the storm drain pipe alongside the creek will be too close to the creek waterline (Engineering studies say no 'non-habitable' improvements within 50 ft of the creek waterline) - UNLESS extraordinary creek bank stabilization measures are installed- which is not currently shown. Also, the design shows those drain pipes connecting and running into an outflow box at that western corner of the property, which then spills into the creek. That storm drain outlet box location could be problematic and possibly cause creek bank erosion or cause other issues that the RHOA would be responsible for fixing.

#### **9. Funding for RHOA creek bank stability and maintenance issues:**

The Ponderosa project's creek bank length will more than double the existing RHOA 1&2 creek bank length, adding considerable liability to the homeowners responsible for its stability. The current RHOA has created a reserve fund to address unforeseen issues with the creek bank. Assuming the responsibility of the Ponderosa property creek bank MUST include an established base fund as has been established by Roselyn Estate's home owners over the past 6 years. As was the case with RHOA, the City should require the developer and their geotechnical and creek stability engineer should provide cost analysis and forecasts of the future 'worst case' creek bank stability liability issues and costs. A dollar amount can be determined for Ponderosa to pre-fund into the RHOA to reasonably pre-mitigate this future liability and future cost exposure to a 'cost neutral' liability for the RHOA.

#### **10. Roselyn Estates Water Well:**

The current RHOA has its common area and bioswale irrigation water provided by an onsite ground water well. That water well has adequate flow to also serve the new Ponderosa's HOA common area and bioswale irrigation, and the piping connection to the existing RHOA system would be fairly simple.

This water well connection would be a 'water conservation' benefit to the future HOA (and the City need to reduce metered water use). Connecting to the well water would also keep the future HOA members with the same water costs as the current RHOA members, making any future 'HOA Annexation' easier to manage with equitable monthly HOA fees. Accordingly, the RHOA is willing to consider an agreement for a reasonable fee (ie the estimated cost Ponderosa will need to pay for new water meter fees and related water service costs) to allow the connection of the Ponderosa project's landscape irrigation system to our existing water well service.

Thank you for your consideration of these development concerns. The RHOA Board appreciates your continued partnership and we look forward to working with you to mitigate these issues.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Ekman', with a long horizontal flourish extending to the right.

Scott Ekman

RHOA Board President

## Jenny Soo

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**From:** A Well Dressed Window <  
**Sent:** Friday, March 18, 2016 12:37 PM  
**To:** Jenny Soo  
**Cc:** A Well Dressed Window  
**Subject:** PUD-99 Ponderosa Homes

Dear Jenny Soo,

My husband and I STRONGLY OPPOSE this development of Ponderosa Homes.

We've lived here at 2380 Via Espada for 27 years now. We bought this property for the privacy, quiet location and the beauty of the creek and walnut trees all along the back side. The last thing we want is for you all to ruin our neighborhood and replace our views with more homes! And God forbid 2 story homes!

If this happens, it will not only devalue our home, but it will force us to move.

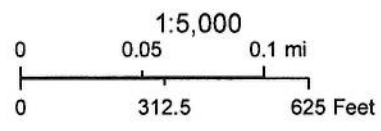
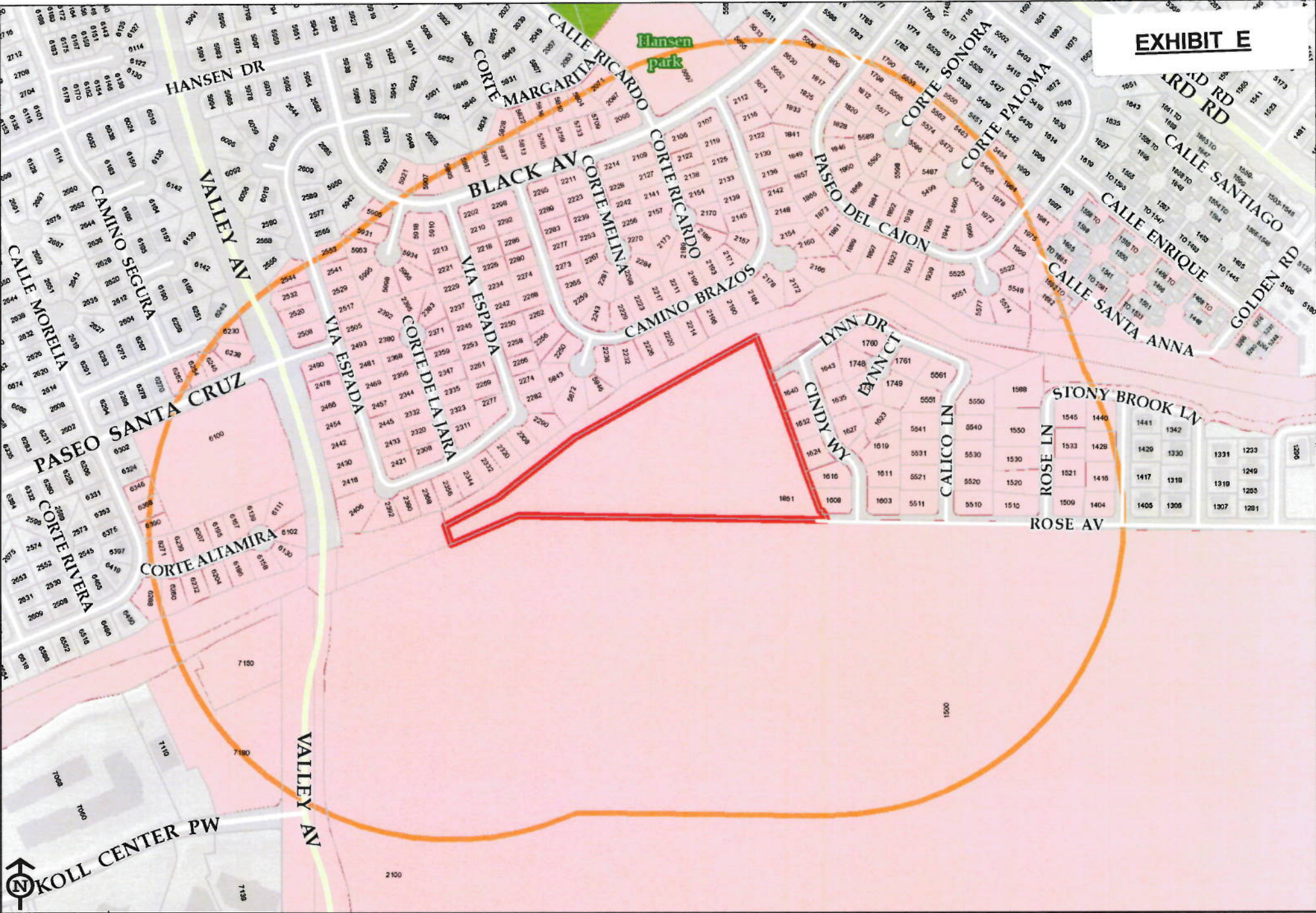
I'm not sure what Pleasanton leadership is thinking lately by allowing so many new developments, but it's making our city ugly and congested!

Stop selling out our town!!!

Thank you,

Debra & John Griffith

Click  
<https://www.mailcontrol.com/sr/T24sT+zNfgPGX2PQPOMvUtXHXnVjuGgHuKq3lvjn1NOIGW+eVpm44+VbthA4fPL1FYWaYHp1j+MAXoNDtAu6BA==> to report this email as spam.



**PUD-99, 1851 Rose Ave., Ponderosa Homes**

Planning Division  
March 14, 2016

