

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**PUD-84, Frank Berlogar
88 Silver Oaks Court
February 12, 2014**

Project-Specific Conditions

Planning:

1. The PUD development plan shall lapse two years from the effective date of this ordinance unless a tentative or parcel map, as applicable, is approved. If a tentative 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. No building permits shall be issued prior to City approval and recordation of a Final Parcel Map.
3. Prior to recordation of the Final Parcel Map, the applicants shall create road and utilities easements approved by the City Engineer to allow Lot 1 owner to utilize the private road and utilities. The easement language shall be subject to review and approval by the City Attorney's Office prior to recordation of the final parcel map. The easement shall be maintained to the satisfaction of the City Engineer.
4. Prior to the recordation of the Final Parcel Map, the applicants shall create a maintenance agreement including the maintenance responsibility of the driveway, bio-retention area, utilities, storm water treatment system, etc. in perpetuity. The maintenance agreement is subject to review and approval by the City Attorney's Office and shall be recorded concurrently with the Final Parcel Map. The Maintenance Agreement shall include exhibits showing the location of all the common private improvements to be maintained. The City shall be granted the rights and remedies of the agreement, but not the obligation, to enforce the maintenance responsibilities of the agreement.
5. The recorded deed of sale for both lots covered by this PUD Development Plan approval shall include the following:
 - a. A clause which states that the property is in an area subject to noise, dust, and vibration levels from gravel harvesting and processing and that the City of Pleasanton is not liable for possible damages due to such impacts.
 - b. The recorded deed of sale shall include a noise/dust vibration easement.

- c. A disclosure statement shall be provided to prospective purchasers and tenants by lot owners, developers, and future successors in interest providing full disclosure of the potential future mining operations within the Specific Plan Area.
- d. The recorded deed of sale for all lots shall include a disclosure statement indicate in the close proximity of the Vineyard Avenue Corridor Specific Plan area to the Livermore Municipal Airport and of possible impacts to homes due to aircraft overflights.
- e. A disclosure statement describing the planned use and construction of the Old Vineyard Avenue right-of- way for public trail uses.
- f. A disclosure of the future staging area and parking area to be owned and operated by the East Bay Regional Park on a portion of Old Vineyard Avenue right-of-way, and the proposed City Park to be located on the old land fill site on the south side of Vineyard Avenue.
- g. A disclosure stating that the East bay Regional Park District operates Shadow Cliffs Regional Recreation Area, a regional recreation facility, and that the buyer recognizes that the activities that take place in the "Regional Recreation Area" may result in noise, odors, dust, traffic or other conditions that may affect the lots covered by this PUD Development Plan.
- h. A disclosure of the noise, odor, and illumination associated with the operation of the asphalt batch plant on the RMC/Lonestar property.
- i. A disclosure on all lots regarding the underground, 230-kilovolt electrical transmission line.
- j. A statement disclosing the animal husbandry activities, including pig farming, of nearby property owners in the Vineyard Avenue Corridor Specific Plan area.

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.

- 6. The recorded deed of sale shall include the following statement to be signed by the future homeowner(s) stating that:

"You are hereby advised that this property is located near land zoned and/or used for agricultural purposes. Agricultural use is defined as including but not limited to day and night-time activity relating to livestock grazing, the keeping of livestock, the growing and processing of agricultural crops, and any commercial agricultural practices performed as incidental to or in conjunction with such operations. Some of the impacts associated with agricultural use include but are not limited to noise, odor, dust, chemicals, refuse, waste, unsightliness, use of agricultural equipment, and traffic. Permitted agricultural pursuits conducted in accordance with good practice and maintenance are not deemed by the City of Pleasanton to be a nuisance."

The exact language of said disclosures shall be reviewed and approved by the City Attorney before recordation of the final parcel map for the subdivision covered by this approval.

7. The three-lot development plan covered by this approval shall be in substantial conformance to the development plans, Exhibit B, listed below, 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 to the approved exhibits.
 - Alternative1 Site Layout, Preliminary Grading and Utility Plan, and Slope Plan by RJA
 - Silver Oaks Hillside Lots Subdivision Parcels 1 and 2 Site Development and Architectural Review Guidelines by Josephy Gorny and Associates
 - Arborist Tree Assessment Report by Ralph Osterling Consultants
 - Geotechnical Investigation Report by Berlogar-Stevens Geotechnical Consultants
 - Landfill Gas Assessment Report by EBA Engineering
8. The uses of the lots covered in the PUD shall be as follows:
 - A. Uses within the building envelope areas for Lot 1 and Lot 2 shall be subject to the following:
 - 1) Permitted Uses:
 - a) single-family detached housing
 - b) household pets (up to 4 as defined by the Pleasanton Municipal Code)
 - c) accessory structures and uses
 - d) small family day care home in accordance with State Law
 - e) second unit in conformance with the Pleasanton Municipal Code
 - f) adult daycare or nursing home for not more than six patients in accordance with State Law
 - g) exempt home occupation
 - 2) Conditionally Permitted Uses:
 - a) large family day care home in accordance with State Law
 - b) adult daycare or nursing home for more than six patients in accordance with State Law
 - c) home occupation
 - 2) The above-listed uses shall have the meanings as defined and/or interpreted for uses in the R-1 districts of the Pleasanton Municipal Code. Other uses listed in the R-1 districts of the Pleasanton Municipal Code may be either permitted or conditionally permitted if the Director of Community Development finds that such uses do not conflict with the requirements of the Vineyard Avenue Corridor Specific Plan.

- B. Uses outside the building envelopes for Lot 1 and Lot 2:
 - 1) Permitted Uses:
 - a) vineyards, orchards, and other row crops for non-commercial purposes
 - b) horticulture for non-commercial purposes
 - C. Uses for the remainder lot (Berlogar site) shall be those indicated in PUD-05 (Ordinance No. 1832).
- 9. Unless otherwise specified in the conditions of approval and/or the Design Guidelines for the subject PUD, all site development standards shall be those of the R-1-40,000 District.
- 10. All main and accessory structures for Lot 1 and Lot 2 shall be located within the building envelopes as shown on Alternative 1 site layout of Exhibit B.
- 11. Sport courts shall not be allowed on any lot in the development.
- 12. Future homes on the subject property shall conform to the “Silver Oaks Hillside Lots Subdivision Parcels 1 and 2 Site Development and Architectural Review Guidelines” by Josephy Gorny and Associates” on file with the Planning Division and are subject to design review approval per Chapter 18.20 of the Pleasanton Municipal Code.
- 13. The design of the future homes on Lot 1 and Lot 2 shall be subject to the design criteria specified in the Silver Oaks Hillside Lots Subdivision Parcels 1 and 2 Site Development and Architectural Review Guidelines in Exhibit B. The design guidelines shall be revised to include the following and are subject to review and approval by Community Development Director prior to recordation of the final parcel map:
 - a. Photosimulations are required as part of the design review application for the future homes on Lot 1 and Lot 2.
 - b. Building height is measured vertically from the lowest elevation of the building to the highest elevation of the building, excluding chimneys. The “lowest elevation of the building” is the lowest finished grade adjacent to an exterior wall of the main house.
 - c. The maximum building height for Lot 1 is 40 feet as measured from the “down slope” side.
 - d. The maximum building height for Lot 2 is 30 feet.
 - e. Modification to the building pad elevation(s) may require a modification to the PUD development plan as determined by the Director of Community Development.
 - f. Alternative 1 site layout needs to be included in the guidelines.
- 14. The future homes within this PUD approval shall comply with the City’s Green Building Ordinance.

15. The future homes within this PUD approval shall include the following:

- a. A minimum of one appliance or system that meets Energy Star standards shall be installed as part of the project.
- b. A minimum of one water conservation device such as low-flow faucets, toilets, shower fixtures, etc. shall be installed as part of the project.
- c. The future homes shall be constructed to allow for future installation of a Photovoltaic (PV) system and solar water heating systems. The project applicant shall comply with the following requirements for making the dwelling photovoltaic-ready and solar-water-heating-ready:
 - i) Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;
 - ii) 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;
 - iii) 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;
 - iv) Plumbing shall be installed for solar-water heating; and
 - v) Space shall be provided for solar-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.

16. The project shall comply with the current City and Pleasanton Garbage Service's recycling and composting programs.

17. The State of California's Green Building Standard Code, "CALGreen", shall apply, if applicable.

18. If grading is to occur during the raptor- nesting season (February 1 to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of grading. If nesting raptors are found during the focused survey, no grading shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), or until the project applicants receive written authorization from California Department of Fish and Wildlife to proceed.

19. Future custom homes shall comply with the recommendations of the Geotechnical Investigation Report by Berlogar-Stevens Geotechnical Consultants. A supplemental, lot specific geotechnical investigation report is required as part of the

design review process. At the discretion of the City Engineer, the supplemental report may be peer reviewed.

20. Future homeowners shall be provided with a copy of the Landfill Gas Assessment Report by EBA Engineering.
21. If additional grading is requested as part of the design review application for the future custom home, the applicants shall show the scope of the additional grading on the preliminary grading plan. At the discretion of the Director of Community Development, a PUD modification to modify the building pad elevation(s) may be required if it is found that the requested amount of additional grading significantly differs from the approved plan. There is no guarantee that the PUD modification would be approved.
22. Separate PUD development plan approval shall be required for the future residential development on the Hillside Residential area located on the southern portion of the Berlogar property.
23. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall be allowed on State or Federal Holidays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
24. All trucks hauling soil shall be covered with tarpaulins or other effective covers.

Fire

25. The future custom homes 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 to the Pleasanton Building and Safety Division for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building.
26. The location(s) of the fire hydrant(s) and the detail of the hammerhead turn-around area for fire trucks shall be reviewed and approved by the Livermore-Pleasanton Fire Department prior to issuance of a building permit.
27. The Fire Chief and the Director of Building Inspection shall approve the number, type, and location of all private fire hydrants.

28. 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.
29. 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.

Landscaping

30. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Landscaping Basic requirements. A licensed landscape architect shall verify the project's compliance with the ordinance: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
31. The applicants shall comply with the recommendations of the tree report prepared by Ralph Osterling Consultant. The applicants shall arrange for the consultant to conduct a field inspection prior to commencing grading to ensure that recommendations concerning the two impacted blue oaks have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
32. The applicants shall install plants to help screen the retaining walls from off-site views. A landscape plan shall be included with the subdivision improvement plans and shall be subject to the review and approval by the Director of Community Development. The applicants shall utilize plants that are appropriate for the soil and water conditions and that look appropriate in a grassland and/or oak woodland setting. In addition, plant species shall be a drought tolerant nature with an irrigation system that maximizes water conservation (e.g. drip system).
33. 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.
34. No tree trimming or pruning other than that specified in the tree report shall occur. The applicants 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.

35. Except as otherwise conditioned, all trees used in landscaping for future homes shall be a minimum of 15 gallons in size and all shrubs used in the landscaping for the retaining wall and for future home shall be a minimum of 5 gallons.
36. Prior to issuance of a grading or building permit, the applicants shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) outside of the existing tree drip lines, as shown on the plans. The fencing shall remain in place until final grading and retaining wall inspections by the Community Development Department. Removal of such fencing prior to that time may result in a "stop work order."
37. Front yard landscaping for the future homes on Lot 1 and Lot 2 shall be installed prior to occupancy. The Planning Director shall determine the location of the front yard landscaping at the time of building permit issuance. The remainder of site landscaping shall be installed within nine (9) months of occupancy.

Engineering

38. Lot 1 and Lot 2 sanitary sewer laterals shall connect to the public sanitary sewer system unless otherwise approved by the City Engineer.
39. A Double Check Detector Check shall be installed at the end of the public fire service line at the location shown on the PUD plans.
40. The Water Meters for Lot 1 and 2 shall be installed at the end of Silver Oaks Court as per city standard at the location shown on the PUD plans.
41. The Fire hydrant at the end of Silver Oaks Court and the fire hydrant at the end of the fire truck turn around shall be installed as per city standard.
42. If any of the subdivision improvements are proposed to be phased, a phasing plan shall be included with the Vesting Tentative Parcel Map and subject to the review and approval by the Director of Community Development.
43. A parcel map shall be required to subdivide the property into three lots.
44. The applicants shall comply with the recommendations of the Landfill Gas Assessment report by EBA on file with the Planning Division.
45. The applicants 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.

46. The applicants shall comply with the recommendations of the project's geotechnical consultant. The applicants' 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.
47. The applicants' consultant shall provide AS BUILTS of the project improvement plans in AutoCAD and PDF format to the City.
48. The applicants shall provide a bond to the City guaranteeing the installation of all common improvements and infrastructure improvements shown on the approved development plan or otherwise required as part of this development plan approval. The applicants shall provide an itemized cost estimate of said improvements, to be submitted with the bond, for the review and approval the Director of Community Development prior to issuance of building permits. The bond shall be returned to the applicants upon acceptance of said improvements by the City Engineer.
49. Approval of the storm drainage system, including the detail of the storm water retention basin, shall be subject to the review and approved by the City Engineer prior to the issuance of a building permit for the project.
50. 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.
51. The design of the water supply and sanitary sewer systems shall be subject to the review and approval by the City Engineer.
52. The applicants shall install the bio-retention area as shown on the PUD development plan. The design details of the bio-retention area shall be shown on the subdivision improvement plans, shall be reviewed and approved by the project's Soils Engineer, and then shall be reviewed and approved by the Director of Community Development and City Engineer.
53. Storm drainage swales, bioswale, 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 a Homeowners Association or a Maintenance Association if there is no commonly

owned land as determined by the City Engineer, Director of Community Development, and City Attorney. Easements shall be recorded for the private storm drain facilities concurrently with the final subdivision map. The maintenance responsibilities shall be set forth in the easements or other appropriate document to be recorded concurrently with the final subdivision map, as approved by the City Attorney.

Building

54. Prior to issuance of a building permit, the applicants shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the applicants shall pay any applicable DSRSD sewer permit fee.

URBAN STORMWATER CONDITIONS OF APPROVAL

55. The project shall comply with the City of Pleasanton's Stormwater NPDES Permit #CAS612008, dated October 14, 2009 and amendments (hereafter referred to as NPDES Permit). This NPDES Permit is issued by the California Regional Water Quality Control Board, San Francisco Bay Region (hereafter referred to as Regional Water Quality Control Board). Information related to the NPDES Permit is available at the City of Pleasanton Community Development Department, Engineering Division, and on line at:

- <http://www.ci.pleasanton.ca.us/business/planning/StormWater.html>
- http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/storm_water/Municipal/index.shtml

A. Design Requirements

1. NPDES Permit design requirements include, but are not limited to, the following:
 - a. Source control, site design, implementation, and maintenance standards when a regulated project (such as a residential subdivision project) creates and/or replaces 10,000 square feet or more of impervious surface, including roof area, street, and sidewalk.
 - b. Hydromodification standards when a regulated project creates and/or replaces a total impervious area of one acre or more.
 - c. Compliance with a Diazinon pollutant reduction plan (Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
 - d. Compliance with a Copper Pollutant Reduction Plan and a Mercury Pollutant Reduction Plan.

2. The following requirements shall be incorporated into the project:
 - a. The applicants shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and onsite drainage control measures including bioretention swales. Irrigated bioretention swales shall be designed to maximize stormwater entry at their most upstream point. The grading and drainage plans shall be subject to the review and approval of the City Engineer prior to the issuance of a grading or building permit, whichever is sooner.
 - b. In addition to natural controls, the applicants may be required to install a structural control(s), such as an oil/water separator(s), sand filter(s), or approved equal(s) in the parking lot and/or on the site to intercept and pre-treat stormwater prior to reaching the storm drain. The design, location(s), and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. The structural control shall be cleaned at least twice a year (once immediately prior to October 15 and once in January).
 - c. The applicants shall submit to the City Engineer the sizing design criteria and calculations for a hydromodification facility, if required, and for the treatment of stormwater runoff. The design criteria and calculations shall be subject to the review and approval of the City Engineer and shall be submitted prior to the issuance of a grading or building permit, whichever is sooner.
 - d. Building/Structures shall be designed to minimize the occurrence and entry of pests into buildings, thus minimizing the need for pesticides, as determined by the Chief Building Official prior to the issuance of a building permit.
 - e. The project's landscape and irrigation plans shall be designed to: 1) minimize the use of fertilizers and pesticides that can contribute to stormwater pollution; and 2) promote surface infiltration. Prior to the installation of project landscaping and irrigation, the project landscape architect shall submit a landscaping and irrigation plan to the City Engineer for review and approval and submit written verification stating the project incorporates the following:
 - i. Plants tolerant of saturated soil conditions and prolonged exposure to water in areas that provide detention of water.
 - ii. Plants and soil amendments appropriate to site specific characteristics such as topography and climate.
 - iii. Landscaping and irrigation consistent with Bay-Friendly Landscaping.

- iv. Water conservation techniques to promote surface infiltration.
- f. All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building Official.
- g. All metal roofs, gutters, and downspouts shall be finished with rust-inhibitive finish/paint as determined by the Chief Building Official.
- h. All projects using architectural copper roofing, gutters, downspouts, etc., shall utilize the following Best Management Practices for use and maintenance:
 - a. During installation, copper material shall be pre-patinated at the factory. If patination is done on-site; collect the rinse water in a tank and haul off-site for disposal. With prior authorization from Dublin San Ramon Services District (DSRSD), you may collect the rinse water in a tank and discharge to the sanitary sewer. Optionally, consider coating the copper materials with a clear coating that prevents further corrosion and stormwater pollution. The clear coating, if utilized, shall be reapplied (as recommended by the coating manufacturer) to maintain its efficacy.
 - b. During maintenance, the following applies during washing and patination:
 - i. Minimize washing of architectural copper as it damages the patina and any protective coating.
 - ii. Block all storm drain inlets downstream of the wash.
 - iii. collect in a tank and dispose off-site, or discharge the wash water to the sanitary sewer (with prior authorization from DSRSD).
 - c. During re-patination, collect the rinse water in a tank and dispose off-site or discharge to sewer (with prior authorization from DSRSD).
 - i. Roof drains shall drain away from the building foundation. Stormwater flow shall drain to a landscaped area or to an unpaved area wherever practicable as determined by the City Engineer/Chief Building Official.

B. Construction Requirements

The project shall comply with the “Construction General Permit” requirements of the NPDES Permit for 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).

Information related to the Construction General Permit is on line at:

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

1. The Construction General Permit's requirements include, but are not limited to, the following:
 - a. The applicants shall obtain a construction general permit (NOI) from the Regional Water Quality Control Board to discharge stormwater, and to develop and implement stormwater pollution prevention plans.
 - b. The applicants shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. A copy of the approved SWPPP, including all approved amendments, shall be available at the project site for City review until all engineering and building work is complete and City permits have been finalized. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentations. SWPPP for projects shall be kept up to date with the projects' progress. Failure to comply with the most updated construction SWPPP may result in the issuance of correction notices, citations, and/ or stop work orders.
 - c. The applicants are responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measures, shall be included in the SWPPP and implemented as approved by City.
 - i. The applicants shall include erosion control/stormwater quality measures on the project grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the public storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and shall be 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 a building permit, and shall be subject to the review and approval of the Building and Safety Division. The applicants are responsible for ensuring that the contractor is aware of and implements such measures.

- ii. 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 vegetated areas 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.
- iii. Gather all sorted construction debris on a regular basis and place in the appropriate container for recycling; to be emptied 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.
- iv. 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.
- v. 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.
- vi. 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 by being windblown or by being spilled.
- vii. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- viii. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into a street, gutter, or storm drain.
- ix. Equipment fueling area (if used at the construction site): use a designated area 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; check vehicles and equipment regularly for leaking oils and fuels; and dispose of rags and absorbent materials promptly and properly. Use of an off-site fueling station is strongly encouraged.

- x. Concrete wash area: 1) locate wash out area away from storm drains and open ditches; 2) construct a temporary pit large enough to store the liquid and solid waste; 3) clean the pit by allowing concrete to set; 4) break up the concrete; and then 5) recycle or dispose of properly.
 - xi. Equipment and vehicle maintenance area at the project site is not permitted; use an off-site repair shop.
2. Within 30 days of the installation and testing of the stormwater treatment and hydromodification facilities, the designer of the site shall submit a letter to City Project Inspector/Construction Services Manager certifying the devices have been constructed in accordance with the approved plans for stormwater and C3 design for the project. The letter shall request an inspection by City staff.

C. Operation and Maintenance Requirements

The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as a residential subdivision projects) that create and/or replace 10,000 square feet or more of impervious areas shall enter into a recorded Stormwater Operation and Maintenance (O&M) Agreement for treating stormwater runoff from the site in perpetuity. The agreement is required to be recorded at the Alameda County Recorder’s Office in a format approved by the City.

- 1. The Operation and Maintenance Agreement shall clarify that the property owner(s) of the site shall be responsible for the following in perpetuity:
 - a. Maintaining all private stormwater treatment measures on the project site.
 - b. Annually submitting a maintenance report to the City Operations Services Department, Utilities Division, addressing the implementation of the Operation and Maintenance Agreement requirements.
- 2. The final Operation and Maintenance Agreement shall be submitted to the Engineering Division prior to the issuance of a grading or building permit, whichever comes first. The Agreement is subject to review and approval of the City Engineer/City Attorney, prior to recordation.

The Operation and Maintenance Agreement responsibilities shall include, but not be limited to the following:

- a. Repainting text near the drain inlets to state “No Dumping – Drains to Bay.”
- b. Ensuring maintenance of landscaping with minimal pesticide and fertilizer use.
- c. Ensuring no one is disposing of vehicle fluids and hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
- d. Cleaning 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.
- e. Mowing and removing clippings from vegetated swales with grasses on a regular basis.

STANDARD CONDITIONS OF APPROVAL

Community Development Department

56. The project applicants 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.
57. The project applicants 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.
58. 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 Appendix K 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.

59. The applicants shall submit a written dust control plan or procedure as part of the improvement plans.

Planning

60. To the extent permitted by law, the project applicants 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 applicants 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.

61. The applicants 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.

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

63. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.

64. 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.

65. The developer and future homeowners are encouraged to use reclaimed gray water, rain water, etc., for landscape irrigation. If used, the details shall be shown on the permit plan set to the satisfaction of the Director of Community Development before issuance of a building permit.

66. The developer and future homeowners are encouraged to use best management practices for the use of pesticides and herbicides.

67. 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.

68. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
69. 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.

Engineering

70. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
71. Storm water shall not flow from one lot to the other unless a storm drain easement created. The property line between lots shall be located a minimum of two feet from the uphill side of the top of the bank.
72. The in-lieu park dedication fees shall be paid to the City prior to approval of the parcel map, at the rate then in effect, for the total number of new residential units to be constructed, unless this requirement has been otherwise satisfied.
73. The applicants shall submit a final 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), all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow, etc., shall be submitted as part of the improvement plans. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit by Engineering Division.
74. All existing drainage swales that are filled shall have sub drains installed unless otherwise approved by the City Engineer and the developer's soils engineer. All sub drains shall have tracer wire along entire length of the sub drains and cleanouts installed with metal cap at the beginning of the pipe and at locations needed for maintenance. The end of the pipe shall terminate in a storm drain or other storm drain outfall, subject to the approval of the City Engineer. The applicants' engineer shall submit a final sub drain location map to the City Engineer prior to acceptance of the public improvements and/or project. It shall be the responsibility of the property owner to relocate a sub drain, if during the excavation of a pool or other subsurface structure, a sub drain is encountered. All property owners within the subdivision shall receive notice of the presence of these sub drains. The City Attorney shall approve said notice.
75. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
76. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.

77. 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.
78. A stub for each dry utility (electric power, gas, communication service, Cable television, street lights and any required alarm systems) shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
79. 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.
80. The applicants 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.
81. All existing septic tanks or holding tanks, if any 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.
82. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve new developments on the project.
83. The encroachment permit for haul route for all materials and equipment to and from this development shall be approved by the City Engineer prior to the issuance of any permit by City Building Division or Engineering Division.
84. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the applicants/subdivider. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
85. The project applicants and/or the project applicants' contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
86. The project applicants shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project applicants are 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.

Building

87. Prior to issuance of building or demolition permits, the applicants 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 applicants intends to recycle at least seventy-five percent (75%) of the total job site construction and demolition 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 demolition and construction, the applicants shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The applicants shall contact Pleasanton Garbage Service for the disposal of all waste from the site.
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 applicants 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.

Fire

90. The applicants shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
91. Prior to any construction framing, the project applicants 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.
92. 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.
93. Prior to any construction framing, the applicants 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.

94. 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 will be required to be provided to the site (tract), including the area where construction is occurring.
 - 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. Inside turning radius of 45 feet and outside turning radius of 55 feet shall be provided.
 - c. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
 - d. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
 - e. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.

CODE REQUIREMENTS

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

Planning

95. All exterior lighting including landscape lighting for future homes shall be directed downward and designed or shielded so as to not shine onto neighboring properties.
96. The home/building developer shall submit a final lighting plan, and include drawings and/or manufacturer's specification sheets showing the size and types of light fixtures proposed for the exterior of the buildings.

Building

97. The project applicants 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.
98. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.

Fire

99. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
100. 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.
101. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.
102. 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.
103. The buildings 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. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

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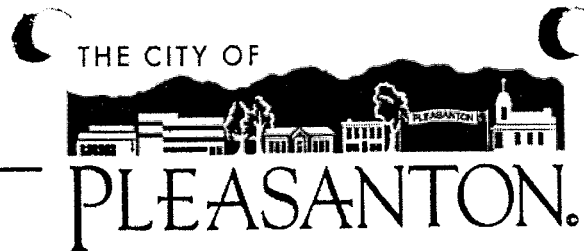


EXHIBIT C

PUD-84

MEMORANDUM

Date: October 3, 2005
To: Chair Maas and Planning Commissioners
From: Donna Decker, Principal Planner, and Lynn Tracy Nerland, Assistant City Attorney
Subject: PUD-32 (Sarich)

Two questions were raised at the Planning Commission meeting on September 28, 2005 during the workshop on PUD-32 (Sarich), for which staff provides the following responses.

Height of Structures

The Pleasanton Municipal Code provides maximum heights for various zoning districts in Chapter 18.84. In addition, an exception is provided to the height limitations through the design review approval process for "towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures; residential radio and television aerials and antennas; receive only antennas; and necessary mechanical equipment appurtenances" if these appurtenances: 1) cover not more than ten percent (10%) of the ground area covered by the structure; and 2) have a height of not more than sixty five feet (65') or not more than twenty five feet (25') above the height limit prescribed by the regulations for the district in which the structure is located, whichever is less.

However, a specific plan may prescribe further height regulations for a designated area. The Vineyard Avenue Specific Plan states that the building height is measured vertically from the lowest elevation of the building to the highest elevation of the building, excluding chimneys. (footnote 6 on page 25) Hillside Residential structures are limited to 30 feet, except buildings on sites with existing elevations exceeding 540 feet are limited to 25 feet and one story. (footnote 7 on page 25)

Through the PUD zoning process for a site in the Vineyard Avenue Specific Plan area, specific height limitations are to be addressed, as opposed to relying simply on the general height limitations for standard zoning districts. As noted on page 23 of the Specific Plan: "the site development standards (lot size and dimensions, building setbacks, building height, and accessory structures) shall be applied through the City's PUD development plan approval process and may vary for unusual site conditions as long as any new standards are consistent with the intent of the Specific Plan." (emphasis in original to contrast with land use standards which are to be applied without variance) As to the intent of the Specific Plan, the description of the land use designation of "hillside residential" provides that the "purpose of this designation is to allow for a clustering of homes in well-defined areas of the hills in order to preserve significant natural features such as ridgelines, hilltops, oak woodland, creeks, and steep slopes. Open space land surrounding the HR district is to be permanently preserved." (page 19 of the Specific Plan)

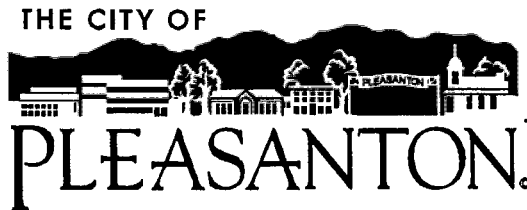
Development Area ("The Dot Question")

There was quite a bit of discussion at the Planning Commission meeting regarding the significance of the "dots" shown on Figure IV-2 of the Vineyard Avenue Specific Plan (page 20). The Planning Commission asked staff to provide an interpretation of the significance of the location of these dots.

The dots show the number of planned residential units with an asterisk for an existing home. Where more than one unit is planned, the dots take on an irregular shape presumably signifying the general location for the units. These "dots" or "blobs," as the case may be, do not appear to be randomly placed. However, Figure IV-2 does not have the precision of topographic contours or other descriptive features that would specify an exact location. Again, as noted on page 23 of the Specific Plan, there was some flexibility built into the Specific Plan to allow specific site development standards to be looked at through the City's PUD process and varied "for unusual site conditions as long as any new standards are consistent with the intent of the Specific Plan."

At the Commission meeting, Commissioner Fox asked about the prior interpretation of the pedestrian access "dots" on Figure V-2 in the North Sycamore Specific Plan. In that Plan, three dots and an arrow were shown as pedestrian access connecting San Carlos Way to Sycamore Terrace. The new property owner objected to this pedestrian access along his property. At a City Council meeting on March 15, 2005, the Council reiterated its support for the pedestrian access in this location.

C: Jerry Iseron, Director of Planning and Community Development



MEMORANDUM

Date: October 23, 2006

To: Chair Fox and Members of the Planning Commission

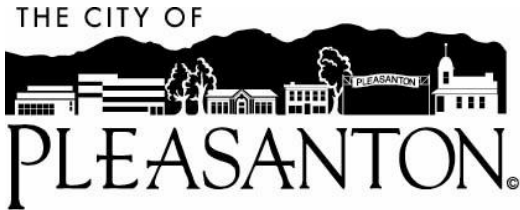
From: Jerry Iserson, Director of Planning and Community Development *J. Iserson*

Subject: PUD-32, Sarich Workshop

As the Commission is aware, this project has raised a number of issues which the Planning Commission discussed at the previous workshop held on September 28, 2005. One of these items was the status of the project with respect to the Vineyard Avenue Corridor Specific Plan, specifically, how precise the house locations were meant to be as represented by the “blobs” or dots on the Specific Plan Land Use Map. Staff made the argument, and at least some of the Planning Commissioners agreed, that typically these types of dots shown on specific plans are somewhat general in terms of location, and that specific plans allow for some degree of flexibility as to the precise building or road locations shown on specific plan land use maps.

However, staff has since consulted with Wayne Rasmussen, former Principal Planner and project planner for the Specific Plan. Wayne stated his belief that, due to the environmental constraints in the Hillside Residential areas, the house locations were meant to be fairly precise as represented by the “blobs”. Furthermore, with the consideration of the Reznick PUD, the Commission and Council approved house locations which varied from the locations represented by the “blobs” on the Specific Plan Land Use map by finding that the new locations would result in an environmentally superior plan. Staff believes that these new considerations should be noted.

Staff believes that this project could still be processed as a PUD with no Specific Plan amendment if the Commission were to make the finding that the proposed house location would result in an environmentally superior plan than that shown on the Specific Plan. There may be valid reasons for doing so, since locating the home elsewhere on the site may result in other environmental issues. Alternatively, the Commission could decide that a Specific Plan amendment is not necessary based on the point that the “blob” locations are meant to be general and applied with flexibility, and that consideration of the proposed house at this location would be based on project design issues, such as building height, grading, visibility, house size, tree removal, screening, etc.



**Planning Commission
Staff Report**

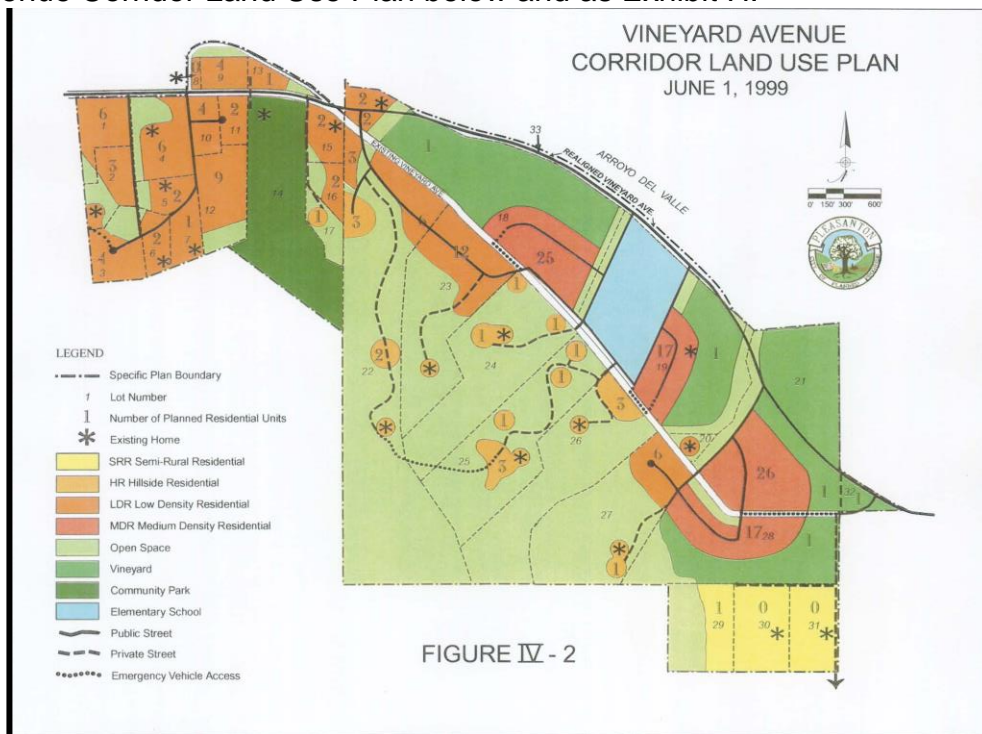
July 24, 2013
Item 6.a.

- SUBJECT:** Work Session for PUD-84
- APPLICANTS/
PROPERTY OWNERS:** Frank and Barbara Berlogar
- PURPOSE:** Work session to review and provide comments on an application for planned unit development (PUD) development plan approval to subdivide an approximately 37.4-acre site with up to four lots, consisting of three new single-family lots for custom homes and one lot with the existing residence.
- LOCATION:** 88 Silver Oaks Court
- GENERAL PLAN:** Residential – Low Density (less than 2 dwelling units per gross acres) and Open Space – Public Health and Safety
- SPECIFIC PLAN:** Vineyard Avenue Corridor Specific Plan
- ZONING:** PUD-HR/OS (Planned Unit Development – Hillside Residential/Open Space) District.
- EXHIBITS:**
- A. Discussion Points
 - B. Proposed Site Plan, Preliminary Grading Plan, Design Guidelines, and Photosimulations
 - C. Tree Assessment Report
 - D. Memo to Planning Commission Dated October 3, 2005
 - E. Site Layouts: Proposed vs Alternatives
 - F. Ordinance 1832, Approving PUD-5
 - G. Vineyard Avenue Specific Plan Land Use Plan
 - H. Letter from Silver Oaks Estates HOA and Emails from Gevan Reeves
 - I. Project Location/Notification Maps
-

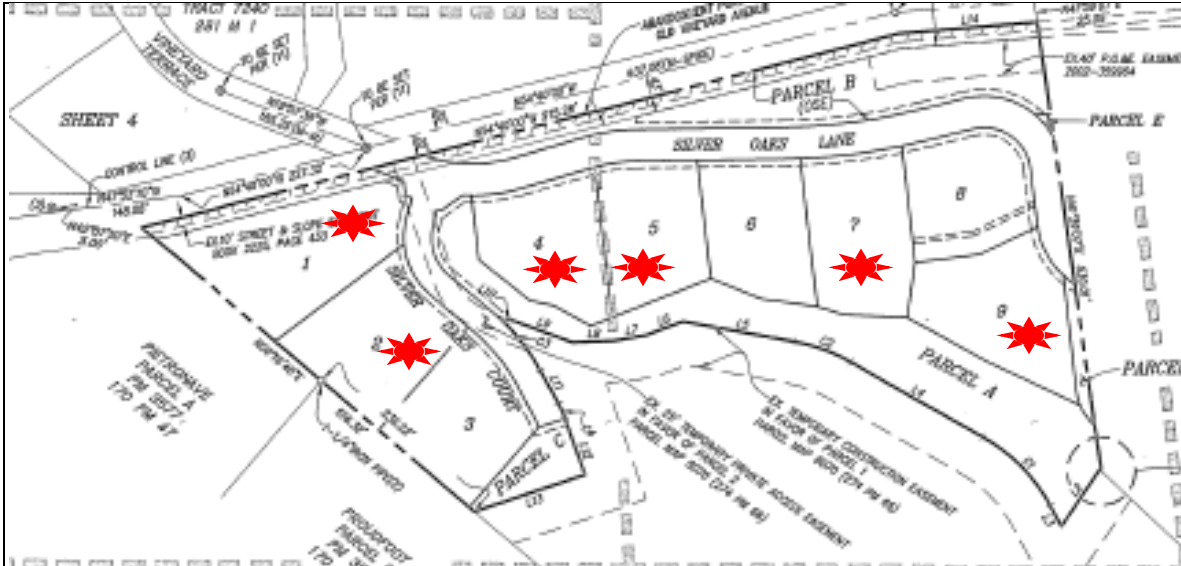
BACKGROUND


The Vineyard Avenue Corridor Specific Plan (VACSP) and Planned Unit Development (PUD) rezoning for a 384-acre area in southeast Pleasanton were adopted by the City Council in June 1999. The VACSP Financing Program was subsequently adopted in March 2000. Over the past decade, individual projects within the Specific Plan have been approved, consistent with the provisions of the Specific Plan.

Frank and Barbara Berlogar are the owners of Lot 22 in Subarea 3 of the Vineyard Avenue Corridor Specific Plan (VACSP). The original lot was approximately 50.13 acres in size and was occupied by an existing single family home, a trailer home, and several accessory buildings. It has three land use designations: PUD- Low Density Residential (LDR), PUD-Hillside Residential (HR), and PUD-Open Space (OS). The VACSP allotted a total of 15 new residential units to be located on Lot 22 in addition to the existing home: nine new dwellings located in the PUD-LDR area, and five new dwellings in two PUD-HR areas. The allocated HR areas were located in two separate areas of the site: the northern HR area is allocated for three homes, and the southern HR area is allowed for two new homes. The VACSP also allowed the construction of a second unit to replace the existing trailer home. Please see the Vineyard Avenue Corridor Land Use Plan below and as Exhibit H.



In June 2001, the City Council approved PUD-05 (Ordinance 1832). It allowed the construction of 9 single family homes on Lot 22 of VACSP (Berlogar site). In September 2006, the City Council approved Vesting Tentative Map 7399 to allow the creation of nine new lots. To date, six of the nine homes have been constructed on the streets now known as Silver Oaks Lane and Silver Oaks Court.



 = home constructed

Frank and Barbara Berlogar have submitted a PUD development plan application for two new residential lots in the northern HR area where three new lots are allocated by the Specific Plan.

SITE DESCRIPTION

The subject property is located on the south side of Old Vineyard Avenue, now Vineyard Avenue Trail. It contains the Berlogar's residence, a caretaker's residence (second unit), a barn/workshop building, and a hay barn. The site is characterized by a steeply incised northerly-flowing creek running through the center of the long, narrow lot. A single driveway gives access to the Berlogar residence. The site has been used for cattle grazing and horseback stabling/riding. There is also a small vineyard. The intermittent creek's habitat has been compromised by many years of intensive cattle grazing, and its lower end has been filled. Steeper areas contain blue oak woodland habitat. The elevations of the subject site range from 423 feet at the northern corner of the site near Old Vineyard Avenue to 695 feet at the top of the ridge near the southern property line. The Berlogar residence is served by its private well and a septic tank/leachfield system. Please see the aerial of the subject site below.



The property is bordered on the east and north by single family residential properties, on the west by single family residential properties and the old Pleasanton Garbage Service landfill, and the south by the Lin property with a PUD-RDR/OS (Planned Unit Development – Rural Density Residential/Open Space) land use designation.

PROJECT DESCRIPTION

The proposed project would be located on the northern portion of the site, in one of the Hillside Residential (HR) areas where three new home sites are allotted by the VACSP. The applicants believe that a two-lot proposal would be most suitable for the area considering its hillside setting, and as such, proposed a PUD to create two new home lots instead three new home lots. Custom homes would be constructed on both lots. The proposed project is summarized below:

- Lot Sizes: Lot 1 (new) – 1.2 acres
 Lot 2 (new) – 1.9 acres
 Lot 3 (remainder/existing home lot) – 34.3 acres
- Building Envelopes – Building envelopes have been created for the proposed new lots, Lot 1 and Lot 2. All structures (i.e., the main dwelling and all accessory structures, including "agricultural" accessory structures) would be required to be located within the envelopes. The building envelope for Lot 1 is approximately 21,202 square feet, and the building envelope for Lot 2 is approximately 22,725 square feet. The proposed building pads would at a minimum of 30 feet from the edge of the road and property lines.
- Architectural design guidelines and site development standards have been created for the custom homes. The building pads would be created by a cut-fill pattern. A copy of the proposed design guidelines is attached as Exhibit B.

- Access to the proposed lots would be from a 16-foot wide private roadway at the end of the existing Silver Oaks Court. This private roadway would then continue southerly and meander between the tree driplines providing access to both lots. This private roadway would terminate on Lot 2 with a hammerhead design as it would also serve as an emergency vehicle access road. Sixteen feet of the roadway would be paved. The existing slopes on both sides of the roadway would re-graded; as a result, a four- to nine-foot high retaining wall would be constructed on portions of the east side of the road and a four-foot high retaining wall would be constructed portions of the west side of the road. The slope of the road varies from 3.1% to 15%. It should be noted that the VACSP shows the connection from Silver Oaks Court as a local street with a width of 32 feet. In order to preserve trees and minimize grading, staff is willing to support a narrower private street.
- An arborist report was submitted assessing the existing trees on the subject site. The report surveyed a total of 25 trees near the proposed development area. None of the trees would be removed. The report is attached as Exhibit B.
- Visual Analysis/Photosimulations of potential prototypical future homes were prepared by Gorney & Associates. Photos were taken from various locations, both near and far from the proposed home sites. The photosimulations are included in Exhibit B.

Silver Oaks Estates Homeowners Association (HOA) Concerns

On October 5, 2012, staff was contacted by Mr. Gevan Reeves, owner of 2438 Silver Oaks Lane) inquiring about the proposed project. After review the proposed two-lot proposal, Mr. Reeves expressed concerns and asked questions related to:

- the location of the proposed two new residential lots;
- access road location and screening;
- the southern hillside residential area shown on the specific plan's land use plan;
- the orientation of the proposed homes.

In respond to Mr. Reeves's concerns, staff met with Mr. Reeves and other residents on Silver Oaks Lane several times, explaining the specific plan land use plan, and the proposed development. On March 5, 2013, the Silver Oaks Estate Homeowners Association (HOA) wrote to staff expressing the following:

- The proposed development would intrude upon the existing homeowners privacy by placing homes in areas that would overlook existing residences;
- The proposed development would have disruptive visual and noise impacts related to cars on the private street; and,
- The proposed development would not conform to the mitigated Vineyard Corridor Specific Plan and related Environmental Impact Report as homes are not entirely within the designated development areas.

Upon receipt of the HOA letter, staff met with the HOA representatives (Gevan Reeves and Alex Winn) and the applicant (Frank Berlogar). At the meeting, concern was raised by the HOA that the proposed site layout does not conform to the VACSP Land Use Plan as the home sites are not completely within the designated Hillside Residential development areas shown on the Land Use Plan. At staff's request, Mr. Berlogar prepared three site alternatives to address the privacy, visual, and environmental concerns. Please refer to "Site Alternatives" section of the staff report for a detailed discussion of the alternatives.

Following the meeting, Mr. Reeves emailed staff reiterating the concern expressed by the HOA concerning whether the proposed development is in conformance with the specific plan's EIR and asking if story poles could be set up on the proposed development site to demonstrate the location and massing of the structures.

Please refer to Exhibit H for letter from HOA and emails from Gevan Reeves.

CONSIDERATIONS FOR THE WORK SESSION

Staff seeks Planning Commission's direction and comments on the proposed development. The items listed below are those on which staff would find the Commission' input most helpful. The Commission may also comment and direct staff/applicants on areas that are not included in the list.

Site Plan

The Vineyard Avenue Corridor Specific Plan (VACSP) states the following that would apply to the proposed development:

Physical Planning Concept (page 17)

- Residential development in Subarea 3 is to be sited so as to preserve significant natural features such as major ridgelines and hilltop areas, woodland, and riparian corridors. Development generally consists of clusters of custom homes designed to reflect the rural character and natural features of the hilly terrain. The large majority of land within this area is to be preserved as permanent open space.

Hillside Residential District (page19)

- The Hillside Residential (HR) district provides for 19 new homes on 40,000-square foot minimum-sized lots. Development areas are located in the hilly portions of Subareas 1 and 3. The intent of this designation is to allow for a clustering of homes in well-defined areas of the hills in order to preserve significant natural features such as ridgelines, hilltops, oak woodland, creeks, and steep slopes. Open space land surrounding the HR district is to be permanently preserved.

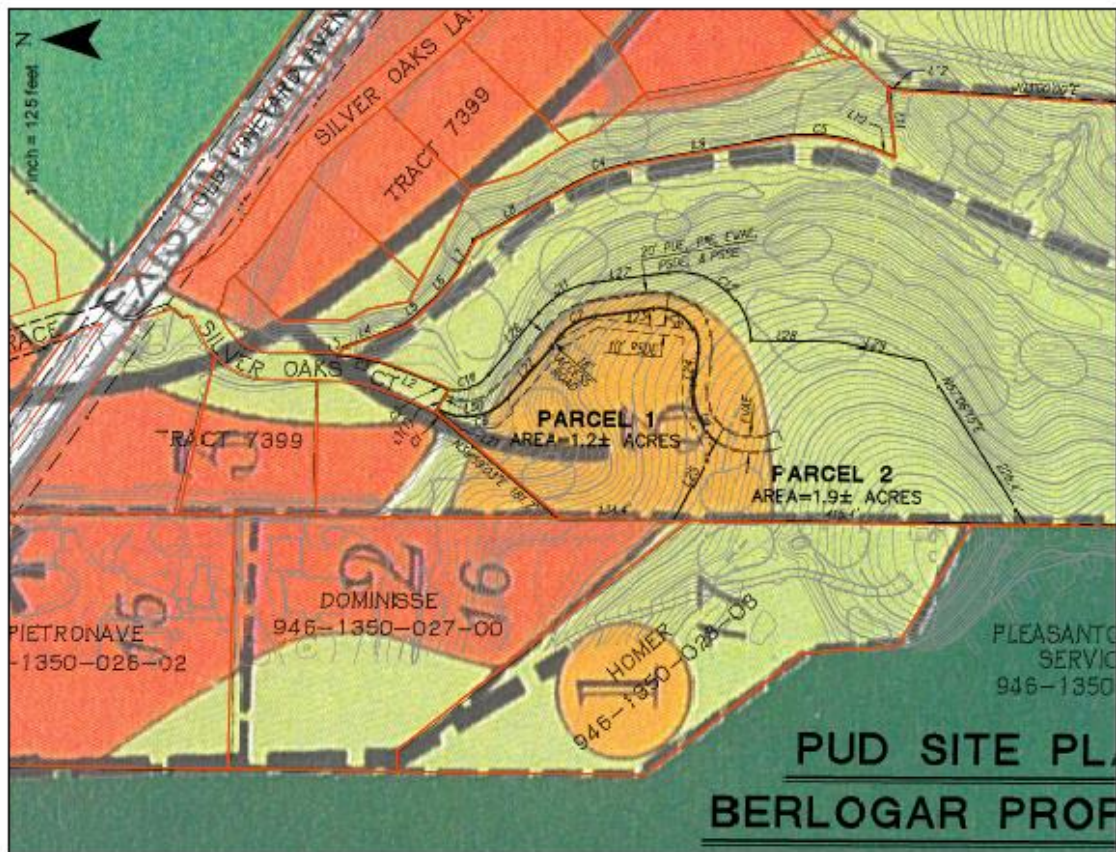
Open Space District (page 22)

- The Open Space (OS) district is generally intended to preserve the natural features of the hillside areas south of the existing Vineyard Avenue. Owners of these lots may retain their existing agricultural uses. No homes are permitted within the OS area; however, fencing and agricultural structures are allowed.

Residential Development Standards (page 25):

- In HR areas, all home sites must be located within the designated development areas as generally depicted on the land use plan (see Figure IV-2). Lot lines may extend into land designated as Open Space, but primary residential buildings and residential accessory structures may only be sited within the designated development areas.

The VACSP allows three new residential home sites in the northern portion of the site. Instead of three new residential lots, the applicants propose two new lots. Please see the diagram below showing the proposed two new lots superimposed onto the VACSP land use plan.



Hillside Residential Land Use in mustard color and Proposed Residential Lots

As shown in the exhibit above, the proposed Lot 1 and a portion of the proposed Lot 2 would be located within the “mustard colored” area as identified in the VACSP Land Use Plan for hillside residential development.

The VACSP indicates that all hillside home sites must be located within the designated development areas as generally depicted (underline added) on the land use plan, the “mustard colored blob” as it was referred to. Staff notes that the land use plans are not usually meant to be precise, but can be flexible.

Prior to the proposed hillside residential development, there were two hillside residential developments in the VACSP on Lot 25 (PUD-54/Reznick) and Lot 27 (PUD-32/Sarich). During PUD development plan reviews of these projects, much discussion occurred concerning the “blob” locations vs the proposed home sites. As a result, staff prepared a memo the Planning Commission addressing hillside development issues including the “blobs”.

The memo is attached as Exhibit F, and an excerpt of the memo referring to the development area as “blobs” or “dots” stated:

The dots show the number of planned residential units with an asterisk for an existing home. Where more than one unit is planned, the dots take on an irregular shape presumably signifying the general location for the units. These “dots” or “blobs,” as the case may be, do not appear to be randomly placed. However, Figure IV-2 does not have the precision of topographic contours or other descriptive features that would specify an exact location. Again, as noted on page 23 of the Specific Plan, there was some flexibility built into the Specific Plan to allow specific site development standards to be looked at through the City’s PUD process and varied “for unusual site conditions as long as any new standards are consistent with the intent of the Specific Plan.”

In response to staff’s questions whether the Specific Plan requires the proposed home to be built precisely on the “blob” shown on the land use plan or whether there was flexibility with respect to interpretation of the Specific Plan, there was consensus among the Commissioners that there could be flexibility considered in the siting of the future lots and that the proposed home did not need to be located precisely on the “blob” shown on the land use plan. In reviewing the previous PUD developments, the general consensus that the location of the lots was consistent with the intent of the VACSP, and no direction was provided to amend the VACSP. The City Council concurred with the Commission’s discussion. To that end, the Sarich and Reznick developments both stray from the location of the illustrative “blobs.”

The VACSP requires hillside residential lots to have a minimum lot size of 40,000 square feet. The subject “blob” area is approximately 78,000 square feet in size, which would not accommodate three, 40,000-square-foot lots. However, this 78,000-square-foot hillside residential area would accommodate three home sites or building envelopes. If the homes were located in this “blob” area, these homes would need to be located closer to the southeastern portion of the “blob” where grades are more gentle than the north portion of the

“blob” and so that existing heritage-sized oaks could be preserved. If the homes were to be located in the southeastern portion of the “blob”, split level design may not be an option; therefore, homes would have a full two-story height. Staff does not believe it is a better solution as these homes may have more visual and privacy impacts to the residents on Silver Oaks Lane than the current proposal. Staff finds that the proposed development meets the Specific Plan’s physical planning concept of designing home sites to reflect the rural character and natural features of the hilly terrain.

The Silver Oaks Estates HOA stated in its letter that locating lots/homes outside the “blob” area would not conform to the VACSP or the specific plan’s Environmental Impact Report. If the proposed lots/homes are located entirely within the “blob” area such as the lot layout shown in one of the site alternatives (discussion later in the report), heritage-sized trees would be removed, significant grading would be required, and tall retaining walls would be constructed.

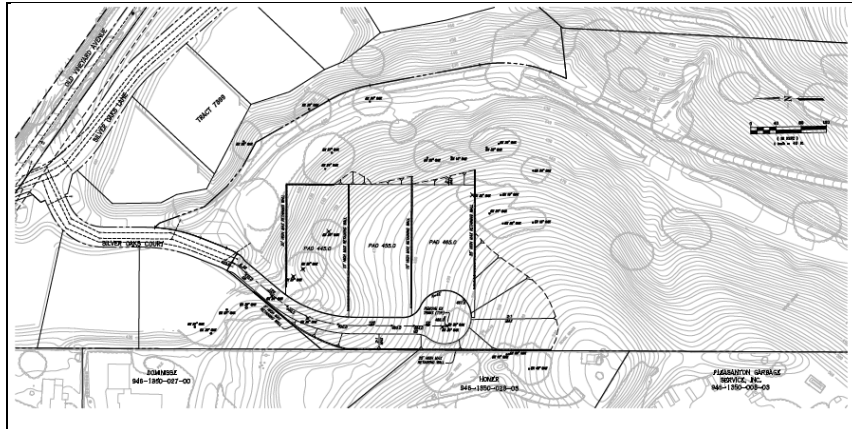
Staff believes that the proposed development plan conforms to the intent of the Specific Plan. Staff notes that land use plans are generally considered conceptual, thereby providing flexibility for the development of actual projects. Staff believes the “blob” or “dot” is conceptual and is not intended to be specific at the time these plans were made. For the seven custom home sites in the nearby site (PUD-54) on Lot 25 of the VACSP, the Commission and Council allowed some of the hillside residential home sites to be located outside the area shown on the Land Use Plan without a Specific Plan Amendment. Likewise, staff believes that the proposed lots could be located within the general vicinity of the location shown on the land use plan without a Specific Plan Amendment.

Site Alternatives

At staff’s request, the applicant prepared three alternatives that address issues related to the location of the building pads within the designated development area and locating the road in an area less visible to the Silver Oaks Lane neighbors. All the alternatives show the road located on the west side of the property, away from the residential lots on Silver Oaks Lane. One of the alternatives shows three new lots; two show two new lots.

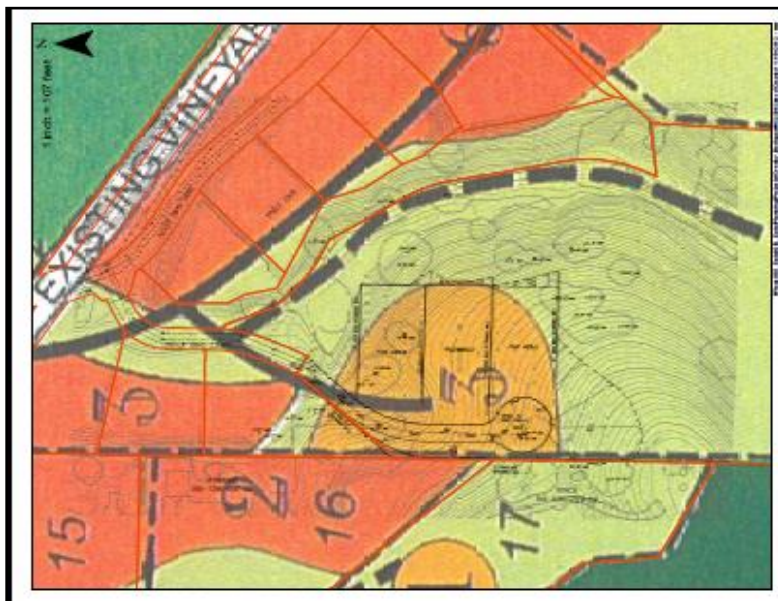
(Please see following pages for alternatives.)

Alternative No. 1 – Three New Residential Lots

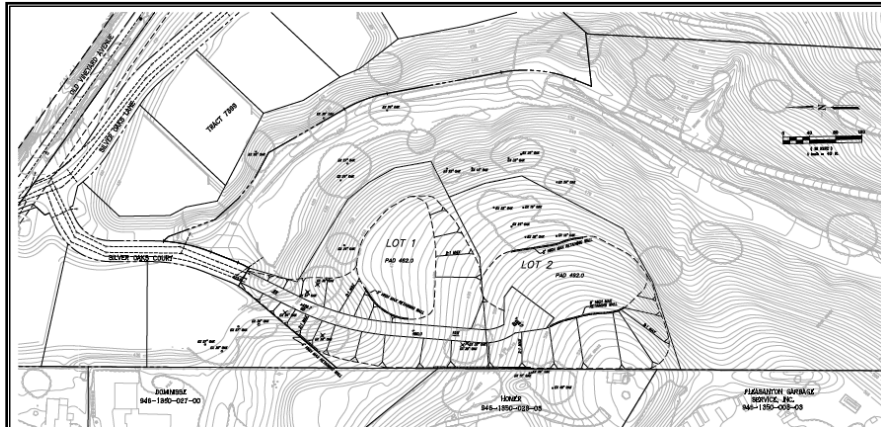


This alternative includes the following elements:

- Except for a small portion of Lot 1 and Lot 3, this three-lot site alternative fits inside the Hillside Residential area as depicted in the Specific Plan's Land Use Plan;
- The slope of the road varies from 6% to 19%;
- An eight-foot high retaining wall is needed along the west side of the proposed road;
- Retaining walls varying between 10- to 25-foot in height are located between the residential lots;
- Eight heritage-sized oak trees would need to be removed;
- Pad elevations for the three new lots are: Lot 1 at 445'; Lot 2 at 455'; Lot 3 at 465';
- Lot sizes of the three new lots are: Lot 1- approx. 19,795 sq.ft.; Lot 2 – approx. 21,025 sq.ft., Lot 3 – approx. 18,117 sq.ft.
- The total area of disturbed slope is approx. 98,843 sq.ft.

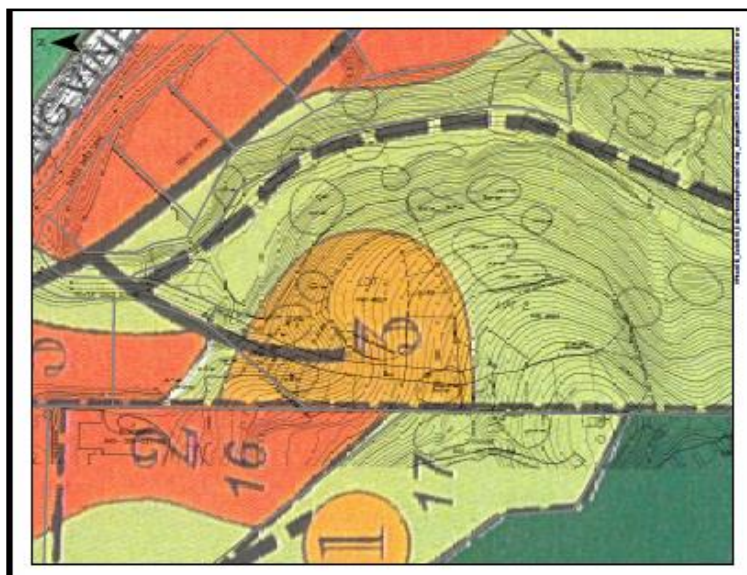


Alternative No. 2: Two New Residential Lots

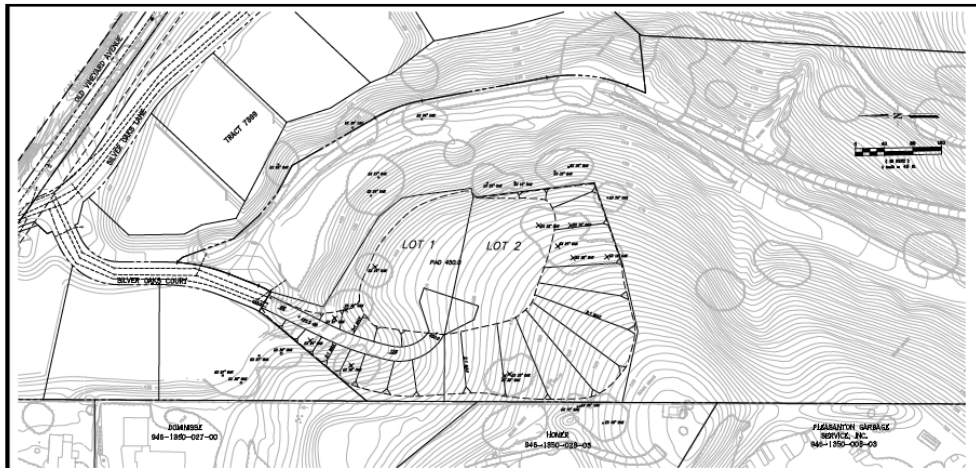


This alternative includes the following elements:

- Two new residential lots with most of Lot 2 outside the Hillside Residential area as depicted in the Specific Plan's Land Use Plan;
- The slope of the road varies from 6% to 12%;
- A four-foot high retaining wall is needed along the west side of the proposed road;
- A two-foot high retaining wall is needed on Lot 1;
- Two retaining walls, 5 and 6 feet in height, are needed on Lot 2;
- Six heritage-sized oak trees would need to be removed;
- Pad elevations for the two new lots are: Lot 1 at 462'; Lot 2 at 492';
- Building envelope area for the two new lots are: Lot 1 – approx. 17,140 sq.ft., Lot 2 – approx. 21,938 sq.ft.
- The total area of disturbed slope is approx. 107,541 sq.ft.

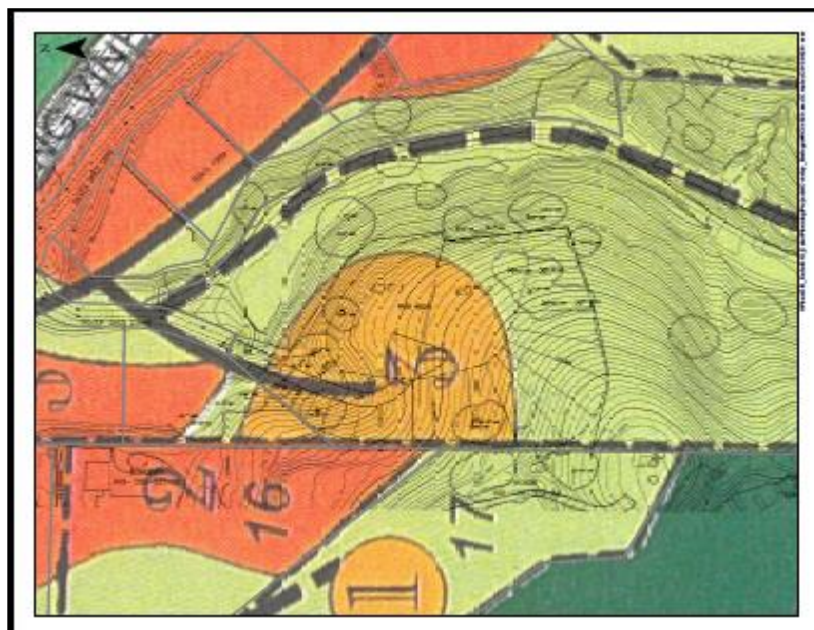


Alternative No. 3 – Two New Residential Lots



This alternative includes the following elements:

- Two new residential lots with Lot 2 partially outside the Hillside Residential area as depicted in the Specific Plan Land Use Map;
- The slope of the road varies from 6% to 12%;
- No retaining walls are proposed;
- Six heritage-sized oak trees would need to be removed;
- Pad elevation for both lots is at 450'.
- Building envelope area for the two new lots are: Lot 1 – approx. 21,974 sq.ft., Lot 2 – approx. 20,621sq.ft.
- The total area of disturbed slope is approx. 107,037 sq.ft.



The following table shows summaries the proposed plan and the alternatives:

	The Proposed Plan	Alternative No. 1	Alternative No. 2	Alternative No. 3
No. of New Lots	2	3	2	2
Within the Hillside Residential Area	Lot 1 – yes Lot 2 – a portion	Except for a small portion of Lots 1 & 2 - yes	Lot 1 – yes Lot 2 – a portion	Lot 1 – yes Lot 2 – approx. one half of the lot
Road Location	On the east side of the subject site	On the west side of the subject site	On the west side of the subject site	On the west side of the subject site
Slope of the Road	6-12%	6-12%	6-19%	6-12%
Retaining Wall Height(s)	4-9 feet	8-25 feet	2-6 feet	None
Heritage-sized Tree Removal	0	8	6	12
Pad Elevations	Lot 1: 460' Lot 2: 515'	Lot 1: 445' Lot 2: 455' Lot 3: 465'	Lot 1: 462' Lot 2: 492'	450'
Approximate Amount of Disturbed Area	83,470 sq.ft.	98, 843 sq.ft.	107,541 sq.ft.	107,037 sq.ft.

From the proposed alternatives, Alternative No. 1 may be revised slightly so that all three new residential lots would fit within the Hillside Residential area and responds to HOA's concern of compliance to the specific plan. However, this alternative would result in significant grading and retaining walls, and would remove eight heritage-sized oak trees. It may not address the disruptive visual impacts raised by the Silver Oaks Estates HOA in terms of retaining walls and intrusive privacy issue from the proposed three new homes to the existing homes on Silver Oaks Lane.

Neither Alternative No. 2 nor Alternative No. 3 fits within the Hillside Residential area. The proposed road on Alternative No. 2 is very steep, exceeding the maximum slope which is acceptable to the Fire Department. Both alternatives would result in removal of several heritage-sized oak trees.

Discussion Point No. 1: Does the Planning Commission support the applicants' proposal for siting the homes or is there a preference for Alternatives 1, 2 or 3?

Road Alignment and Grading

The Vineyard Avenue Corridor Specific Plan (VACSP) states the following that would apply to the proposed development:

Geological Requirements Relating to Construction, (p. 51)

- To the extent possible, grading plans shall minimize earth-moving and site-grading. Development design shall avoid placing structures and utilities on or near the tops of slopes or in the shallow subsurface of slopes.

General Residential Design Guideline (page 31)

- Grading for buildings, driveways, outdoor-use areas, etc. should be compatible with existing topographic contours and minimized to preserve the natural topography of the site.
- Graded slopes should utilize “rounded landform grading” techniques to achieve a natural transition between graded areas and existing terrain (see Figure IV-3). Flat graded planes and sharp angles of intersection should be avoided to reduce the visual impact of grading.
- Substantial graded areas of uniform slope in hillside areas should be avoided. Cut and fill slopes should generally undulate and vary in slope gradient.

A 16-foot wide private roadway is proposed at the end of the existing Silver Court. This private roadway would then continue southerly and meander between the tree driplines providing access to both lots. This private roadway would terminate on Lot 2 with a hammerhead design as it would also be served as an emergency vehicle access road. A four- to nine-foot high retaining wall would be constructed on portions of the east side of the road and a four-foot high retaining wall would be constructed portions of the west side of the road. The elevation of the road starts at 430 feet and ends at 530 feet at the hammerhead.

The Silver Oaks Estates HOA in the letter states that proposed retaining wall, together with traffic noise and headlights, and residential noise from the proposed two homes, would be disruption impacts to the existing residents.

The retaining wall that would be constructed on the east side (facing the existing homes on Silver Oaks Lane) would vary four to nine feet in height. The exterior color of the wall would be in earth tone to blend into the hillside and landscaping would be installed to screen the wall. It is possible to lower the wall height by breaking the wall into two or more parallel/terraced walls. However, this option would result in removal of some of the existing heritage-sized trees, which the applicants are trying to preserve.

The Vineyard Avenue Corridor Specific Plan (VACSP) Land Use Plan denoted that the street to the proposed site would be a public street. The applicants propose a private road, which is designed per the requirements specified in the specific plan for private hillside streets. In order to preserve trees and minimize grading, staff is willing to support a private street.

Discussion Point 2: Is the proposed private road alignment acceptable?

Proposed Design Guidelines

The Vineyard Avenue Corridor Specific Plan (VACSP) states the following that would apply to the proposed development:

Residential Development Standards (page 25)

- Maximum Building Height in the HR District is 30 feet.
- Building height is measured vertically from the lowest elevation of the building to the highest elevation of the building, excluding chimneys. Primary buildings shall be limited to two stories in height, and accessory buildings shall be limited to 25 feet and one story in height.
- Primary buildings located on Lot 17 and on existing elevations exceeding 540 feet shall be limited to 25 feet in height and one story.

General Residential Design Guideline (pages 30 and 31)

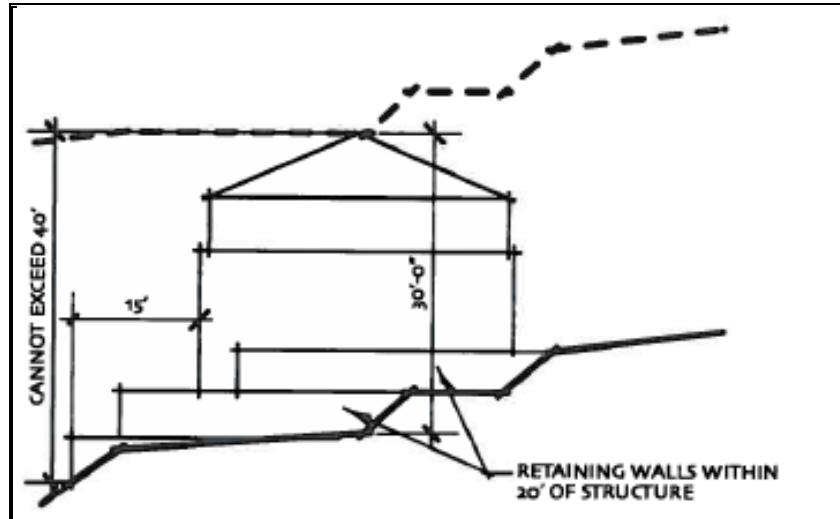
- Buildings should be designed to minimize visual height and bulk. Building height, bulk, and floor area should respond to lot size, natural site terrain, and other site conditions. Wall recesses and projections, roof overhangs, decks, porches, bay windows, dormer windows, and other architectural features are encouraged to reduce visual bulk and create interest.
- Building feature proportions (i.e., doors, windows, entries, roof forms, wall massings, etc.) should be carefully balanced. One-story entries are strongly encouraged while entries exceeding one-and-one-half stories should be prohibited.

Specific Hillside Residential District Design Guideline (page 35)

- House designs should be limited to traditional architectural styles and forms adjusted to conform to the natural character of the site.
- Architectural design should emphasize the blending of buildings into the natural surroundings and minimizing building visibility from off-site areas.
- Medium to dark earth-tone building colors shall be used to complement the surrounding natural setting. Darker colors will generally be less conspicuous when viewed from a distance. White, tan, light gray, blue, and yellow are inappropriate building base colors.

The home on Lot 1 would be a split-level home to minimize grading; thus, the proposed house pad on Lot 1 would be located on elevations of 460 feet and 470 feet, and the proposed house pad on Lot 2 would be located on elevation 515 feet. The proposed home design guidelines require the homes to be designed to integrate into the hillside setting or a split-level design. Regarding height, the design guidelines require, at any point on the plane of any visible elevation, the height of the structure, measured from the existing grade to the highest point of the finished roofing, shall not exceed 30 feet. The overall height of the structure, measured

from the lowest natural grade when the house is constructed to the highest point of the finished roofing, shall not exceed 40 feet. See illustration below (pg. 12 of the proposed design guidelines, Exhibit B).



Page 23 of VACSP states site development standards such as building height may vary for unusual site conditions as long as any new standards are consistent with the intent of the Specific Plan. Page 24 states minor variations in lot, building setbacks, and building height may be permitted subject to the PUD development plan approval process where necessary due to physical site conditions.

Discussion Point No.3: Is the proposed building height specified in the design guidelines acceptable?

Instead of defining specific architectural styles for the future homes, the proposed design guidelines, similar to the design guidelines for Silver Oaks Estates, provide design criteria for each building component such as roofs, windows, doors, etc. Staff finds that the proposed design guidelines are appropriate for the hillside development.

The proposed lot size for Lot 1 is approximately 1.2 acres and that for Lot 2 is approximately 1.9 acres. The proposed design guidelines limits each lot to have a maximum of 8,500 square feet of habitable/living space and a maximum of 10, 000 square feet of total building area (including the homes, garage, and all accessory structures on the subject site).

Discussion Point No. 4: Is the proposed maximum floor area acceptable?

Heritage-Sized Trees

The Vineyard Avenue Corridor Specific Plan (VACSP) states the following that would apply to the proposed development:

Environmental Objective (page 86)

- Permanently preserve significant woodland, riparian habitat areas, wetlands, and wildlife corridors.
- Preserve and protect existing heritage trees, wherever possible.

Heritage Trees (page 88):

- Existing trees exceeding six inches in trunk diameter as measured four feet above ground level shall be preserved whenever possible. (Exceptions for orchard trees and other non-heritage trees which do not line Vineyard Avenue and are located in Vineyard districts shall be subject to approval on a case-by-case basis by the Planning Commission).

An Arborist Tree Assessment Report was prepared by Ralph Osterling Consultants, Inc. The report surveyed a total of 25 trees composed of three tree species: 23 blue oaks, one black oak, and one valley oak. None of the existing trees would be affected by the proposed development other than two blue oaks' foliage needing trimming.

Visual Analysis (Photomontage)

The Vineyard Avenue Corridor Specific Plan (VACSP) states the following that would apply to the proposed development:

Residential Development Standards (page 34):

- The visual prominence of development should be minimized by utilizing existing site features for screening such as tree clusters, depressions in topography, setback plateau areas, and other natural features.

The Specific Plan requires that a visual analysis be created with the development plan review. Photomontages of the proposed project have been prepared by the project architect, Gorney & Associates. As the homes would be designed based on the design criteria specified in the proposed design guidelines, it is hard to predict the exact details of a future home. To prepare the visual analysis, Gorney & Associates used building shells that resemble what most likely would be constructed on the sites. A two-story house with an approximately 7,588 square feet in size was used Lot 1 and a two-story house with an approximately 6,734 square feet in size was used for Lot 2. As the homes constructed by future homeowners, it is unknown at this time the orientation of the homes.

Mr. Gevan Reeves and the Silver Oaks Estates HOA stated that the proposed road, retaining wall, and two new homes will have an unobstructed or only partially obstructed line-of-sight view into the existing homes on Silver Oaks Lane. To show the potential visual impacts of the proposed two homes may have upon adjacent properties, Gorney & Associates prepared photomontages taken from seven view points, including viewpoints from the rear yard of the existing homes on Silver Oaks Lane and from the end of the existing Silver Oaks Court.

The photomontages show that the proposed retaining wall would be visible from the rear yard of the homes on Silver Oaks Lane and Silver Oaks Court. The applicants have indicated landscaping could be planted to “screen” the retaining wall. In addition, none of the existing heritage-sized trees would be removed due the proposed development. As such, they would act as a natural screening of the proposed two homes.

The proposed design guidelines (page 4) require visual analysis for Lot 2. Considering its hillside location, staff recommends that visual analysis be required for both lots.

Discussion Point No. 5: Should additional photomontage viewpoints be included?

Discussion Point No. 6: Any other concerns the Planning Commission has about this proposal?

PUBLIC COMMENT

Public notices were sent to all property owners within a 1,000-foot radius of the subject property. Other than the emails from Mr. Gevan Reeves and the letter from Silver Oaks Estate HOA, at the time this report was written, staff had not received any additional comments.

CONCLUSION

The VACSP embodies several objectives for Hillside Residential development. Such development should be clustered in well defined areas, while at the same time preserving natural features such as heritage trees, hilltops, creeks, and steep slopes. At the same time, the visual prominence of new development should be minimized by utilizing existing site features, and open space area should be preserved. Achieving all these objectives on this site is difficult. Staff recommends that the Planning Commission review the attached material, take public testimony, and make suggestions/comments to the applicant and staff regarding the development of the site.

**EXHIBIT A
PUD-84**

WORK SESSION DISCUSSION POINTS

Discussion Point No. 1:

Does the Planning Commission support the applicant's proposal for siting the homes or is there a preference for Alternatives 1, 2 or 3?

Discussion Point No. 2:

Is the proposed road alignment acceptable?

Discussion Point No. 3:

Is the proposed building height specified in the design guidelines acceptable?

Discussion Point No. 4:

Is the proposed maximum floor area acceptable?

Discussion Point No. 5:

Should additional photomontage viewpoints be included?

Discussion Point No. 6:

Any other concerns the Planning Commission has about this proposal?

PUD-84, Frank Berlogar

Work Session to review and receive comments on an application for Planned Unit Development (PUD) Development Plan approval to subdivide an approximately 37.4-acre site located at 88 Silver Oaks Court, in the Vineyard Avenue Corridor Specific Plan Area, into up to four lots consisting of three new single-family lots for custom homes and one lot with the existing residence. Zoning for the property is PUD-HR/OS (Planned Unit Development – Hillside Residential/Open Space) District. Jenny Soo presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner O'Connor inquired if Alternative 1 is a hammerhead or a court.

Ms. Soo replied that it is a bubble. She added that very tall retaining walls, almost the height of a freeway sign, would need to be constructed between the properties; trees would be removed; and significant grading would be required.

Commissioner Allen inquired what the habitable square footage of other homes in the area are.

Ms. Soo replied that there are three tract homes and production homes – two built by Greenbriar Communities and one by Centex Homes. She indicated that the total building area for each Centex Homes tract averages 4,500 square feet to 8,900 square feet; and the Greenbriar Homes are almost 5,000 square feet to 5,600 square feet.

Commissioner Allen inquired if staff had the sizes of the Silver Oak homes.

Ms. Soo replied that the homes range from 3,500 square feet to 4,700 square feet, and the total building area ranges from 4,400 square feet to about 5,600 square feet.

Commissioner O'Connor inquired what the average lot size is.

Ms. Soo replied that the smaller one is 19,430 square feet, which is less than a half-acre.

Commissioner Posson inquired which Alternative best addresses the neighbors' concerns.

Ms. Stern replied that the neighbors would have to speak on which of those Alternatives they think best addresses their concerns. She noted that all the Alternatives were designed so that the road was on the other side of the development and, therefore, addressed all of the concerns about privacy, headlights from cars, and other similar issues. She added that Lot 2, which is currently just about the peak of the hill, was brought down the hill slightly to address some of their concerns.

Commissioner Posson requested confirmation that staff then does not know whether or not either of these Alternatives would be acceptable to those individuals.

Ms. Soo replied that the neighbors have received all the information, and one neighbor, a resident of Pietronave Lane, came in and indicated that he definitely did not like the three-lot Alternative, Option 1, and that he was not sure which option he preferred. He also requested that the Commission not make a decision tonight.

Commissioner Posson noted that the Slope Classification Map on Exhibit B indicates that there are some slopes greater than 20 percent. He inquired if there are any greater than 25 percent, that is, if there is any implication with Measure PP in this area.

Mr. Dolan said no.

Chair Pearce inquired if there is any indication in the Vineyard Avenue Corridor Specific Plan (VACSP) as to the location of the road.

Ms. Stern replied that it just shows where the road is and where it ends.

Chair Pearce noted that some of the Commissioners have not had the opportunity to have the discussion about stepping homes versus the flat pad and the differences in the elevations and asked staff to speak to the visual impact of the stepped homes at 40 feet versus the 30 feet.

Ms. Stern replied that the main difference is that less grading is required when the homes are stepped so a more natural slope can be maintained. She noted, however, that when this is done, the house sort of cascades down the slope and can create some areas where there is a visual experience of the house being taller than if it were on a flat pad.

Commissioner O'Connor asked staff to speak to staff's preferred layout and if staff's concern is mostly with heritage trees.

Ms. Stern replied that the originally proposed layout does not touch any of the trees. She noted that maintaining the natural appearance of the hillside with the trees goes a long way in satisfying the objectives of the Specific Plan.

Mr. Dolan noted that if this proposed project is looked at independently of other projects in the neighborhood, it is probably the most sensitive to the land.

Commissioner O'Connor inquired if all the heritage trees are oak trees.

Ms. Stern said yes.

THE PUBLIC HEARING WAS OPENED.

Frank Berlogar, Applicant, stated that he lives on the property and that when he started looking at submitting an application for the three-lot hillside residential development, he

came to the conclusion that it was not possible to get three lots up there and have it look reasonable, as it would be too massive and have too much of an impact. He indicated that he made a number of decisions: first, to apply for two lots instead of three; and second, to put the road between the new homes and the existing homes to avoid the backyard-to-backyard impact on neighbors, which would be a more sensitive approach.

With respect to the oak trees, Mr. Berlogar stated that he loves the oak trees and that they were the main reason he bought the property. He indicated that he really wanted to maintain the trees and that he believes the initial application for the two lots is the best plan for that site and would like consideration on that. He indicated that the architect who developed the design guidelines for the existing Silver Oak homes and developed the design guidelines for these proposed two homes as well as prepared the photo simulation is present tonight to answer any questions the Commission may have.

Joseph Gorny, Project Consultant, stated that he is available to answer any questions regarding the photo simulations.

Gevan Reeves, neighbor, stated that he was present tonight with three other neighbors who are members of the Homeowners Association, and he was speaking on behalf of the homeowners. He noted that reading through the VACSP, it is apparent that hillside residential is set to a higher standard than other homes in the development area, with specific expectations and requirements. He indicated that he and his neighbors all moved into their homes recently and had an expectation that the Vineyard Avenue Corridor Specific Plan would govern the development of both the proposed Berlogar development and all future developments in the area, on both the intent and letter of the Specific Plan. He noted that there are two other hillside residential areas in Berlogar's parcel that could be developed in addition to what is being shown today, and another hillside residential. He expressed concern not just for this proposed property but also for future development.

Mr. Reeves stated that he had sent a letter to the Commission, which is included in the packet. He indicated in that letter that the proposal to move one of the homes out of the proposed designated development area to the top of the hill violates both the spirit of the VACSP as well as two factual items. He noted that the VACSP states: "*The purpose of this designation [of hillside residential] is to allow for a clustering of homes in well-defined areas of the hills in order to preserve significant natural features such as ridgelines, hilltops, oak woodland, creeks, and steep slopes. Open space land surrounding the HR district is to be permanently preserved.*" He stated that the location of the home is being moved from a designated development area to the top of a hill, which has been designated as open space, and 25 feet of the hill would be lopped for the house. He added that they too love the oak trees and that environment, and they are not advocating tearing down oak trees by any measure. He stated that with respect to hillside residential, the VACSP states: "*in HR areas, all home sites must be located within the designated development areas as generally depicted on the land use plan. Lot lines may extend into land designated as Open Space, but primary residential*

buildings and residential accessory structures may only be sited within the designated development areas."

Mr. Reeves stated that there was a discussion in the past about this, and he did not see that in the packet. He added that there was also a staff memo to the Planning Commission in 2006 indicating that staff had consulted with Wayne Rasmussen, former Principal Planner and Project Planner for the Specific Plan, and Wayne had stated that due to the environmental constraints of the hillside residential areas, house locations were meant to be fairly precise as represented by the 'blobs.' He noted that he thinks that is contrary to what was mentioned today. He added that he had sent an email regarding PUD-32, which was not included in the packet, and there was also a consideration for PUD-54 in which staff had since discovered that the VACSP and the EIR restrict construction from occurring within 100 feet of the center on jurisdictional waters of the U.S. He indicated that he believes because this is a drainage way, an EIR impact necessitated alternative considerations, and there is a Specific Plan, a related EIR, and a Mitigated Negative Declaration plan that says the homes must be in the designated development area. He added that one of the arguments in this case, and in previous cases, is what the "blobs" mean.

Mr. Reeves stated that the relocation or expansion of the proposed development contemplates a deviation of 103 feet in horizontal distance and over 50 feet elevation to the top of the hill, and a 25-foot partial flattening of the top of the hill. He indicated that to allow for this deviation of the designated development area would amount to a *de facto* amendment of the Specific Plan. He added that staff had indicated that there was some discretion to approve deviations from the designated development area; however, staff's interpretation ignores the next sentence of the Specific Plan that expressly limits the flexibility by clearly stating that all primary residential buildings and residential accessory structures may only be sited within the designated development areas, that the lot lines can extend out but the buildings must be in that area.

Mr. Reeves state that he does not know if the scale on the visual photos are accurate as they show 12-foot tall retaining walls, and 30-foot tall buildings as basically a half inch. He added that the Alternatives, and primarily the first Alternative was fairly transparent to make the Alternatives look as offensive as possible so as to go back to the desired plan and raise questions such as why the trees have to be destroyed, why the building has such a large envelope and if it needs to be flat. He stated that this is hard to visualize by looking at photos and invited the Commissioners to come visit the site and take a look at what the neighbors are trying to visualize.

Colin Proudfoot stated that he has lived on the lot marked No. 2 for 14 years, before any of the development on the hill. He concurred that any Alternative that destroys the heritage oaks that are hundreds of years old on that property would be a travesty, and noted that the initial application does not destroy the oaks while all the Alternatives do. He indicated that he believes there may be a compromise solution that would improve the visual impact to the Silver Oaks residents as opposed to the ones in the plan that shown today. He noted his objection to any Alternative that takes the road from the

initial proposal between the Silver Oaks properties and his property and runs directly along his property line. He further objected to the proposals that locate the pads within 30 feet of his property line, moving them next to his property rather than somewhere in the middle, again to pacify the Silver Oak residents. He indicated that he thinks that would be unfair. He added that he believes there should be a solution that would lower the heights of the pads without major grading, taking out any of the trees, and meet everybody's concerns.

Terry Kingsfather stated that the other speakers have covered pretty much everything he wanted to say.

Mr. Berlogar stated that he just wanted to cover one topic: the location of the "blobs" and how accurate and specific those really are. He indicated that he had his AutoCAD operator overlay the Specific Plan on a Google photo, and most of the existing homes are not correctly identified, with one of the homes shown on the other side of the street. He questioned how anything can be that accurate if the locations of the existing homes are not accurate on the Plan.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Olson asked staff if they feel the visuals in the packet are pretty accurate.

Ms. Stern replied that when scale is considered, one tries to adjust it to normal vision, and that is very subjective; something that is sort of annoying on the horizon is focused upon and deemed to be bigger on the photo. She referred the matter to Mr. Gorny, who could talk to whether or not this was taken with a normal lens that would try and capture how the eyes would see this and explain that a little bit better.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Gorny stated that what his team did was overlay some conceptual house plans over the grading plan that they were given, then went to each one of the neighboring properties and set a square on there that they made six feet tall to make sure they had the right eye level. He explained that not much of it would be seen with a straight 50-millimeter lens so they actually widened it a little bit to show the entire hill in order to get a sense of what it looked like in the distance.

Mr. Gorny stated that when they built the computer model, Photoshop gave them the exact lens that they had when they were looking at the view, and they were able to set the camera in the computer model to have the exact same lens; so they knew that when they built the computer model, they were looking from the same exact spot. He continued that they basically set their camera on top of that square; they looked in the same direction and set the camera exactly the same, and then from there, they basically took out the skies and were laying it in. He indicated that he believed it was a 45-millimeter lens because they were going the other way to a slightly wide angle as

otherwise, one would only see the size of the hill and did not get a sense as to what was at the sides of it. He added that they also wanted to make sure they had both houses in each one of these.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor asked staff to comment on the location of one of those homes being put at the top of the hill and the grading of the hill and why staff would consider that to be their preferred spot. He stated that he thinks they are weighing trees versus locations and how far off the top of the hill is from the original "blob" on the map. He noted that this is a very large property and inquired if there were no other alternative to get a roadway that would not affect the trees while leaving the homes down where they originally were.

Ms. Stern replied that the map shows the road meandering between the trees. She added that the angle also needs to be considered as a reasonable slope has to be maintained for any emergency vehicles to get up there. She indicated that there may be a way to adjust the road a little bit but there is not too much latitude to do so.

Commissioner O'Connor inquired if there is an alternative that might remove one tree as opposed to three, four, five, or six trees.

Mr. Dolan replied that there probably is an alternative that would change the number of trees to be removed, and the height on the hill versus the location of the road. He noted, however, that these are not the only two variables; the distance between the homes, the size of the homes, and the space they would take are also variables. He added that he is not sure calling that one home as being placed on the top of the hill is exactly accurate as it is farther up the hill.

Commissioner Allen stated that when the Alternatives were created, it looks like the underlying assumption was a westerly road, which was common to all of the Alternatives. She noted that this raises the question of if there were two properties that were lower on the hill but had an easterly road similar to the proposed plan, whether that might potentially be an option that would minimize the damage to the trees and help save them.

Ms. Stern replied that Exhibit B shows that down the hill a bit further are the tree outlines which are pretty much all over. She added that maybe some of those trees are smaller or less visible, and it might be possible to look into that. She noted that this is a Work Session, and these ideas can be considered.

Chair Pearce agreed that because this is a Work Session, discussions can be less exacting than normal. She indicated that the Commission can go through the discussion points and ask questions of staff as they come and have a conversation about them.

1. Does the Planning Commission support the applicants' proposal for siting the homes, or is there a preference for Alternatives 1, 2 or 3?

Commissioner Allen stated that, as a background, she visited the site twice and that this is the first time she has been exposed to the property. She noted that she walked the site from the perspective of a pedestrian and a bicyclist and a resident, and then walked the site with staff for about an hour and a half actually looking at each of the Alternatives. She indicated that given that, she does not support any one of the Alternatives purely but would support something that would be a blending of the proposal and a blending of Alternative 3. She stated that that would mean lowering the house that is right now located toward the top to be more in line with where the lower property is. She noted that she thinks that would have less visual impact to everyone and little more of a clustering, and assumes an easterly alignment of the road in a way that protects those heritage trees.

Commissioner Olson stated that he supports the applicant's proposal and none of the other Alternatives.

Commissioner O'Connor agreed with Commissioner Allen and stated that he is more inclined to follow the applicant's proposal. He stated that the visuals are pretty clear: if the upper home is not at the top of the hill, it is pretty close to it for breaking blue sky and quite a way away from the original "blob." He indicated that he knows there is some flexibility with "blobs" but that he would prefer not to have the home so visually exposed. He added that he would also like to protect as many of these heritage oaks as possible and would rather see a little more work with where the road is sited without doing much damage to those trees; the tradeoff would be making the homes less visible.

Commissioner Ritter stated that he supports the proposed plan as it disturbs the least amount of area and leaves it the most natural-looking without removing any heritage trees. He noted that it appears the applicant has met all the zoning and Specific Plan requirements, based on his proposed plan that was there before any changes of a sort could be made. He added that based on the photos, the homes appear to fit in pretty well and looked aesthetically pleasing.

Commissioner Posson stated that he generally supports the applicant's siting and does not prefer any particular Alternative. He indicated that he thinks some additional work needs to be done, especially taking a look at the Specific Plan Residential Design Standards, the concerns brought up by Mr. Reeves regarding siting, lot line, and those types of things. He added that he would like to study the Specific Plan a little bit more to see whether or not the alignment, as proposed, conforms with that or not.

Chair Pearce stated that she thinks she is the only member of the Planning Commission that was a survivor of the “blob” discussions. She recalled the discussion that “blobs” were going to be conceptual rather than specific. She indicated that she is not a big fan of houses on top of hills because of the visual impact. She stated that she understood that when the houses are situated in that way, they sometimes have less of an environmental impact; however, she would prefer to mitigate the visual impact and have them in a less environmentally sensitive area, impacting less trees and involving less grading. She noted that taking a look at the number of trees impacted, the amount of disturbed area, and things of that nature, her inclination is to support the proposed plan with regard to the siting and then have conversations about how to mitigate that visual impact.

2. Is the proposed road alignment acceptable?

Commissioner Posson stated that he has no preference one way or another.

Commissioner Ritter stated that he does like the idea of not making it downward to the Silver Oak residents and that he would like an option that would make the road come up around another way.

Commissioner O’Connor stated that he actually thought it was a good alignment because it gave some separation between homes and thought that would probably be more acceptable. He noted that he did hear some people say it was not what they liked but he thought that would give them a little more privacy than the Alternatives.

Commissioner Olson stated that he supported the proposed road alignment. He inquired if this would be a private or public road and indicated that he thinks it ought to be private and gated.

Ms. Stern replied that in terms of the classification in the Specific Plan, it was actually shown as a public road that would have been wider. She noted that staff is supporting a private road that would be narrower and added that she does not know if the applicant wishes to have it gated or not.

Commissioner Allen stated that she supported the applicant’s proposal for the road alignment.

Chair Pearce stated that she also supports the applicant's proposal. She noted that the road alignment appears to be sensitive and that moving it more westerly would impact the property on the other side.

3. *Is the proposed building height specified in the Design Guidelines acceptable?*

Commissioner Olson stated that he has always been in favor of the step design. He added that he does not have a problem with the specified building heights.

Commissioner O'Connor stated that he does not have any concerns either. He noted that stepping could give the house a taller visual look to it and that the Commission has been through this before; however, on the hillsides, stepping would do less damage with less grading to the hillside, so he is fine with it.

Commissioner Ritter agreed.

Commissioner Posson stated that he was fine with it.

Commissioner Allen also indicated that she was fine with it.

Chair Pearce agree with Commissioner O'Connor that it is more environmentally sensitive. She added that the flat pad does not make any sense, and the visual impact can be mitigated. She noted that the best way to protect the hills is to be environmentally sensitive.

4. *Is the proposed maximum floor area acceptable?*

Commissioner O'Connor said yes, given the size of the lots.

Commissioner Ritter stated that he thinks it is very reasonable, given that they are very similar and actually proportionally smaller-sized based on their acreage.

Commissioners Posson, Allen, and Olson stated that they were also fine with it.

Chair Pearce stated that she was fine with it as well.

5. *Should additional photomontage viewpoints be included?*

Commissioner Ritter said no.

Commissioner Posson stated that in light of the visual concerns of the neighbors, a little bit more would be of value as it would give the Commission and the public a little bit more sense of what it is going to look like once it is developed.

Chair Pearce stated that when the Commission talks about having additional viewpoints, staff and the applicant are given direction on where the Commission would like the viewpoints to come from. She asked Commission Posson if he had a sense of what he is looking for.

Commissioner Posson replied that he does not. He added that he thinks the more they can simulate what it would look like from Silver Oaks, the better it would be, especially in light of what the Commission heard from the residents tonight.

Commissioner Allen indicated that she supports additional viewpoints as well. She suggested stakes for the proposed plan, especially if the upper house were brought down a little bit. She stated that it might help to have an additional two or three scenarios that people could really look at to see if one scenario is better than another.

Commissioner Olson stated that he thought the pictures were good. He agreed that it probably would be helpful for the people in the area who have concerns to check a few other viewpoints on this.

Chair Pearce agreed. She stated that she certainly liked what were given to the Commission, except for the conceptual one that had the violent green on it, which she assumes is still a draft. She indicated that she would support more viewpoints if there are specific things that neighbors are looking for and that it might be good for the applicant to check in with them to mollify concerns about the visuals.

Commissioner O'Connor stated that he was fine with what was submitted, based on what the proposals were. He added that he would like to see a couple of options if the upper house were moved down, and given the concerns of the neighbors, it would be good to have one or two view shots from even their backyard to see what the exposure is going to be from those homes.

6. *Are there any other concerns the Planning Commission has about this proposal?*

None of the Commissioners had any other concerns.

Chair Pearce stated that the Commission has discussed the major points and thanked everyone.



CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, ALAMEDA

ORDINANCE NO. 1832

PUD-84

AN ORDINANCE APPROVING THE APPLICATION OF CENTEX HOMES FOR PUD DEVELOPMENT PLAN APPROVAL AS FILED UNDER CASE PUD-05

WHEREAS, Centex Homes has applied for PUD development plan approval to allow: the construction of 19 single-family, detached homes within a 14.9-acre "low density residential" portion of the site; up to four second units constructed above detached garages on one model; relocation of the caretaker unit to the "open space" designated area of the Berlogar lot; and creation of the "hillside residential" regulations for the Chrisman and Berlogar existing home sites located at 1944 and 2190 Vineyard Avenue; and

WHEREAS, zoning for the property is PUD District; and

WHEREAS, this action is covered by the Environmental Impact Report prepared for the Vineyard Avenue Corridor Specific Plan; and

WHEREAS, at its meeting of May 9, 2001, the Planning Commission recommended approval of the proposed project; and

WHEREAS, a duly noticed public hearing was held on June 5, 2001; and

WHEREAS, the City Council finds that the PUD development plan meets all applicable requirements of the Pleasanton Municipal Code, the Vineyard Corridor Specific Plan, and the General Plan.

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

Section 1: Approves Case PUD-05, the application of Centex Homes for PUD development plan approval to allow the construction of 19 single-family, detached homes within a 14.9-acre "low density residential" portion of the site; up to four second units constructed above detached garages on one model; relocation of the caretaker unit to the "open space" designated area of the Berlogar lot; and creation of the "hillside residential" regulations for the Chrisman and Berlogar existing home sites located at 1944 and 2190 Vineyard Avenue, subject to the conditions shown on "Exhibit B," attached hereto and by this reference incorporated herein.

48-5115

Section 2: A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Tri-Valley Herald," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

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

INTRODUCED at a regular meeting of the City Council of City of Pleasanton on June 5, 2001,

ADOPTED at a regular meeting of the City Council of City of Pleasanton on June 19, 2001 by the following vote:

AYES:	Councilmembers – Ayala, Campbell, Dennis, Michelotti, and Mayor Pico
NOES:	None
ABSENT:	None
ABSTAIN:	None

Tom Pico

TOM PICO, MAYOR

ATTEST:

Marsha B. Schmeigel
for Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

Michael H. Roush

Michael H. Roush, City Attorney

Exhibit "B"
Conditions of Approval for PUD-5, Centex Homes' Apperson Ridge
City Council
June 5, 2001

Development Plan Approval

1. The development plan shall be as shown on the "Apperson Ridge, PUD-5 Submittal," dated "Received, May 4, 2001" and other exhibits listed below, collectively described as Exhibit "A," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to this development plan.
 - a. Conceptual Street Scene
 - b. Sheet 1, Preliminary Development Plan, Apperson Ridge
 - c. Sheet 1, PUD and Preliminary Grading Plan
 - d. Sheet 1, Trail Exhibit for Lot 22
 - e. Sheet 1, Caretaker Home Relocation – Utility and Development Area Exhibit – Berlogar Property
 - f. Sheet 1, Chrisman Property Exhibit for Utilities, Fire Access, and Development Area
 - g. Sheet L.1, Apperson Ridge, Street Tree Plan
 - h. Sheet L.2, Apperson Ridge, Model Home, Lot 16 and Section "A"
 - i. Sheet L.3, Fence and Wall Details
 - j. Sheet L.4, Planting Details
 - k. Sheet T.1, Apperson Ridge, Tree Replacement Plan
 - l. Exhibit a, Apperson Ridge, HOA Landscape Management Plan
 - m. Vineyard Corridor Lots 19, 21, 22, and 23 – Tree Removal and Replacement Plan Table, updated April 19, 2001
 - n. Apperson Ridge (LDR) Architectural Building/Floor Plans and Elevations, dated July 28, 2000.
 - o. Centex Homes Green Building Proposal, updated March 9, 2001
 - p. Excerpt from the October 26, 2000 Letter from Turnbull Griffin & Haesloop Architects with Recommendations for Apperson Ridge, Vineyard Avenue (PUD-05)
 - q. Color and Materials Board, dated July 31, 2000

Uses

2. The uses of the various parcels within the project shall be as follows:
 - a. The LDR-designated portion of the project (Lots 1-19) shall be subject to the following uses:
 - (1) Permitted Uses:
 - (a) single-family detached housing
 - (b) household pets
 - (c) accessory structures and uses
 - (d) small family day care home
 - (2) Conditional Uses:
 - (a) nursing home for not more than six patients
 - (b) home occupation
 - (c) large-family day care home
 - (d) second unit
 - (3) The above-listed uses shall have the meaning as defined and/or interpreted for uses in the R-1 districts of the Pleasanton Municipal Code. Other uses listed in the R-1 districts of the Pleasanton Municipal Code may be either permitted or conditionally permitted if the Planning Director finds that such uses do not conflict with the requirements of the Vineyard Avenue Corridor Specific Plan.
 - b. The "designated development areas" of the Chrisman and Berlogar remainder parcels shall be classified "Hillside Residential" and shall be subject to the following uses:
 - (1) All those permitted and conditional uses of the LDR-designated lots as shown in subsection (a) above.
 - (2) All those permitted and conditional uses of the "Open Space" areas as shown in subdivision (c) below when a lot includes both open space and hillside residential designations.
 - c. The "Open Space" designation shall apply to all parts of the Berlogar and Chrisman remainder parcels which are not designated "Hillside Residential" and shall be subject to the following uses:
 - (1) Permitted Uses:
 - (a) livestock grazing
 - (b) vineyards, orchards, and other row crops
 - (c) horticulture
 - (d) the keeping of animals, as follows:

- (i) for lots of at least five acres of open space, one swine per 2.5 acres; maximum of eight animals
 - (ii) for lots of at least five acres of open space, one large fowl (goose, turkey) per acre; maximum of ten animals
 - (iii) for lots with at least 1.5 acres of open space,
 - fifty small fowl (chickens, duck, Guinea fowl) or rabbits per acre;
 - one head of cattle, horse, or donkey per 1.5 acres;
 - one sheep or goat per 0.75 acre;
 - any other farm animal subject to the type and quantity approved by the Planning Commission
- (2) Conditional Uses:
- (a) winery and wine-tasting facility
 - (b) stable, pen, or similar facility for the keeping of farm animals by community agricultural clubs
- (3) Notwithstanding the above, the Berlogar remainder parcel shall be allowed one head of cattle and/or horse per 1.5 acres or 20 head, whichever is greater; the Chrisman remainder parcel shall be allowed one head of cattle and/or horse per 1.5 acres or 15 head, whichever is greater.

d. Until such time as subdivision construction begins on the property, agricultural uses as specified in Section IV.C.(1)(a)(1h and i) of the Vineyard Avenue Corridor Specific Plan shall be allowed on LDR-designated sites.

Development Standards

3. Development standards for the LDR lots shall be as follows:
- a. Specific regulations governing this PUD are as follows:

Standard	LDR
Front yard	30 feet
Side yard	15 feet
Street side yard	20 feet
Rear yard	30 feet
Primary building height	30 feet

Where the PUD development plan specifies a setback less than that shown above, the development plan setback is allowed; however, any future addition or accessory structure shall meet the above-listed standard.

- b. Unless otherwise specified in subsection (a) above, all site development standards shall be those of the R-1-10,000 District.
 - c. Building height shall be measured from the lowest elevation of the structure to the highest elevation of the structure. Exceptions for chimneys and similar roof features shall be those of the R-1-10,000 District.
 - d. Trellis-covered arbors and/or porches up to a height of fifteen feet (15' 0") supporting photovoltaic panels shall be exempt from the City's Administrative Design Review procedures. Design review at the Planning staff level and building/electrical permits shall be required.
 - e. Lots 1-5, 11-16, and 19 shall have single-story homes. No second story additions shall be allowed on these lots.
 - f. No accessory structure and no re-grading shall occur within the natural slope portion of Lot 17 located southerly of the house.
 - g. No accessory structure, play equipment, or other above-ground facility shall be placed on, and no re-grading shall occur on, the sloping portion of the rear yards of Lots 1-5; this areas shall be maintained as landscaped open space consistent with the landscape plan.
4. Development standards for the Hillside Residential/Open Space Lots shall be as follows:
- a. Site development standards shall be those of the R-1-40,000 district for structures within the "designated development area." For the open space portions of the lot, the site development standards shall be those of the A district. Setbacks for both shall be measured from actual lot lines, not the "designated development area" boundary.
 - b. New structures within the hillside residential areas shall be limited to 25-foot high, single-story units and should be sited to be screened from off-site views.
 - c. The standard City design review process shall be followed for structures/improvements, following those of the R-1-40,000 District for hillside residential area structures/improvements and those of the A District for those in open space designated areas.

Specific Development Plan Modifications

5. The development plan shall be modified as follows:

a. **Lot Layout**

The following modifications shall be shown on the tentative map for City review and approval:

- (1) Eliminate the "bulb" at Lot 11 and move this house as close to the reconfigured "A" Street as feasible.
- (2) Modify Lot 5 by grading it to an approximately 458-foot pad grade, lengthen the lot (to about the 445-foot contour), and reconfigure the "J" ditch to drain from a high point at a point midway behind Lot 4 to "A" Street to the north at about the 445-foot elevation. Lot 5 should be graded to drain to "A" Street at its northeast corner.
- (3) Place the area generally between the 420-foot contour and "B" Street into a separate, HOA-owned parcel. This is to be landscaped as a wildlife corridor and overland storm drainage release corridor.
- (4) Create separate parcels for HOA-maintained areas behind Lots 11-16, 6-10, and along Lot 6 and the southerly side of "A" Street southerly of Lot 6. This area shall be sufficient to serve both as a tree-planted open space buffer and fire management buffer. Final determination of the width of these buffer areas shall be subject to review and approval by the Planning Division prior to approval of the final map.
- (5) Incorporate a flat, minimum five-foot wide shoulder along the loop street between the Vineyard trail and Lot 6 which can accommodate horse traffic.
- (6) Include as street right-of-way the area between the loop street and the Brozosky property line from the Vineyard trail upslope for about 100 feet.

b. **Street Configurations**

The following modifications shall be shown on the tentative map for City review and approval:

- (1) Eliminate the large "bulb" at the Lot 11 curve of the loop road; some widening for turning purposes is allowed.
- (2) The Chrisman private road shall include either widening or turn-outs, as deemed necessary by the Planning Director after consultation with the Fire Department, from the end of the new road to the house.

- (3) The Berlogar private road, including the caretaker's unit driveway, shall be widened to allow intermittent turn-outs where feasible, as deemed necessary by the Planning Director after consultation with the Fire Department. A satisfactory turn-around shall be included at the end of the road. The intersection of the caretaker driveway and Berlogar driveway shall be modified to improve sight distance and maneuverability. This entire roadway shall be paved and may be extended along the dirt road to the "flat" located beyond the caretaker's unit site.
- (4) The road serving Lot 17 shall be graded/paved across its frontage, with the final slope to be determined in conjunction with the final map.
- (5) The loop road ("A" Street) in front of Lots 12-16 and southerly of Lots 1 and 6 shall be 28 feet wide, curb-to-curb, with parking on one side only.
- (6) "B" Street shall be widened to 28 feet, curb-to-curb, with parking allowed on only one side, and shall be a City street (not a private street).
- (7) There shall be a "hammerhead" turnaround at the end of "B" Street satisfactory to provide fire truck turnarounds; a gate shall be allowed on the Berlogar remainder parcel access road at a location which does not interfere with this turnaround.
- (8) "A" Street shall have a monolithic sidewalk, built to City standards along its westerly side for its full length. If feasible, rolled curbs shall be used in conjunction with this sidewalk.

c. Preliminary Grading Plan

- (1) Lot 5 shall have a pad height of approximately 458 feet and shall be graded to drain to its northeast corner. (The house proposed on this lot may be reconfigured to provide garage access from the "side street" along its northerly border.)
- (2) Lot 17 shall be filled to a height which equals the oak tree trunk-ground elevation along the rear of the lot; the retaining wall shown to protect the tree's root system may be retained if recommended by the arborist.
- (3) A swale shall be installed between Lot 16's new boundary and the private road, using 3:1 side slopes; this swale shall incorporate an overflow drain connecting the creek near the headwall area under the new Berlogar driveway to the swale. The swale at the creek should be low enough to prevent flooding of the Berlogar driveway (about elevation 415 feet)

in the event the storm drain capacity is exceeded or is reduced due to blockage.

- (4) "J ditches" shall be installed as determined necessary by the City Engineer; these shall generally be located at the locations shown at the rear property lines of Lots 1-5 and above the rear property lines of Lots 6-10. Additional "J-ditches" shall be installed as recommended by the project's geotechnical report and/or the City Engineer, typically to minimize surface flows from descending more than 30 feet uninterrupted over reconstructed cut or fill slopes. "J-ditches" shall be designed to have no ditch running vertically downslope. Sub-surface drains, coupled with overload releases to open space swales, shall be used where "J-ditches" cannot feasibly end at streets. Erosion control measures, including replacement of topsoil on cut/fill slopes, artificial erosion control (mats and other fabric matting, etc.), and hydroseeding appropriate for the future landscape plan, shall be used to minimize the "J-ditches" required.
- (5) Lot 19 shall have its house set back from the Vineyard trail sufficiently to not require reconstruction of the slope bank along this lot-trail boundary.
- (6) All open space area graded slopes shall undulate and vary in slope and contour so as to appear natural.
- (7) The grading scheme just southerly of Lot 6 shall be modified to grade cross-slope to daylight near the existing swale, minimizing the 460-foot to 450-foot northerly trending graded slope shown in the exhibit.

d. Landscape Plan

The proposed landscape plan shall be modified as follows:

- (1) The number of trees along the Vineyard trail shall be substantially reduced, instead planting several clusters of native oaks; final plans shall be a part of the Vineyard Trail landscape plan and installed by others.
- (2) The final grading plan shall strive to save those oak trees along the Vineyard trail which are located at the toe of slope; an arborist's recommendation should be sought given the final grading plan configuration.
- (3) The number of native trees at the fence line of Lots 1-5 and alongside the eastern edge of "A" Street opposite Lots 12-16 shall be increased in order to create a more informal, undulating edge condition. The number of 36-inch box size trees shall be increased to a minimum of two per lot frontage.

Trees selected to be compatible with back yard use and of an installed height of 12-15 feet shall be planted along the hinge point of the graded rear yard areas of Lots 1-5 and in the front yards of Lots 12-16, the goal to provide significant, immediate defusing of views of the one-story homes from locations to the east (new Vineyard Avenue, Stanley Boulevard).

- (4) Trees shall be planted behind Lots 6-10 in the common area, along the lower, westerly side of the Chrisman driveway, and behind homes on Lots 11 and 13-16 with a goal of providing immediate backdrops to these houses.
- (5) Large trees shall also be planted between the houses on Lots 1-5 and 12-16 to soften the house edge effect; these shall be located so as to minimally interfere with future homeowner use of side yard areas with the intent being to have these trees remain long term.
- (6) Shrubs and trees shall be planted within the wildlife corridor created opposite Lots 17-19 which are appropriate to large and small animal passage.
- (7) Shrubs within the 3:1 regraded areas shall be minimized, installed generally only within the wildlife corridor and to soften/screen retaining walls visible from "A" Street and at project entries.
- (8) All landscaping designed to have a screening function shall be subject to final review and approval by the Planning Director. Modifications to the final landscape plan may be required by the Planning Director at the time of actual planting in order to ensure that the trees as delivered and planted achieve the screening function desired.
- (9) The deer cages installed around the initial planting shall be modified to a minimum height of six feet.
- (10) The shrub, groundcover, and vine species shall be modified to include several native deer-resistant varieties.
- (11) The final landscape plan shall include additional trees within the homeowners' association buffer zone lying southerly of Lot 6.
- (12) The wire fence between the Chrisman remainder parcel and the homeowners' association parcel located behind Lots 6-10 shall be extended northerly across the Chrisman driveway and extend downslope to intersect the existing fence along the Berlogar driveway, the final location of which shall be reviewed and approved by the Planning Director.

e. **Building Architecture**

- (1) The proposed buildings shall be modified to incorporate the recommendations included in the excerpt from the October 26, 2000 letter from Turnbull Griffin & Haesloop Architects. Final review and approval shall be made by the Planning Director prior to issuance of building permits.
- (2) Painted surfaces of the primary wall areas of the buildings shall be a minimum of 40 percent on the gray scale.
- (3) Garage doors should be painted predominantly in the same wall color unless the garage doors are not visible from off-site. Trim on garage doors is acceptable.

Caretaker's Unit

6. The caretaker's unit site shall be as shown on the development plan. Prior to its development, the site shall be determined to be acceptable as a result of a focused geotechnical study of the site and access road. The unit shall be subject to design review by the Planning Commission. When sited, it shall provide room for a 20' access road to pass it in order to connect the planned EVA to the Konig property. Landscaping appropriate to its setting shall be included.

Second Units

7. This PUD Development Plan approval shall function as a conditional use permit for the second units which may be constructed at the time of initial construction, as shown on the Apperson LDR house plotting plan. The following requirements shall apply:
 - a. Only one (1) residential unit on the subject property may be rented. The other unit shall be owner-occupied. The dwelling's owner shall be signatory to any lease for the second unit. The second unit shall be occupied by no more than two (2) adults, although there shall be no limit on the number of children. The project developer shall prepare a deed restriction to this effect for these lots and shall submit it to the City Attorney for review and approval prior to recordation of the first final subdivision map.
 - b. In no case shall the second unit be sold, subdivided, or held under different legal ownership from the primary residence.
 - c. One (1) off-street parking space shall be made continuously available to the occupant(s) of the second unit for parking. In the event that the occupant(s) of the second unit own and operate more than one (1) auto, all vehicles shall be accommodated on-site.

- d. The project developer shall install address signs that are visible from the street, clearly indicating that two (2) separate units exist on the parcel. The project developer shall obtain the new street address for the second unit from the Planning Department.

The second units for these lots shown on the house plotting plan shall constitute the only second units approved with this PUD Development Plan. Any future second unit located on another lot covered by this PUD Development Plan approval shall be required to secure a Conditional Use Permit following the applicable review/approval procedures specified in the Pleasanton Municipal Code.

Hillside Residential/Open Space Lots

8. The "designated development area" for the Chrisman and Berlogar lots shall be the area delineated by the dashed lines on their respective "Development Area" exhibits.
9. An agricultural/open space easement covering the non-designated development areas of the Chrisman lot in favor of the City, as grantee, and the South Livermore Valley Agricultural Land Trust, as third party beneficiary, shall be recorded with the first final map for this project. Final approval of the easement language shall be required by the City Attorney prior to recordation of the final map.
10. A site-specific Open Space Management Plan shall be prepared for the Chrisman and Berlogar lots prior to the approval of the tentative map. The plan shall address agricultural operations, open space maintenance, and wildlife and vegetation preservation needs. The plan shall also include a Wildland Fire Protection Plan component. These shall be reviewed and approved by the Planning Commission prior to approval of the tentative map. Those areas of the Berlogar property outside the LDR area and the HOA parcels may be omitted from this plan at this time.
11. City water and sewer service shall be required for the Chrisman, Berlogar, and caretaker's units. Existing wells may be maintained for irrigation and animal husbandry purposes. Irrigated agriculture, such as vineyards, shall use well water exclusively unless the City agrees to allow City water to be used for that purpose. All water use, whether City water or well water, shall be conserved. No well water from existing wells shall be used within LDR-designated lots or homeowners' association-maintained open space.

12. To improve emergency access, reciprocal access easements shall be granted for EVA purposes over the Chrisman and Berlogar access roads, and a connecting road from the unimproved road above the Berlogar vineyard to the Chrisman driveway shall be constructed in conjunction with the reconstruction of the Chrisman driveway. This EVA may be gated so long as the Fire Department has satisfactory access. The location, width, and surface of this road shall be generally shown on the tentative map, the intention being to provide an all-weather, non-paved, surface capable of providing interim emergency access. In addition, the Chrisman parcel shall grant on the final map an offer of EVA access over the connecting roadway to the Brozosky driveway, to be perfected at such time as the Brozosky property subdivides and grants the Chrisman's a reciprocal EVA access over the Brozosky driveway. This access shall also be shown on the tentative map.

Project Phasing

13. Any proposed phasing of this development shall be depicted on the tentative map and shall include a narrative explaining any proposed phasing. Unless a phasing plan for improvements is approved by the Planning Director, the applicant shall complete all of the on-site improvements at one time.
14. The preliminary design plans for the planned Old Vineyard Avenue public trail shall be approved by the City Council before issuance of the first building permit for this project.
15. All off-site infrastructure improvements required by the Vineyard Avenue Corridor Specific Plan for development of the project site shall be designed and included in an approved improvement agreement prior to approval of the in-tract final map. In addition, an improvement agreement for the construction of the full loop road around the school site must also be in place, whether as part of the project's improvement plans or in separate agreements, prior to approval of the final map.

Local Worker Purchasing Incentive

16. When the project developer is ready to sell the first phase of residential units, the project developer shall undertake a marketing campaign targeted at persons who work within the City of Pleasanton. This campaign may include, but is not limited to:

- a. working in conjunction with the Pleasanton Chamber of Commerce, Downtown Association, and other business group(s) to disseminate information regarding the availability of residential units;
 - b. contacting large employers (100+ employees) located within the City and working with their Human Resources Department to provide information about the availability of the residential units; and
 - c. holding for persons who work in the City of Pleasanton pre-sale open houses.
17. During the course of selling the residential units in each phase of the subject project, the project developer may become aware that there a more qualified, potential buyers than residential units available for sale. The surplus of buyers may be manifested in that the number of persons who have signed interest cards, placed deposits on future units, or have written names on waiting lists exceeds the number of units to be released for sale. When such a "surplus of buyers" situation occurs, the developer shall grant preferences, to the extent legally permitted, to those qualified, potential buyers who are employed within the City of Pleasanton. Such preferences may include, but are not limited to:
- a. higher priority on waiting lists; and
 - b. pre-release open houses.

Disclosures

18. A statement disclosing the RMC Lonestar facility as a noise source shall be prominently displayed in the tract sales office for this development.
19. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include the following:
 - a. A clause which states that the property is in an area subject to noise, dust, and vibration levels from gravel harvesting and processing and that the City of Pleasanton is not liable for possible damages due to such impacts.
 - b. The recorded deed of sale shall include a noise/dust/vibration easement.
 - c. A disclosure statement shall be provided to prospective purchasers and tenants by lot owners, developers, and future successors in interest providing full disclosure of the potential future mining operations within the Specific Plan Area.

- d. The recorded deed of sale for all lots shall include a disclosure statement indicating the close proximity of the Vineyard Avenue Corridor Specific Plan area to the Livermore Municipal Airport and of possible impacts to homes due to aircraft overflights.
- e. A disclosure statement describing the planned use and construction of the Old Vineyard Road right-of-way for public trail uses.
- f. A disclosure stating that the East Bay Regional Park District operates Shadow Cliffs Regional Recreation Area, a regional recreation facility, and that the buyer recognizes that the activities that take place in the "Regional Recreation Area" may result in noise, odors, dust, traffic or other conditions that may affect the lots covered by this PUD Development Plan.
- g. A disclosure on all lots regarding the possible installation of an underground, 230 kilovolt electrical transmission line in the right-of-way of old or new Vineyard Avenue.

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.

20. On Lots 1-19, the recorded deed of sale for all these lots shall include the following statement to be signed by the future homeowner stating that:

"You are hereby advised that this property is located near land zoned and/or used for agricultural purposes. Agricultural use is defined as including, but not limited to, day and night-time activity relating to livestock grazing, the keeping of livestock, the growing and processing of agricultural crops, and any commercial agricultural practices performed as incidental to or in conjunction with such operations. Some of the impacts associated with agricultural use include, but are not limited to, noise, odor, dust, chemicals, refuse, waste, unsightliness, use of agricultural equipment, and traffic. Permitted agricultural pursuits conducted in accordance with good practice and maintenance are not deemed by the City of Pleasanton to be a nuisance."

Building and Site Design Requirements

21. The project developer shall implement the "green building measures" listed under the "Centex Homes Green Home Building Proposal," updated March 9, 2001, with the design and construction of all of the homes covered by this approval. The project developer may modify these measures, e.g., add

new measures, or change existing measures if there are other, more effective measures, which can feasibly be done. Additionally, the project developer shall work with City staff to prepare a summary report of the effectiveness of implementing the selected components, including, as feasible, the costs and benefits of each component. This report shall be prepared following construction of seventy-five percent (75%) of the project units, with actual energy use data from occupied units, if possible, which shall be forwarded to the Planning Commission for its review.

22. The project developer shall provide to the buyers of the houses covered by this approval, photovoltaic systems as an option. With the building permit plan set, the project developer shall show the installations for each of the buildings covered by this approval, to the satisfaction of the Planning Director, before issuance of a building permit.
23. The project developer shall implement the following measures with the construction of the structures covered by this approval so that the owners can install roof-mounted photovoltaic systems in the future:
 - a. Electrical conduit and cable shall be installed from the roof/attic areas to the buildings' main electrical panels.
 - b. Roof trusses shall be "engineered" to handle an additional load of five pounds (5 lbs.) per sq. ft. beyond that anticipated for roofing.
 - c. An area shall be provided near the electrical panel for the "inverter" required to convert the direct current output from the photovoltaic panels to alternating current.
 - d. A bi-directional electrical meter shall be installed.
 - e. The roof shall be designed with built-in attachment points and/or other methods, as determined by the Planning Director, to best allow a simple retrofit of solar panels after the initial construction.

These measures shall be shown on the building permit plan set submitted to the Planning Director for review and approval before issuance of the first building permit. The project developer shall provide to the future homebuyers the necessary information delineating the means by which photovoltaic panels can be applied to the roofs of the structures covered by this approval. This information shall be submitted to the Director of Planning for review and approval prior to occupancy of the first unit.

24. The project developer shall work with the Planning staff and with representatives of the Sacramento Municipal Utility District to develop a program for the bulk purchase of photovoltaic panels/equipment for this project. This information shall be brought back to the Planning Commission for its review with the tentative subdivision map.
25. Private yard lighting shall be designed, installed, and controlled so as not to be conspicuous to off-site locations. No bright lights illuminating yard areas for nighttime activities shall be allowed. These restrictions shall be incorporated into the project CC&Rs.
26. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
27. Approved building materials and colors shall be stated on the plans submitted for issuance of building permits.
28. The homes covered by this approval shall be constructed to encourage telecommuting by providing as an option telecommunications infrastructure consistent with state-of-the-art methods, e.g., cabling for DSL service, wiring for total room access, etc. The project developer shall submit with the first building permit application those measures included in the home construction for review and approval by the Planning Director before issuance of the first building permit.
29. Only natural gas burning fireplaces or USEPA-approved wood/pellet burning stoves shall be permitted in the proposed houses.

Existing Trees

30. No trees shall be removed other than those specifically designated for removal in the "Tree Replacement Plan." The project developer shall post cash, letter of credit, or other security satisfactory to the Planning Director in the amount of five thousand dollars (\$5,000) for each tree required to be preserved, up to a maximum of twenty-five thousand dollars (\$25,000). This cash bond or security shall be retained for one (1) 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.

31. Construction of the proposed project could result in the disturbance of active raptor nests, which are protected under California State Fish and Game (CSFG) Code Section Code Section 3503.5. If grading is to begin during the raptor nesting season (February 1 to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season. The survey shall be conducted no less than fourteen (14) days, and no more than thirty (30) days, prior to the beginning of grading and/or tree removal. If nesting raptors are found during the focused survey, no grading or tree removal shall occur within five hundred feet (500' 0") of an active nest until the young have fledged – as determined by a qualified biologist – or until the project developer receives written permission from CSFG personnel to proceed. The written findings of the biologist shall be provided to the Planning Director within thirty (30) days of the start of grading.
32. The project developer shall submit the improvement plans, tract grading plans, and building permit construction plans to Ralph Osterling Consultants, Inc. for review in order to determine that site-specific measures required to preserve the existing trees designated for preservation during construction are being implemented with the plans. The consultant's comments shall be submitted to the Planning Director and to the City's Landscape Architect and shall be incorporated onto the final site plans, grading plans, improvement plans, etc., prior to issuance of a grading, on-site, and/or building permits. No tree-trimming and/or pruning would occur unless supervised by a horticultural consultant.
33. The project developer shall arrange for the consultant to conduct a field inspection of the construction site(s) prior to issuance of grading permits to ensure that all pre-construction recommendations have been properly implemented. The consultant shall then certify in writing to the Planning Director that the recommendations have been followed prior to start of construction.
34. For the existing trees that would be located on private lots, the project developer shall record a disclosure/deed restriction on the lot stating that the existing trees on these lots are to be preserved and maintained by the homeowner. The disclosure/deed restriction shall state the measures to be employed by the homeowner to preserve these trees, e.g., not planting turf beneath the drip line/canopy of an existing oak tree. The disclosures/deed restriction shall also describe the permit procedures for removing any existing tree. The

disclosures/deed restrictions shall be submitted to the City Attorney and to the Planning Director for review and approval before recordation.

35. At the tentative map stage, the value of the heritage trees to be removed, not including orchard trees, shall be appraised and shall be paid to the City's Urban Forestry Fund at the time of recordation of the Final Subdivision Map.

Landscaping and Irrigation System Design and Operation

36. The project developer shall provide root control barriers and four inch (4") perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet (10' 0") in width, as determined necessary by the Planning Director at the time of review of the final landscape plans.
37. Tree size used in the project shall vary from five (5)-gallon size to 48-inch box or larger trees. Larger trees shall be supplemented by faster growing small-sized trees. Any tree smaller than 24-inch box size shall be planted with a deer protection mechanism approved by the project landscape architect. The final number of trees of each size shall be stated on the final landscape plan and shall at a minimum meet the Specific Plan's tree replacement requirements.
38. The project developer shall submit detailed landscape and irrigation plans, subject to the review and approval of the Planning Director and City Landscape Architect, as part of the improvement plans. These plans shall include a street tree planting plan and landscape plans for all street rights-of-way, landscape trails and berm areas, open space areas, and landscape screening. The irrigation plan shall provide for automatic controls. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing.
39. Restrictions minimizing the use of herbicides for the future landscaping in the proposed development shall be submitted for the review and approval of the City Landscape Architect prior to the approval of the final improvement plans. These restrictions shall be listed in the project CC&Rs. Additionally, the homeowners association shall be responsible for ensuring that these restrictions are followed for the maintenance of the open space areas and association-maintained areas.

40. Any retaining wall visible from a street or off-site shall be finished with a stone facing consistent with other project architectural features.
41. A final fencing plan conforming to the conceptual fencing plan shall be submitted for review and approval by the Planning Director with the subdivision improvement plans.

Project-Related Fees

42. The developer shall pay any and all fees to which the property may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
43. With recordation of the first final map covering the project, the project developer shall pay to the City of Pleasanton fees for City distribution to the South Livermore Valley Agricultural Land Trust. The fees shall be calculated based on a one-to-one (1:1) ratio between the cost per acre for agricultural easements to the Land Trust and the net acreage of potentially cultivable soils located on lands having less than a twenty-five percent (25%) slope grade being developed, in accordance with the methodology established in the South Livermore Specific Plan.
44. The project shall be subject to the fees associated with the Vineyard Avenue Corridor Specific Plan Financing Program. The project developer shall be entitled to credit, and reimbursement (if entitled), for common infrastructure installed as specified in the Financing Program.
45. The project developer shall work with the Pleasanton Unified School District and the City Planning Director to develop a program, in addition to the school impact fees required by State law and local ordinance, to off-set this project's long-term effect on school facility needs in Pleasanton. This program shall conform to the "Principles of Agreement" signed by the City, Pleasanton Unified School District (PUSD), and developer. The final, signed agreement shall be in place prior to approval of the final map. In no event shall construction commence unless the above final agreement has been approved by the developer and PUSD.
46. Prior to issuance of a building permit, the project developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the project

developer shall pay any applicable Dublin San Ramon Services District (DSRSD) sewer permit fee.

47. This project is subject to its fair share of the cost of Fire Station No. 4 (Ruby Hill) and reimbursement shall be made as specified in the adopted Reimbursement Agreement between Signature Homes and the City of Pleasanton

Miscellaneous Environmental Requirements

48. Prior to the demolition of any existing structure located on the subject properties, the project developer shall have the structures examined for the presence of bats; if found, the developer shall prepare an appropriate mitigation plan for review and approval by the Planning Director prior to any demolition work.
49. Prior to the demolition of any existing structure located on the subject properties, the project developer shall have the structures examined for the presence of lead, lead-based paint, and/or asbestos by a qualified environmental professional. If lead and/or asbestos are found to be present, demolition of these structures shall be conducted in accordance with the applicable requirements of the California Department of Industrial Relations (Cal-OSHA) for lead, and Cal OSHA and the Bay Area Air Quality Management Board (BAAQMD) for asbestos. The project developer shall provide to the Planning Director a follow-up report within thirty (30) days after demolition of the structures is completed.
50. The project developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the project developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
51. This approval does not guarantee the availability of sufficient water to serve the project. The City shall withhold building permits for the project if at the time building permits are applied for, mandatory water rationing is in effect, unless the City has adopted a water offset program and unless the project developer is participating in the program. Notwithstanding the project developer's participation in such a program, the City may withhold building permits if the City determines that sufficient water is not available at the time of application of building permits.

52. To the extent the requirements of the Vineyard Avenue Corridor Specific Plan and adopted mitigation measures of its Final Environmental Impact Report are not specifically addressed in the development plan and these conditions, they shall be incorporated herein by this reference and shall be implemented as the project develops.

Private Improvements and Maintenance

53. The HOA "Landscape Management Plan" shall be modified to provide for a mechanism for property owner maintenance of the following:
- a. The landscaping lying within the owners' association land surrounding Lots 1-16, including the wildlife corridor.
 - b. Street trees within the "A" Street right-of-way.
 - c. All landscaping up to the Vineyard trail hardscape, including that within the existing right-of-way.
 - d. Fencing located along rear property lines and at the Chrisman-owners' association buffer boundary and Berlogar-owners' association buffer boundary.
 - e. The "J-ditches," overflow swale by Lot 16, and any other private storm drainage facility.

The LDR properties (Lots 1-19) shall comprise the owners' association responsible for this maintenance. The Chrisman and Berlogar remainder lots shall not be included.

54. A maintenance agreement or other instrument satisfactory to the City Attorney shall be prepared to ensure that the Berlogar-Chrisman EVA will be adequately maintained. The contribution of these lots towards maintenance of this EVA shall be established, with the concurrence of the Planning Director, prior to filing the final map.
55. The Berlogar and Chrisman private roads shall be maintained by their respective property owners in a paved condition satisfactory to the Fire Marshall at all times. In the event gates are desired on these roads, they shall be designed and maintained to afford ready Fire Department access, as determined by the Fire Marshall. Final approval of any gate design/location shall be made by the Planning Director prior to installation.
56. The project developer shall provide a bond to the City guaranteeing the installation of all common open space and recreational improvements, private streets, street trees, and all common infrastructure improvements shown on the approved development plan or otherwise required as part of

this development. The project developer shall provide an itemized cost estimate of said improvements, to be submitted with the bond, for the review and approval the Planning Director prior to approval of the final map. The bond shall be returned to the project developer upon acceptance of said improvements by the Planning Director.

57. With the final subdivision map, the project developer shall set forth the common open space/ maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the final map which shall create a property owners association for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The property owners association shall be responsible for the maintenance of all private utilities, and other common areas and facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association or other vehicle created to provide such maintenance.

Building Permit Review

58. All dwelling units in the development shall be constructed to meet Title 24 state energy conservation requirements.
59. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Department will issue permits.
60. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Director of Building Inspection prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities. Specific items to be indicated on the site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.
61. All retaining walls higher than four feet (4' 0") from the top of the wall to the bottom of the footway shall be constructed of reinforced

concrete or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.

62. The project developer shall submit plot plans for each of the residential lots showing building setbacks and a topographic plan showing grading and drainage. Pad elevations, finish floor elevations, retaining walls, easements, maximum height of the highest structure, and the front, rear, and side yards are to be indicated on the plan. Plans for custom lots are to be signed by a registered civil engineer. All residential plot plans shall show compliance with Sections 2907(d) and 70012(d) of the Uniform Building Code.
63. The project developer shall submit two (2) copies of the site soils report to the Director of Building Inspection for third party peer review and shall pay for such review at the time specified by the Director, but in all cases before the issuance of a grading permit.
64. The project developer shall submit record tract grading plans showing:
 - a. the elevation of all four (4) corners of the lot as well as the center of the lot;
 - b. all top and toe of slope elevations, and
 - c. the top and toe of all retaining wall elevations.
65. The record grading plan is to be submitted to the Director of Building Inspection before the first house final.
66. The soils engineer shall certify the pad compactions of all lots containing fill to the satisfaction of the Director of Building Inspection prior to the issuance of building permits.
67. Building and situs plans are to be submitted to the Building Department on computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built situs and architectural information as approved by the Director.
68. All initial site improvements and house construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. All construction equipment must meet Department of Motor

Vehicles (DMV) noise standards and shall be equipped with muffling devices.

69. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles shall be removed from the site at the end of each work day.
70. Final inspection by the Planning Department is required prior to occupancy.
71. If archeological materials are uncovered during grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required in Appendix "K" of the California Environmental Quality Act (CEQA). A similar note shall appear on the improvement plans.
72. 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.
73. Except as otherwise specifically addressed in these conditions, the construction stage mitigation measures included in Section IV.F. of the Specific Plan (pp 48-56) shall be incorporated herein and shall be followed as the project develops.

Police Department Requirements

74. The area of the development shall be tested for strength and clarity of signal to and from the area for City emergency services communications including, but not limited to, City eight-hundred megahertz (800 mgh) trunked radio, Livermore-Pleasanton Fire Services radio, Alameda County eight-hundred megahertz (800 mgh) trunked radio, CLEMAR/ Police Dispatch, and the current police mobile data system, unless waived by the Police Department, City of Pleasanton. Expert opinions may be required in anticipation of communications difficulties inside or around large structures. If less than acceptable communications are found or are projected, the project developer shall submit a mitigation program to the satisfaction of the Police Department prior to approval of the final

map, and shall complete the approved mitigation at its expense as part of the project's initial phase.

Fire Department Requirements

75. The project developer shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).
76. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
77. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to surface roads, fire hydrants, and a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire. When alternate methods of fire protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternative methods of fire protection shall be submitted in writing to the Fire Chief prior to any framing construction. Work on the alternative fire protection methods shall not begin until approved by the Fire Chief.
78. The Fire Chief and the City Engineer shall approve the number, type, and location of all public fire hydrants.
79. All new houses (Lots 1-19 and the caretaker's unit) shall be equipped with an automatic sprinkler system meeting the specifications of the Fire Marshall. For houses using water booster pumps, a satisfactory method of providing fire flow when the pump is inoperative (e.g., on-site water tanks) shall be included in the project.
80. All curbs located within a seven foot, six inch (7' 6") 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.
81. All public and private driveways 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.

82. At the time of sale, the developer shall give homeowners notice of the availability of the City's Fire Safety Inspection Program and shall encourage their participation in this program.

Engineering Requirements

83. The typical street sections shall be revised to include an eight foot (8' 0") wide Public Service Easements (PSE). In areas where there is no sidewalk, the eight foot (8' 0") easement shall be measured from the back of curb. Unless otherwise approved by the City Engineer the first five feet (5' 0") of the easement shall be graded at a two-percent (2%) grade towards the street. This change shall be shown on the tentative subdivision map submitted for review and approval by the Planning Commission.
84. The water and gravity sanitary sewer mains shall be public and maintained by the City. There shall be individual sanitary sewer and water laterals to each dwelling unit. There shall be a two-way clean-out on the gravity sanitary sewer lateral located at the back of the Public Service Easement. The lines to the Chrisman house shall be private laterals. The lines to the Berlogar house and caretaker's unit shall be private unless the City Engineer agrees to public facilities up to the anticipated location of the two additional hillside residential lots (near the proposed water booster pump location).
85. All streets designed to have no parking on one or more sides shall be posted in accordance with State law to advise of the "no parking" restrictions.
86. The curb returns shall be as follows:
- a. In-tract, face-of-curb returns shall be 25-foot minimum.
 - b. Notwithstanding the above, all turns (including those into the two private roads) shall be designed and constructed to allow the safe maneuvering of fire trucks, moving vans, etc.
87. All roof leaders shall be connected to the street gutter unless otherwise approved by the City Engineer.
88. The existing septic tank and leach field used by the existing houses located on the property shall be abandoned per Alameda County Health Department regulations.

89. Unless used for landscape/vineyard irrigation, the existing wells located on the property shall be abandoned per Zone 7 standards.
90. All subdrains shall have clean-out installed at the beginning of the pipe. The bottom of the pipe shall terminate in a storm drain or other storm drain outfall, subject the approval of the City Engineer. The project developer's engineer shall submit a final subdrain location map to the City Engineer prior to the City's acceptance of the Public Improvements. It shall be the responsibility of the homeowner to relocate the subdrains if, during the excavation of a pool or other subsurface structure, the subdrains are encountered. All lots covered by this PUD Development Plan shall have disclosures identifying the locations of the subdrains to the future homeowners. The disclosure shall be recorded over the lots by separate instrument with recordation of the final subdivision maps. The disclosure shall be reviewed by the City Attorney before recordation.
91. The perimeter of all building foundations and all retaining walls shall be designed with subdrains. Said drains shall be connected to the street gutter or other means determined to be acceptable to the City Engineer.
92. The project developer shall obtain all necessary State and Federal agency environmental permits before approval of the final subdivision map or, at the discretion of the City Engineer and Planning Director, the issuance of a grading permit.
93. The storm drainage from each lot shall be directed to the street or to an approved storm drain system in accordance with Sections 2907(b)(5) and 7012(d) of the 1988 Uniform Building Code unless otherwise approved by the Director of Building Inspection and the City Engineer.
94. Unless otherwise approved by the City Engineer, all fill and cut slopes shall be 3:1, horizontal to vertical; short cut slopes located between lots may be 2:1, horizontal to vertical if approved by the City Engineer and the project's Engineering Geologist.
95. With recordation of the final subdivision map, the project developer shall abandon all access rights to Old Vineyard Avenue. In addition, the trail shown traversing the Berlogar lot shall be offered for

dedication, contingent upon completion of trail links upslope and downslope, and a bond or other satisfactory mechanism to fund its construction shall be submitted for City review and approval prior to approval of the final map.

96. If required, the project developer shall construct transit shelters with trash receptacles at locations determined by the Planning Director and the City Engineer. The shelter and trash receptacle design shall be approved by the Planning Director prior to issuance of project building permits. An encroachment permit shall be obtained prior to installation. Lighting shall be provided if determined necessary by the City Engineer.
97. All utilities required to serve any existing or proposed development on-site shall be installed underground, unless otherwise determined by the City Engineer. Existing overhead lines serving existing houses shall also be placed underground unless otherwise approved by the City Engineer.
98. The project developer shall comply with the recommendations of the geotechnical report titled: "Design Level Geotechnical Report for Centex Homes, Vineyard Avenue," and the "Response to Peer Review" report, prepared by Berlogar Geotechnical Consultants, and all peer review recommendations. 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 Director of Building Inspection that the final development plan is in conformance with the geotechnical report approved with the project.
99. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer and Director of Building Inspection for review and approval prior to occupancy.

100. The project developer shall install street frontage improvements per Chapter 19.40.010 of the Pleasanton Municipal Code and to the satisfaction of the City Engineer. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, water facilities, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems.
101. The project developer shall submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building Department permit. The amount of this bond will be determined by the City Engineer.
102. The project developer shall dedicate to the City for street right-of-way purposes those parcels of land intended to be public streets.
103. The 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.
104. The design for the line, grade, and structural sections for the streets serving this development shall be subject to final review and approval by the City Engineer.
105. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
106. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of an encroachment permit.
107. The project developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the Building Department.

Such measures shall be maintained until such time as permanent landscaping is in place.

108. The project developer shall submit a dust control plan or procedure as part of the improvement plans.
109. Storm drainage swales, gutters, inlets, outfalls, and channels not located 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.
110. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
111. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer and Zone 7, as applicable, to determine that the system is adequate, connects to an approved point of discharge, meets any and all applicable requirements of the Alameda County Flood Control District - Zone 7, meets any and all applicable requirements of the Federal Emergency Management Flood Hazard Program, the California Department of Fish and Game, and meets the immediate and long-range requirements of this development and all upstream areas intended to be drained through this development.
112. Electric power distribution, gas distribution, communication service, Cable television, and any required alarm systems shall be installed underground in a joint utility trench.
113. The project developer shall be responsible for the installation of the street lighting system serving the development. The street lights shall be located only where necessary for public safety and shall be designed to minimize light and glare when viewed from off-site. The light pole design shall be submitted with the Tentative Subdivision Map application for review and approval by the Planning Commission. Approval for the number, and location of the poles shall be subject to the review and approval of the City Engineer.
114. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include

slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

115. The project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.

Urban Stormwater Runoff Requirements

116. The project developer shall install a structural control(s), such as oil/water separator(s), sand filter(s), or approved equal(s) on the site to intercept and pretreat storm water prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Director of Building Inspection 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. The project developer shall enter into a maintenance agreement for the oil/water separator.
117. Bulk construction materials stored outdoors that may contribute to the pollution of storm water runoff shall be covered as required by the City Engineer and/or the Director of Building Inspection.
118. The project developer shall label all on-site storm drain inlets with the wording, "No Dumping -- Drains to Bay" using City-approved methods and materials. On-site storm drain facilities shall be cleaned a minimum of twice a year as follows: immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection.
119. Prior to the commencement of any clearing, grading, or excavation, the project developer shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit.
120. All cut and fill slopes shall be revegetated and stabilized after completion of grading before 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/storm water quality measures are

in place, subject to the approval of the City Engineer/Director of Building Inspection. Such measures shall be maintained until such time as permanent landscaping is in place.

121. The project developer shall submit a construction Best Management Practices (BMP's) program for review and approval by the Planning Director prior to issuance of building and/or grading permits. These BMP's shall be implemented by the general contractor and all subcontractors and suppliers of materials and equipment. Construction site cleanup and control of construction debris shall also be addressed. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a stop work order.
122. The project developer is responsible for implementing the following measures during all construction phases of the project:
 - a. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.
 - b. 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.
 - c. 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.
 - d. Create a contained and covered area on the site for the storage of bags, 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.
 - e. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.

- f. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

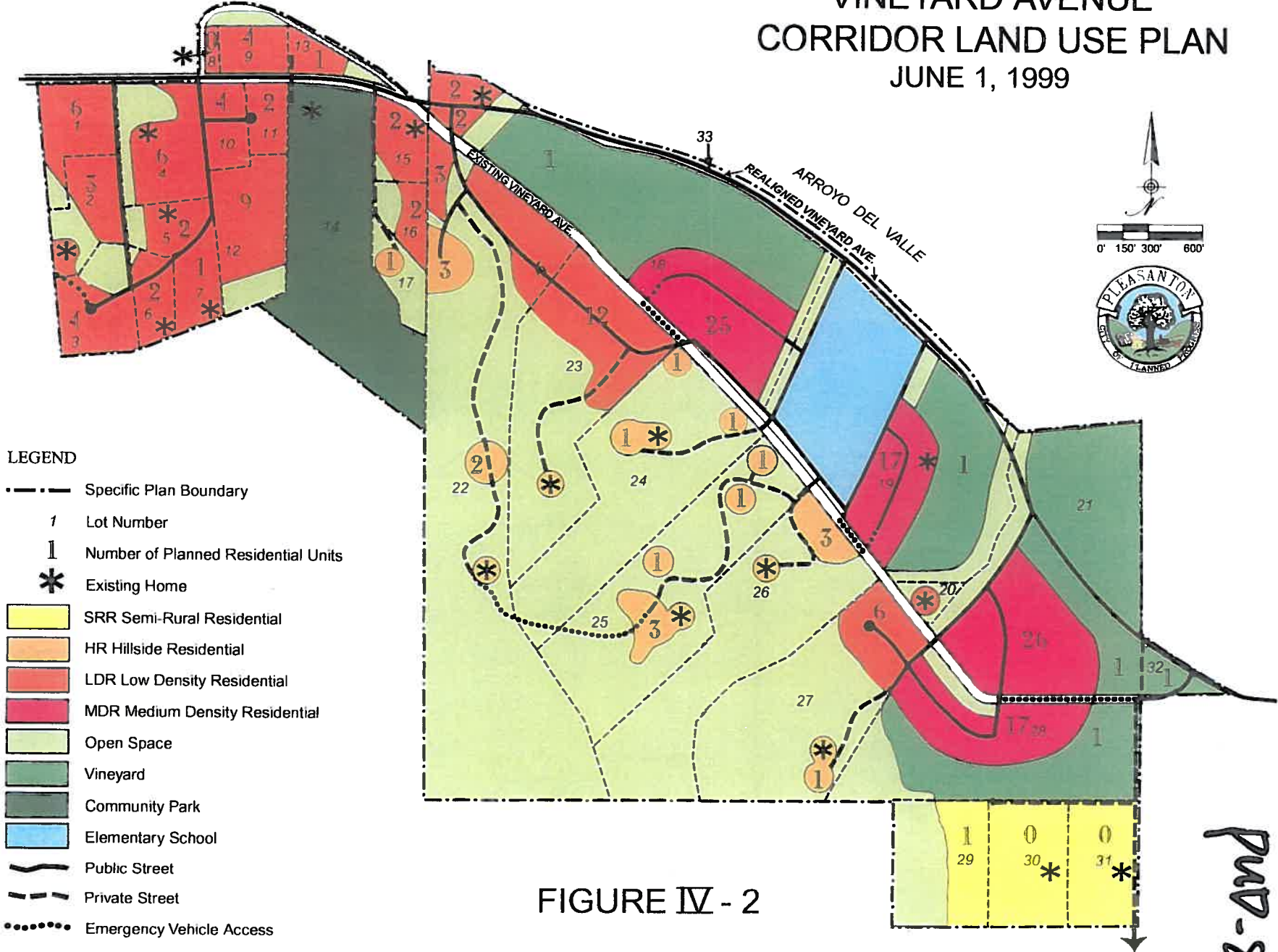
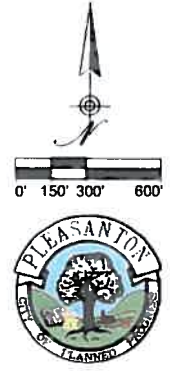
Development Plan Lapsing

123. This development plan shall be of no further validity and the project developer shall be required to submit the same or new development plan for City approval prior to development of the site in the event that the project developer fails to record a final map within two (2) years of this PUD Development Plan approval. Portions of the development plan not covered by a final map within two (2) years will have the development plan lapse as to that portion of the project.

Use of Joint Well

124. The Chrismans' use of the joint Brozosky-Chrisman well shall not generally interfere with the Brozoskys' ability to use the well water for domestic purposes; the parameters for establishing when the Chrisman use shall be curtailed shall be established by the Planning Commission at its review of the tentative map.
125. No well water from the joint well shall be used for dust control or other construction-related activities.

VINEYARD AVENUE CORRIDOR LAND USE PLAN JUNE 1, 1999



LEGEND

- Specific Plan Boundary
- 1 Lot Number
- 1 Number of Planned Residential Units
- * Existing Home
- Yellow SRR Semi-Rural Residential
- Orange HR Hillside Residential
- Red LDR Low Density Residential
- Pink MDR Medium Density Residential
- Light Green Open Space
- Dark Green Vineyard
- Dark Grey Community Park
- Blue Elementary School
- Public Street
- - - Private Street
- Emergency Vehicle Access

FIGURE IV - 2

PUD-84

EXHIBIT H

March 5, 2013

Pleasanton Planning Commission Staff
Attention: Janice Stern and Jenny Soo
200 Old Bernal Avenue
Pleasanton, CA
94566

Re: Proposed Berlogar Development

Dear Pleasanton Planning Commission Staff:

The Home Owners Association of Silver Oaks Estates in Pleasanton, CA (the "HOA") is writing to express our significant concerns of the impacts of the proposed two-lot development (the "Development") as referenced in the City's Future Planning Calendar (restated in the following paragraph):

PUD-84, Frank Berlogar (Jenny Soo)

Application for Planned Unit Development Plan (PUD) approval to subdivide an approximately 37.25-acre site located at 88 Silver Oaks Court into three single-family residential lots: two new lots and one lot for the existing dwelling and accessory structures. Zoning for the property is PUD-HR/OS (Planned Unit Development – Hillside Residential/Open Space) District.

The Development contemplates two new hillside lots, one bounded by the designated development area in Lot 22 of the 1999 Vineyard Avenue Corridor Specific Plan ("Specific Plan"), and one lot relocated completely outside of the designated development area to the peak of the hill (530 foot elevation) that backs to the existing HOA properties. The new access road and retaining walls take a winding path up and across current Open Space terrain at the front of the hill (facing existing HOA homes and properties). The Development lots and access road are up to 100 foot elevation above the nearby existing HOA homes and property.

The HOA has expectations that the Specific Plan governs development in the Vineyard Corridor with stated goals to preserve natural features such as ridgelines, hilltops and slopes, to permanently designate Open Space, and to limit hillside development to areas that can physically and visually accommodate the development without disrupting the natural character of the site. Specifically, the HOA is concerned with the following impacts:

1. Intrusion upon Existing Homeowner Privacy.

The two Development lots and a majority of the proposed access road will be at significant elevation (up to ~100 feet) above the existing Silver Oak homes and remaining lots. The Development will have an unobstructed or only partially obstructed

line-of-sight view into existing HOA property, including direct views into back yards and windows. Additionally, the Development allows for two-story homes which will further erode privacy.

At a minimum, the Development should comply with Specific HR District Design Guidelines (pg 34-35 of the Specific Plan) which states:

Site Planning - "The visual prominence of development should be minimized by utilizing existing features for screening such as tree clusters, depressions in topography, setback plateau areas, and other natural features."

Therefore, the Development lots should be bundled within the designated development area at the lower topography elevation. The access road should be repositioned to the West side of the Development (away from existing HOA homes), instead of carving up the front side of the hill near to the existing homes. This modification would help to preserve privacy for the existing homes. Furthermore, as discussed in items 2 and 3 below, the modification will also protect the hilltop and Open Space, and reduce noise and light impact from access traffic and the Development lots.

2. Disruptive Visual and Noise Impact.

The Development is at significant elevation to the existing HOA homes and properties. The proposed retaining walls positioned below and above the new access road will in some areas exceed 11 foot vertical, with the sheer wall facing the back yards of existing HOA homes. The access road to the Development winds up the center of the hill facing the existing HOA homes and property. Traffic noise and headlights, and residential lighting will intrude on existing homes.

At a minimum, the Development should comply with Specific HR District Design Guidelines (pg 34-35 of the Specific Plan) which states:

Landscaping - "Views of hillside homes from off-site areas which cannot be screened by way of location and architectural design should be substantially screened by use of evergreen tree planting."

Therefore, the Development lots, access road and retaining walls should be screened with evergreen tree planting and supported by permanent irrigation. The screening may include landscaping installed on the HOA open space between the existing homes and the Development, in consultation with the HOA. However, even if a large number of evergreen trees were planted, it would still take many years to substantially screen the Development and provide an adequate buffer for the HOA homes.

3. Non-Compliance with the Mitigated Vineyard Corridor Specific Plan and related Environmental Impact Report.

On its merits, the Development is problematic for the reasons listed above. However, and perhaps most concerning, the Development conflicts with the spirit and the stated requirements of the Hillside Residential district of the Specific Plan as noted below:

- a) Specific Plan Design for Hillside Residential (pg-19) - *"The Hillside Residential (HR) district provides for 19 new homes on 40,000 square foot minimum sized lots. Development areas are located in the hilly portions of Subareas 1 and 3. The purpose of this designation is to allow for a clustering of homes in well-defined areas of the hills in order to preserve significant natural features such as ridgelines, hilltops, oak woodland, creeks and steep slopes. Open space land surrounding the HR district is to be permanently preserved."* (bold added for emphasis)
- b) Specific Plan Design Open Space (pg-22) – *No homes are permitted within the OS areas; however fencing and agricultural structures are allowed.* (bold added for emphasis)
- c) Residential Development Standards (p. 25) – *"In HR areas, all home sites must be located within the designated development areas as generally depicted on the land use plan (see Figure IV-2). Lot lines may extend into land designated as Open Space, but primary residential buildings and residential accessory structures may only be sited within the designated development areas.* (bold added for emphasis)

The location of the designated development area per the Specific Plan for Lot 22 is not imprecise, it is not a general 'blob' as previously mentioned by Staff. To the contrary, its location, size and shape fit the terrain and is intended to minimize disruption to existing topography. Moving the site to the top of the hill clearly violates the intent and letter of the Specific Plan and adversely affects the existing properties and future developments for which the Specific Plan should preserve the Open Space view and residential buffer.


The relocation or expansion as proposed by the Development contemplates a deviation of 100-300 feet in horizontal distance and over 50 feet elevation to the top of the hill, and a 25 foot partial flattening of the hill. To allow for this material deviation of the designated development area would amount to a de facto amendment to the Specific Plan. The Planning Commission Staff have stated that they have some discretion to approve deviations from the designated development areas, and that the words "generally depicted on the land use plan" afford them this flexibility. However, Staff's interpretation ignores the next sentence in the Specific Plan, which expressly limits this flexibility, by clearly stating all "*primary residential buildings and residential accessory structures may only be sited within the designated development areas.*" To overlook this second sentence renders moot the delineated requirements the Specific Plan that intentionally restrict building structures to only within the designated development areas.

Additionally, the designated development area per the Specific Plans for Lot 22 already affords enough flexibility to contain the Development within the existing designated

development area, without need for deviation. The effort to relocate the lot to the top of the hill is not driven for reasons of the environmental or technical suitability of the site for home construction. Furthermore, for this specific Development, there are not construction limitations (such as existing home structures per PUD-32, or Jurisdictional Waters in the U.S. as per PUD-54) that may require additional accommodations. Even if the Planning Commission Staff's interpretation of the language in the Specific Plan were correct, applying it in this circumstance would be an over reach of any compliance discretion allowed by the Specific Plan, and would potentially violate associated environmental mitigations studied and implemented as part of the related CEQA Environmental Impact Report.

Therefore, the HOA requests that the Planning Commission Staff not recommend for approval the proposed Development Plan until it is modified as described in this letter to (i) minimize intrusion on existing homeowners, (ii) buffer visual and noise impacts, and (iii) comply with the intent and letter of the Specific Plan.

Sincerely,



President, Silver Oaks Estates Pleasanton

CC: Pleasanton City Manager
Pleasanton City Attorney

Cc: Gevan Reeves

Subject: PUD-84 (meeting follow-up)

Jenny, Janice and Julie – thanks for taking the time to meet today.

A few follow-up items & requests are noted below:

1. As discussed for your reference, attached is the City Memo which includes the statement from Wayne Rasmussen, former Principal Planner and project planner for the Specific Plan that “...**due to the environmental constraints in the Hillside Residential areas, the house locations were meant to be fairly precise as represented by the ‘blobs’.**” Moving the second home to the top of the hill includes a material deviation of hundreds of feet in horizontal distance and over fifty feet in vertical distance away from the designated development area, and the HOA does not agree that the deviation is allowed by any compliance discretion under the Specific Plan. The designated development areas were intended as more than ‘illustrative’ markers.

2. Also attached, per discussion today, is a section from PUD 54 (Reznick) that describes some of the consideration for moving the driveway away from that depicted in the Specific Plan because the driveway conflicted with the Environmental Impact Report requirements (setback of 100 feet of the centerline of Jurisdictional Waters of the U.S.).

a) Question: Is there any conflict with the existing EIR that prevents completion in the designated development area of the Specific Plan for the Berlogar Development? If so, what?

b) Question: How will the City address additional studies and mitigations necessary to allow a material deviation from the designated development area? Under CEQA, which agencies will need consultation (ie, CA State Dept of Fish and Game)? How can the HOA be sure the city is following its CEQA obligations?

3. Frank offered to show a depiction of three homes within the designated development area, with the access road on the back side of the homes. A bird’s eye view shows that this development could be done with minimal impact to existing trees assuming, as allowed per the Specific Plan, that lot lines may extend into Open Space (only the residential structures need to be in the designated development area). We hope not to see a plan that compresses the lot lines within the designated development area so as to overstate potential impact to the terrain/trees.

4. The photos with the computer graphic seem to minimize the impact of the development as experienced by the HOA. Can we have pole structures erected on the hill side to better demonstrate the location and size of the proposed development?

Regards,

Jenny Soo

From: Gevan Reeves
Sent: Wednesday, October 10, 2012 4:31 PM
To: Jenny Soo
Subject: follow up.

Hi Jenny, thanks for showing me the layout.

Based on the quick review, I have some preliminary questions as the process moves forward – and am very concerned about protecting my privacy and property value. The proposed layout is much more intrusive than I anticipated (actually, I originally didn't anticipate any development based on what the selling agent represented).

1. As the both proposed properties and the access drive will have elevation (from level with, to >75 feet higher than my property) and a direct line of sight into my backyard and back windows, what kind of screen and visual mitigation is going to be done? What are the additional open space requirements? My back view will transition from an open hill side to a residential area.
2. Why is the property footprint outside the area indicated in the vineyard corridor master plan? Why is the property allowed to go to the highest point on the hill?
3. Is the access road a private or public road? Are there any sound barriers to the drive?
4. Related to the driveway, why can't this road go straight up the back side of the properties (as shown in the vineyard corridor plan) instead of cutting through the hillside in front of the homes? As an alternative, why can't the existing private drive way act as the access road (instead of having to create another drive way), and then have the drive access the proposed properties from the east side of the hill ?
5. Additionally, since there is an allowance for additional homes on the east side of the property, from where will those homes be accessed? Will there be yet another access road?
6. What will be the orientation of the homes?

Thanks,
Gevan

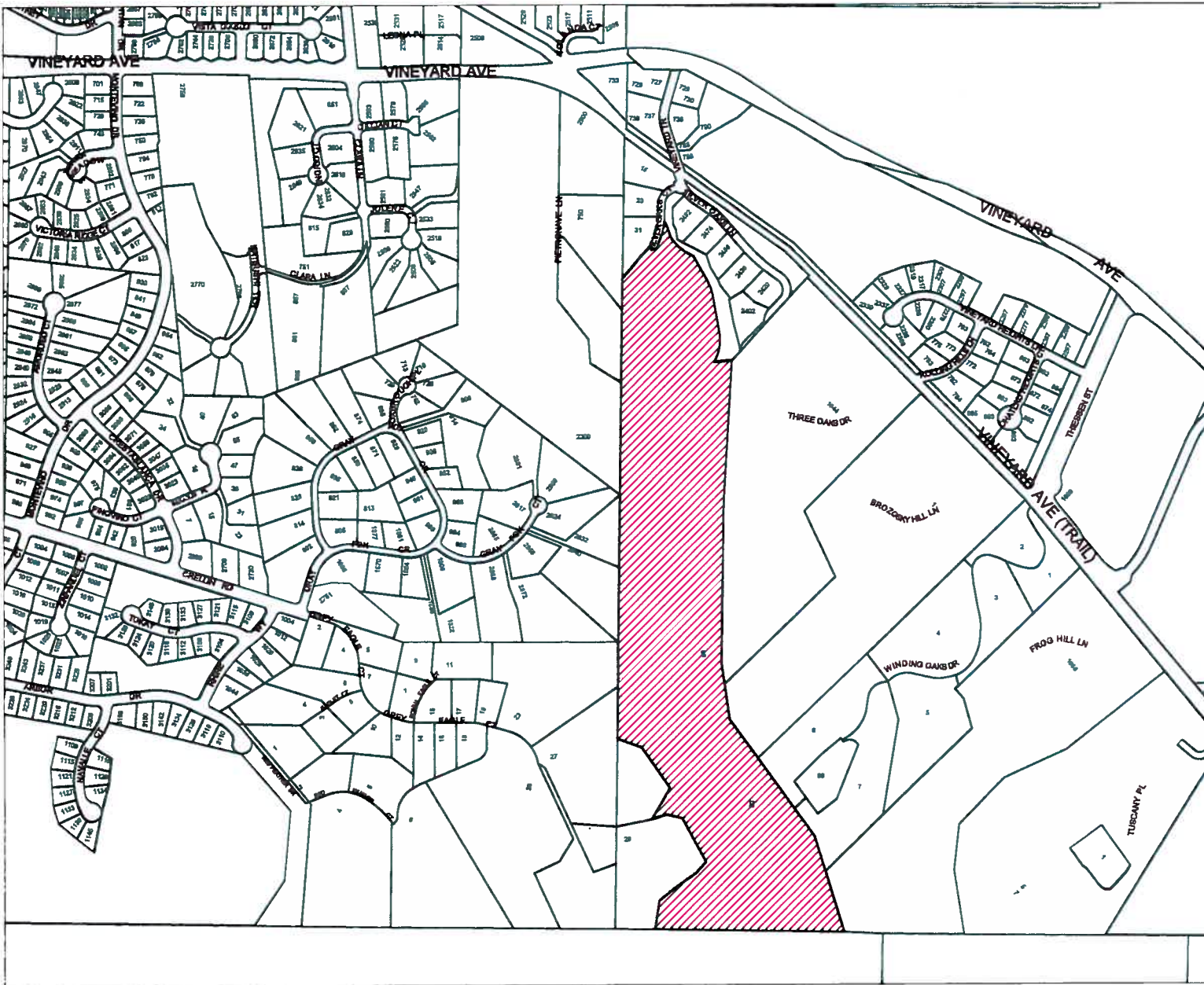
GEVAN REEVES
DIRECTOR, WEST ORIGINATION AND DEVELOPMENT
CALPINE CORPORATION
Direct: (925) 557-2254
Email: grees@calpine.com



From: Jenny Soo [<mailto:JSoo@cityofpleasantonca.gov>]
Sent: Tuesday, October 09, 2012 12:39 PM
To: Gevan Reeves
Subject: RE: PUD MOD

Any time...

From: Gevan Reeves [<mailto:gevan.reeves@calpine.com>]
Sent: Tuesday, October 09, 2012 12:22 PM
To: Jenny Soo
Subject: RE: PUD MOD



PUD-84, Frank Berlogar

City of Pleasanton

GIS

Department

88 Silver Oaks Ct.

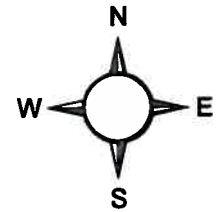
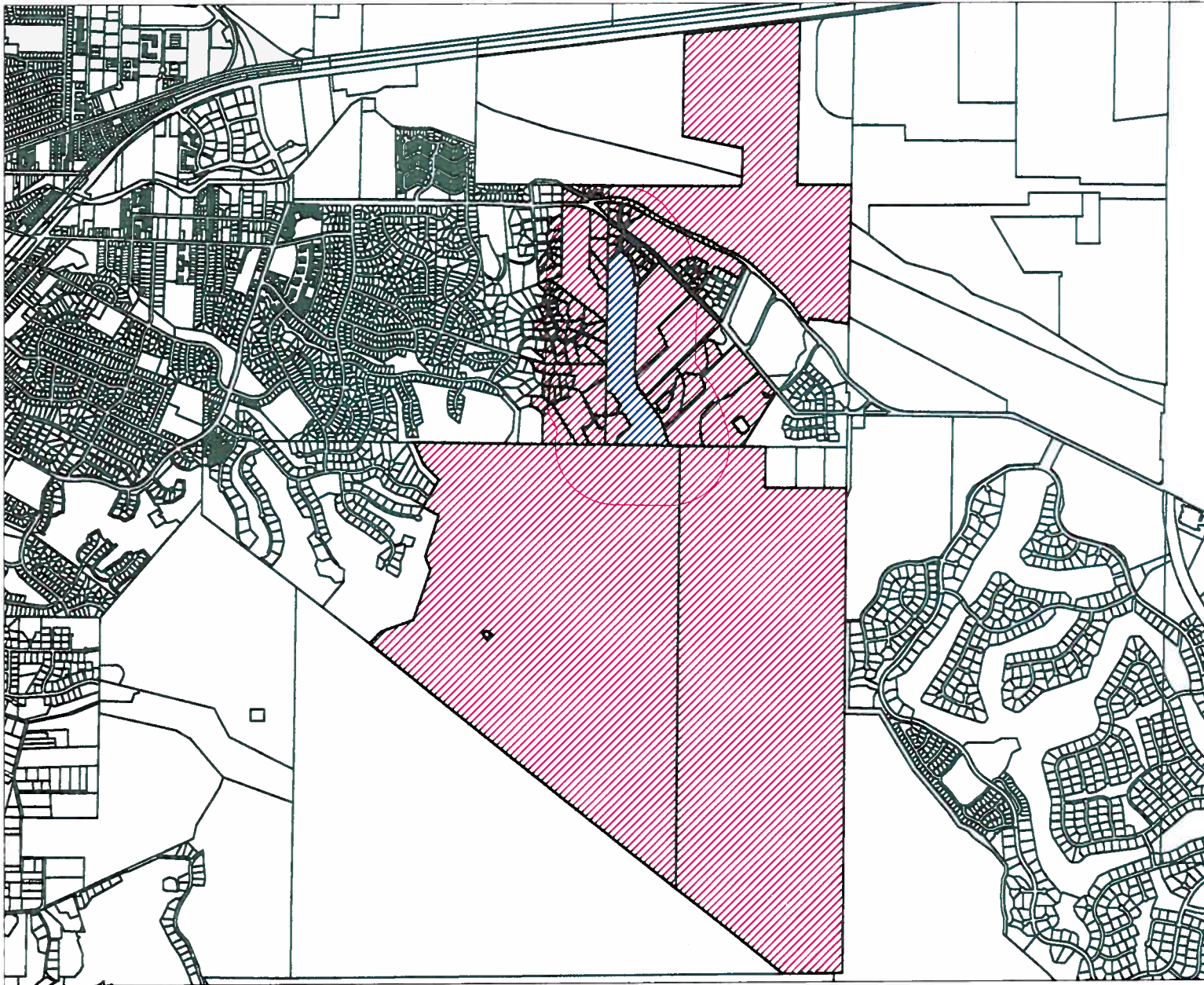


EXHIBIT 1

Printed 7/4/2013



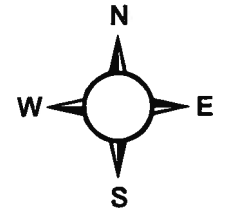
PUD-84, Frank Berlogar

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