

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**P11-0002 (Conditional Use Permit) / P11-0003 (Administrative Design Review)
5130 Foothill Road – Single- and Second-Story Additions and Site Improvements**

November 9, 2011

Special Conditions – Planning Division

1. The proposed single- and second-story additions, garage, and related site improvements shall conform substantially to the site plan, floor plans, architectural elevations, landscape plans, and color and material board dated “Received October 12, 2011,” Exhibit B, on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. All exterior lighting for the subject property shall be of low intensity, directed downward and shielded in order to minimize its visibility from off-site. Outdoor lighting shall also not glare onto adjacent properties or streets. The exterior fixtures shall be compatible with the architectural style of the home. The type and location of light fixtures shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
3. The height of the structure shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit B or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.
4. The applicant shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.
5. All demolition and construction activities, inspections, plan checking, material deliver, 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, Saturdays or Sundays. The Director of Community Development may allow earlier “start-times” or later “stop-times” for specific construction activities, if it can be demonstrated to the satisfaction of the Director of Community Development that the construction noise and construction traffic noise will not affect nearby residents or businesses. All construction equipment must meet Department of Motor Vehicles (DMV)

noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.

6. The property owner 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.
7. The property owner is encouraged to use best management practices for the use of pesticides and herbicides.

GreenBuilding Requirements

8. Prior to building permit submittal, a list of the green building measures used in the design of the home, covered by this approval, shall be provided to the Planning Division for the review and approval by the Director of Community Development. The home covered by this approval shall be designed to achieve a “certified rating” of a minimum of 50 total points, achieving at least the minimum points in each category, using BuildItGreen’s **current** GreenPoints rating system for New Single Family Homes.

The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. **Each point identified shall have a notation indicating the sheet the point can be found, and each sheet shall note where the point is located.** All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Director of Community Development.

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

Standard Conditions – Planning Division

9. All conditions of approval shall be included as a plan sheet with permit plan check sets submitted for review and approval. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant/property owner to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant/property owner to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval. Prior approval from the Planning Division is required before any changes are constituted

in site design, grading, house design, house colors or materials, fence material, fence location, landscape material, etc.

10. All HVAC condensing units shall be shown on the plans submitted for building permit issuance.
11. The approved house colors/materials shall be indicated on the final building permit plans. Any proposed revisions to the approved colors or materials must be submitted for review and approval by the Director of Community Development prior to painting/installation.
12. 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.
13. Final inspection by the Planning Division of the structure(s), grading, retaining walls, etc. is required prior to occupancy of the house.
14. The applicant shall work with the Pleasanton Unified School District to develop a program to off-set 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 issuance of building permit. 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. In no event shall construction commence unless the above method and manner for the provision of these funds and/or facilities has been agreed to by the applicant and PUSD.
15. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employee and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

Code Conditions – Planning Division

16. This conditional use permit and administrative design review approvals will lapse one year from the effective date of approval, unless a building permit has been issued and construction has commenced and is diligently pursued toward completion, or unless an extension has been approved by the City.

17. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.

Standard Conditions – Building and Safety Division

18. The applicant shall obtain a building permit, and any other applicable City permits for the project prior to the commencement of any construction.
19. To initiate the building permit plan check process, the applicant shall submit the following:
 - a. Three (3) full-size sets of construction plans (wet-stamped and signed);
 - b. Two (2) sets of the necessary structural and Title 24 calculations;
 - c. Two (2) copies of a site-specific soils report;
 - d. The completed Building Permit Questionnaire; and
 - e. The necessary fees.
20. Prior to issuance of building or demolition permits, the project applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project applicant 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 project applicant shall mark all trash disposal bins “trash materials only” and all recycling bins “recycling materials only.” The project applicant shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

Code Conditions – Building and Safety Division

21. The single- and second-story additions and garage shall be constructed to meet Title 24 State energy requirements.
22. All building and/or structural plans shall comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

Standard Conditions – Engineering Division

23. The final grading plan shall include information on pad and finished floor elevations, proposed and existing contours, and top and bottom spot elevations along retaining walls and exterior walls of the structures.
24. The applicant shall include erosion control measures on the final grading plan. The applicant is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and/or stabilized as soon as possible after completion of grading, or by October 15, whichever occurs first. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place to the satisfaction of the Building and Safety Division. Such measures shall be maintained by the owner until such time as permanent landscaping is established.
25. The project applicant/developer 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 Director of Community Development.
26. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
27. The applicant shall apply for and receive an encroachment permit prior to the start of construction. An erosion control and hazard abatement cash bond shall be posted with receipt of the encroachment permit and shall be maintained throughout the construction period.
28. The applicant shall submit a building survey and/or a 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 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 utility improvements.

Standard Conditions – Fire Department

29. The building 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.
30. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.

31. Prior to any construction framing, the project developer 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.
32. The home shall be constructed with Class A fire retardant roofing material to the satisfaction of the Fire Marshal.

Code Conditions – Fire Department

(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.)

33. 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.
34. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
35. 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.
36. The building (s) 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.

Standard Conditions – Community Development Department

37. The project developer shall pay any and all fees to which the property may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
38. 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.
39. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
40. 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.

41. Dust and mud shall be contained within the boundaries of the property during times of construction.
42. No construction materials shall be stored within the public right-of-way.
43. The applicant is responsible for ensuring that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on the site shall be completely removed and the site cleaned prior to occupancy.
44. All excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No stockpiling of dirt on this or other sites within the development shall occur without specific review and approval by the Planning Division.
45. The haul route for all materials to and from this development, including the off-hauled soil, shall be approved by the City Engineer prior to the issuance of an encroachment permit.
46. 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.
47. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve the house shall be installed underground in conduit or in a joint utility trench unless otherwise specifically approved by the City Engineer.

Urban Stormwater Conditions

48. The project shall comply with the "Alameda Countywide NPDES Permit #CAS0029831 and amendments to this permit" issued the by California Regional Water Quality Control Board, San Francisco Bay Region, a copy of which is available at the Community Development Department, Public Works/Engineering section at City offices, Alameda County Clean Water Program and at State Water Board.

(http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2003/february/02-19-03-12finalto.doc)

and

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

The project shall also comply with the “Construction General Permit” by the California Regional Water Quality Control Board, San Francisco Bay Region.

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

A. Design Requirements

1. The Permit design requirements include, but are not limited to, the following:
 - a. Source control, sight design measures, and design and implementation of stormwater treatment measures are required when commercial, industrial or residential development creates and replaces 10,000 square feet or more of impervious surface, including roof area, streets, and sidewalk; and
 - b. The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
2. The following requirements shall be incorporated into the project:
 - a. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required. (See planting guide line by Alameda County Clean Water Program.)
 - Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.

- Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- c. Roof drains shall discharge and drain away from the building foundation. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

B. Construction Requirements

1. The project applicant is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
 - a. The project applicant shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Building and Safety Division. The project applicant is responsible for ensuring that the contractor is aware of and implements such measures;
 - b. Gather all sorted construction debris on a regular basis and place it 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;
 - c. 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;
 - d. 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;

- e. Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill;
- f. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain; and
- g. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

C. Operation Requirements

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

END





VIEU TOWARDS FOOTHILL ROAD

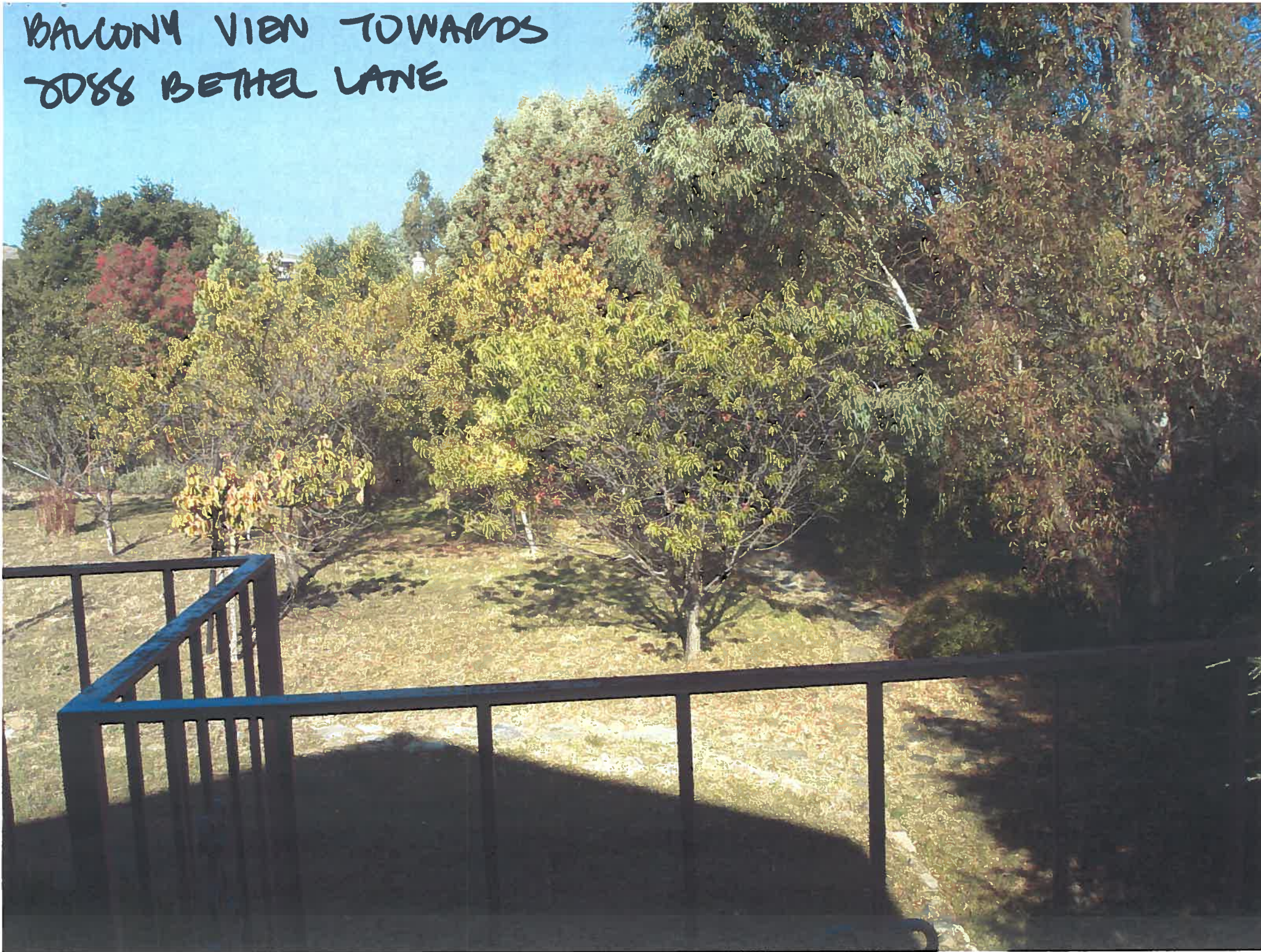
VLEN TOWARDS WIENER HOME





SECOND - FLOOR VIEW TOWARDS ERRIBU

BALCONY VIEW TOWARDS
2088 BETHEL LANE



BALCONY VIEW TOWARDS
WIENER HOME



To: Natalie Amos
Subject: Re: 5130 Foothill Road - Planning Commission
Importance: High

From: Don Errigo
Sent: Tuesday, September 13, 2011 1:12 PM
To: Natalie Amos
Cc:
Subject: Re: 5130 Foothill Road - Planning Commission
Importance: High

Hello All:

This letter is a response and summary of understanding to the meeting convened on July 8, 2011, where we discussed the 5130 Foothill Road remodel modifications of the existing home and building additions.

In our meeting, I was assured that following conditions were agreed to by all parties and would be incorporated as conditions of approval by the planning commission and permitting department.

1. Drainage and grading will slope from the rear (5000 Foothill Road property) and adjacent properties towards Foothill Road.
2. Appropriate measures will be taken to ensure no harm comes to the heritage oak trees on the hill just below the rear of the Poddatoori property. Therefore, I request an Arborist report is produced to establish a baseline of health and that the report can be used as a basis of recourse if the trees are harmed during or within five years of the building project. These are 100-plus year old Heritage Oaks!
3. That any overhangs or balconies to the rear of the house, now and in the future, are no more than 12-inches in depth, and is only constructed as an aesthetic design feature rather than a use for utility.
4. Before the start of any demolition or construction, locate and plant a natural screen of large growth scrubs and evergreen trees to additionally prevent each resident from viewing into the most private sanctuary (the master bathrooms) and other interiors of each other's home.
5. Additionally, in our July 8, 2009 meeting hosted by Pleasanton senior planner Donna Decker, I were pleased that a property line survey and staked corners would be required. This survey should be completed before any approvals are granted to provide enough time to resolve any property line discrepancies that may be revealed.

In summary, we will be enthusiastic and active supporter of the Poddatoori remodel, if the above stated concerns are satisfactorily resolved and conditions of any building approval. We appreciate being involved in this process. We are long time Pleasanton residents of more than 10 years who value open space and the privacy that our property has afforded us for so long.

Sincerely,

Don

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Don S. Errigo
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Natalie Amos

To: Natalie Amos
Subject: Re: 5130 Foothill Road - Planning Commission

From: Paul Wiener
Sent: Tuesday, September 13, 2011 12:34 PM
To: Natalie Amos
Subject: Re: 5130 Foothill Road - Planning Commission

Natalie,

I have spent more time reviewing the information you sent to us and reflected upon the discussion and requests we had when we met a few weeks ago. It is not clear that any of our requests were committed to and documented. We would like to support this project but it must contain commitments to resolve our concerns to get that support.

Specifically, we want to see the following addressed:

1. No detrimental environmental impact (drainage, erosion, flora, etc) and restitution provisions if something occurs.
2. The balcony visible from our home does not increase in size nor increase on our privacy.
3. A proper landscape plan is put in place which addresses the privacy concerns we addressed during the meeting. The plans as of now do not have proper landscape design (i.e. names of plants, trees, quantities, locations). Based upon our previous experiences with city plans and builders, a landscape retainer is requested to ensure compliance.
4. Sight line review. We asked that poles be erected with a line across at the shoulder height of people looking out of the windows so we can determine what level of intrusion is proposed.

After consultation with friends, neighbors, builders, and planners, these appear to be reasonable requests. Please let me know how these will be addressed to help proceed with a smooth approval process.

Thank you,

Paul

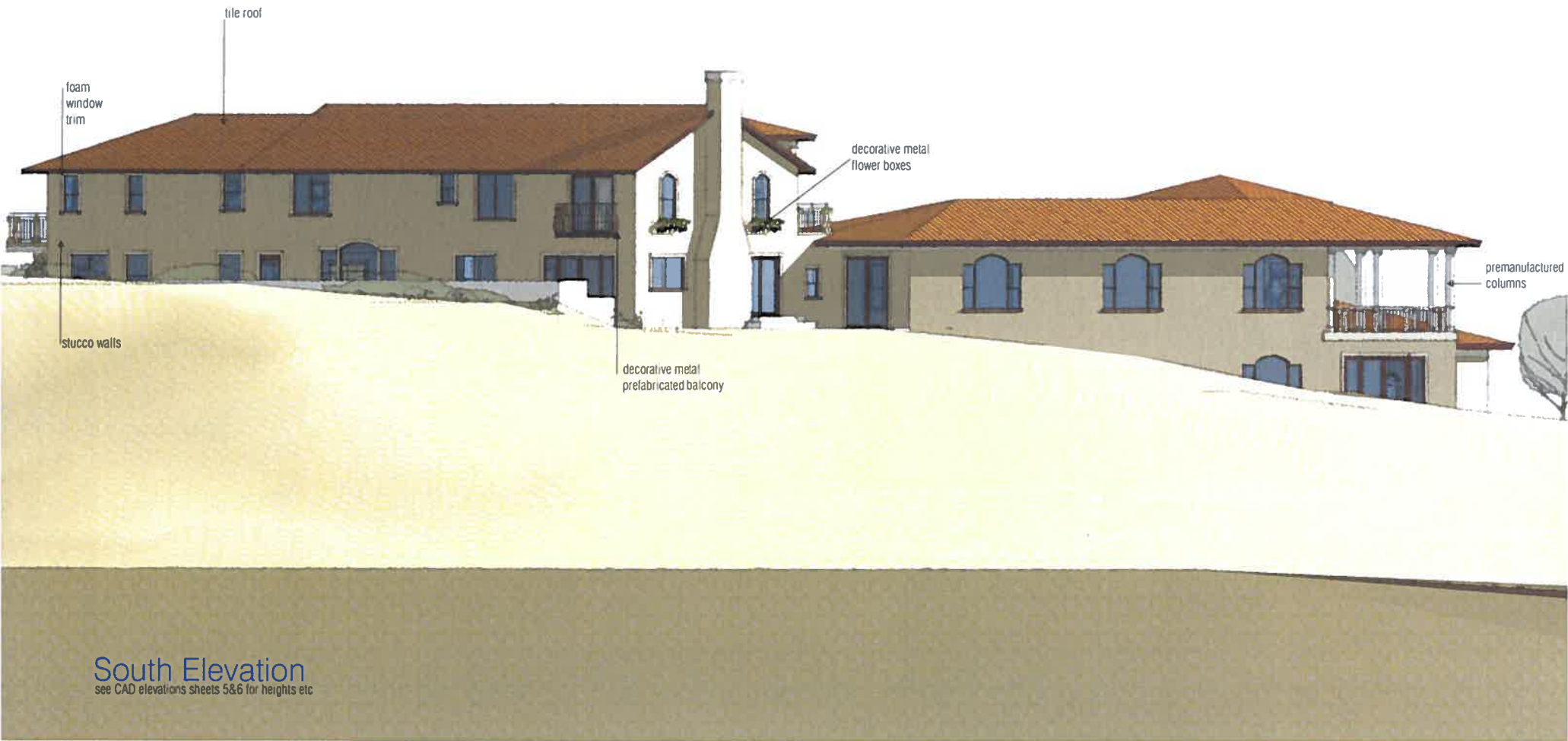
Paul Wiener

RECEIVED

OCT 12 2011

CITY OF PLEASANTON
PLANNING DIVISION

EXHIBIT E



South Elevation
see CAD elevations sheets 5&6 for heights etc



decorative metal flower boxes

tile roof

foam details

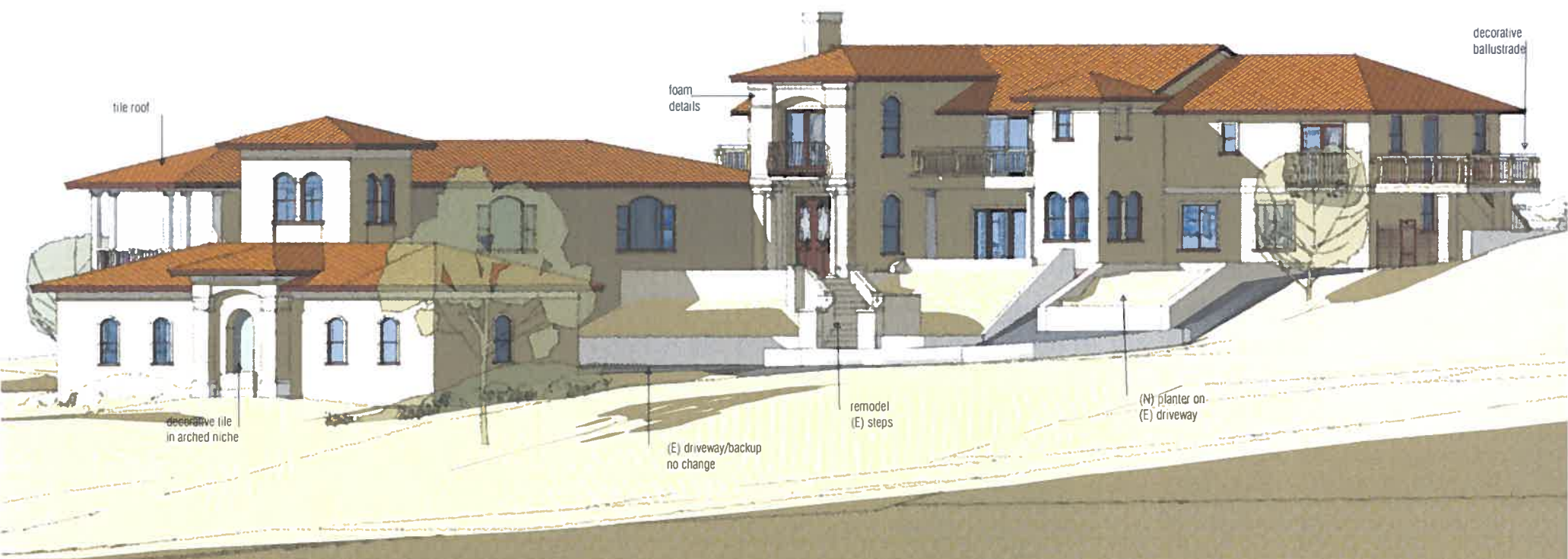
tile roof

stucco walls

decorative tile in arched niche

East Elevation

see CAD elevations sheets 5&6 for heights etc



tile roof

foam details

decorative ballustrade

decorative tile in arched niche

(E) driveway/backup no change

remodel (E) steps

(N) planter on (E) driveway

North Elevation

see CAD elevations sheets 5&6 for heights etc



tile roof

premanufacture decorative metal balcony

decorative guardrail ballusters and metal pickets

foam trim and sill

elevation obscured by (E) retaining wall at property line

stucco wall finish

West Elevation

see CAD elevations sheets 5&6 for heights etc



View from South



View from South East



View from East



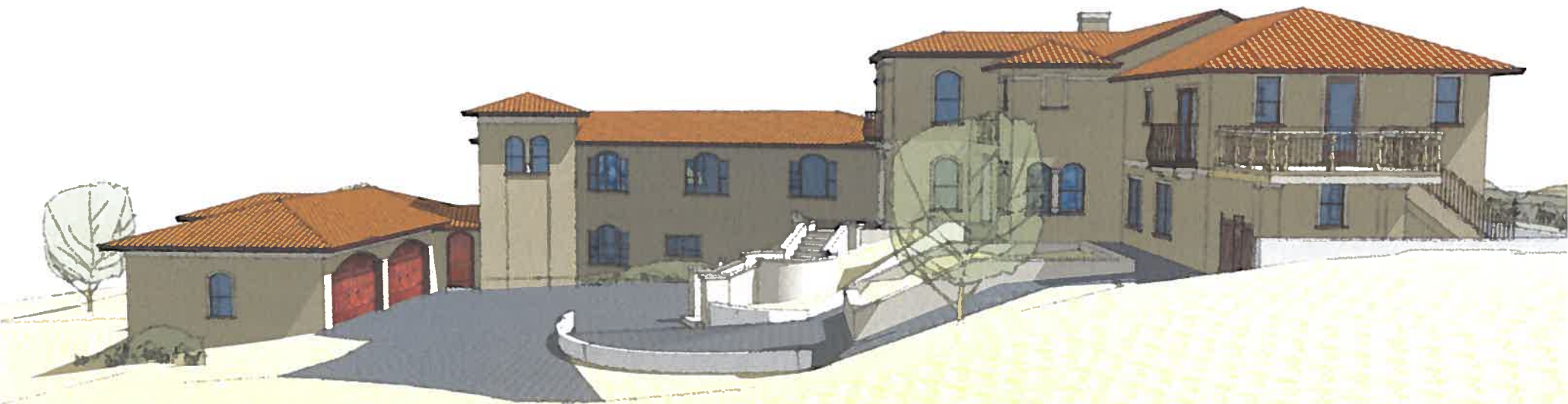
View from North



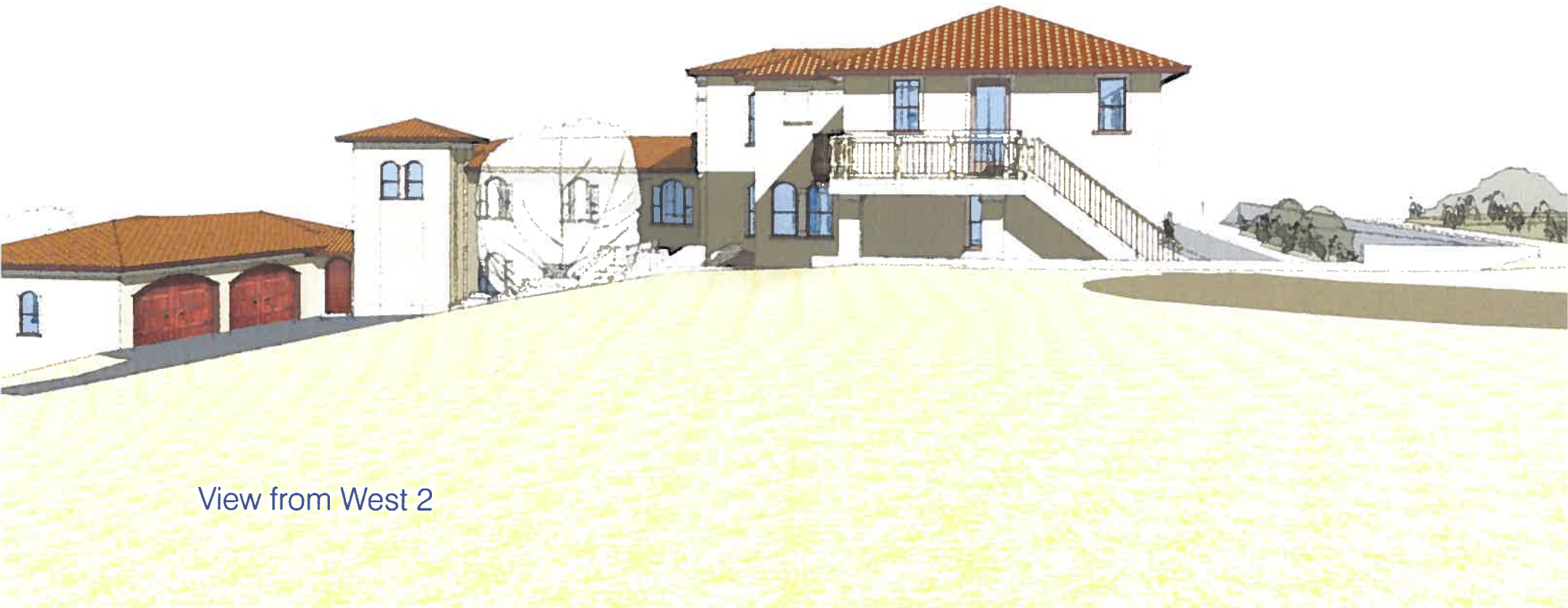
View from North West



View from North West 2



View from West



View from West 2



5130 Foothills Road - Key to Views

P11-0002 (CWP)
P11-0003 (A02)

OCT 12 2011

CITY OF PLEASANTON
PLANNING DIVISION

RECEIVED



Distance to Neighbours



Distance to Neighbours



View from A



View from Road 1



Imagery Date: 10/12/09

40

Data MBARI
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Imagery AMES
37°45'22.50"N 121°55'22.94"W elev 339 ft

Google

Eye alt 339 ft

View from Road 2



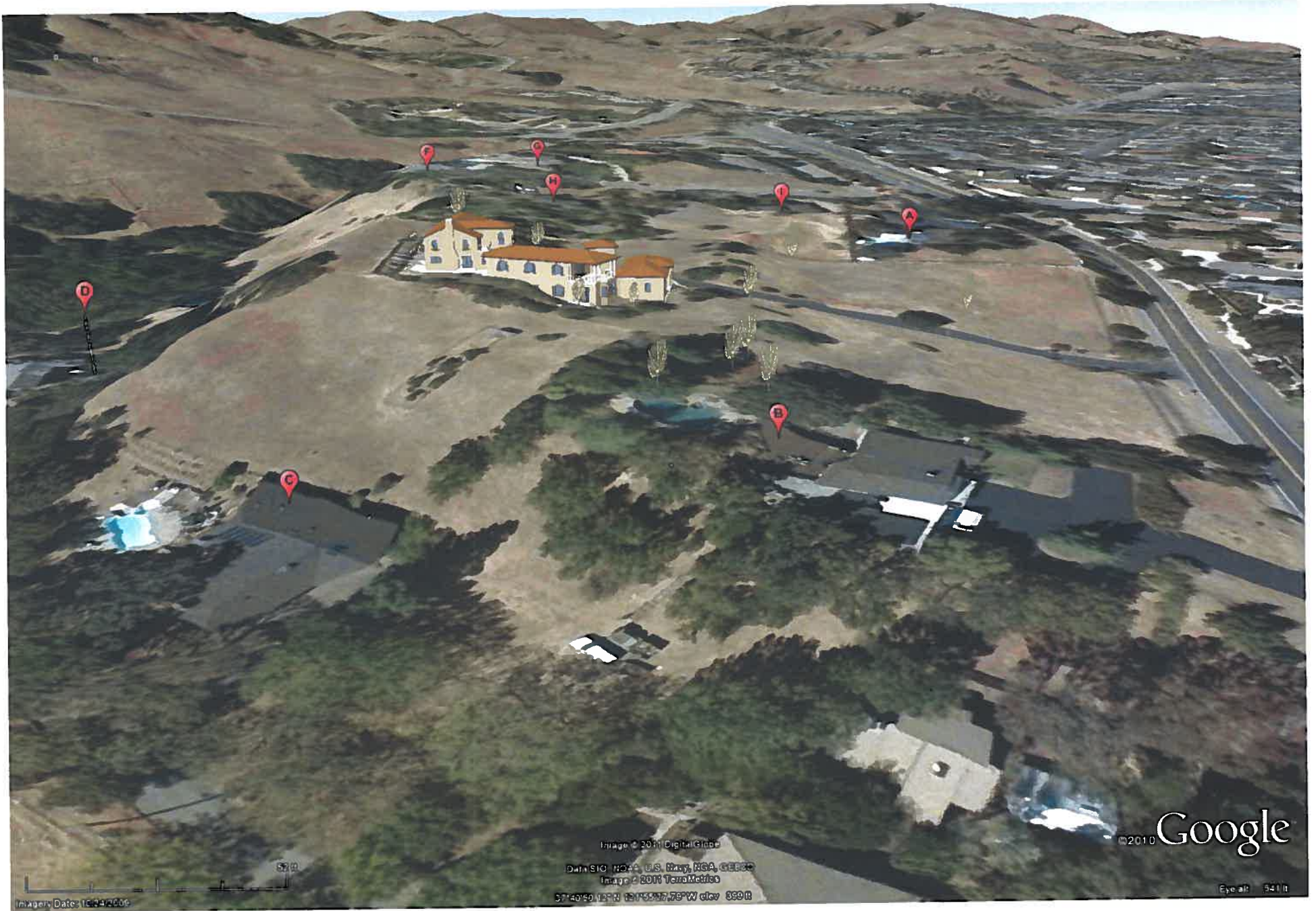
View from Road 3



View from Road 4



View from B



Key View



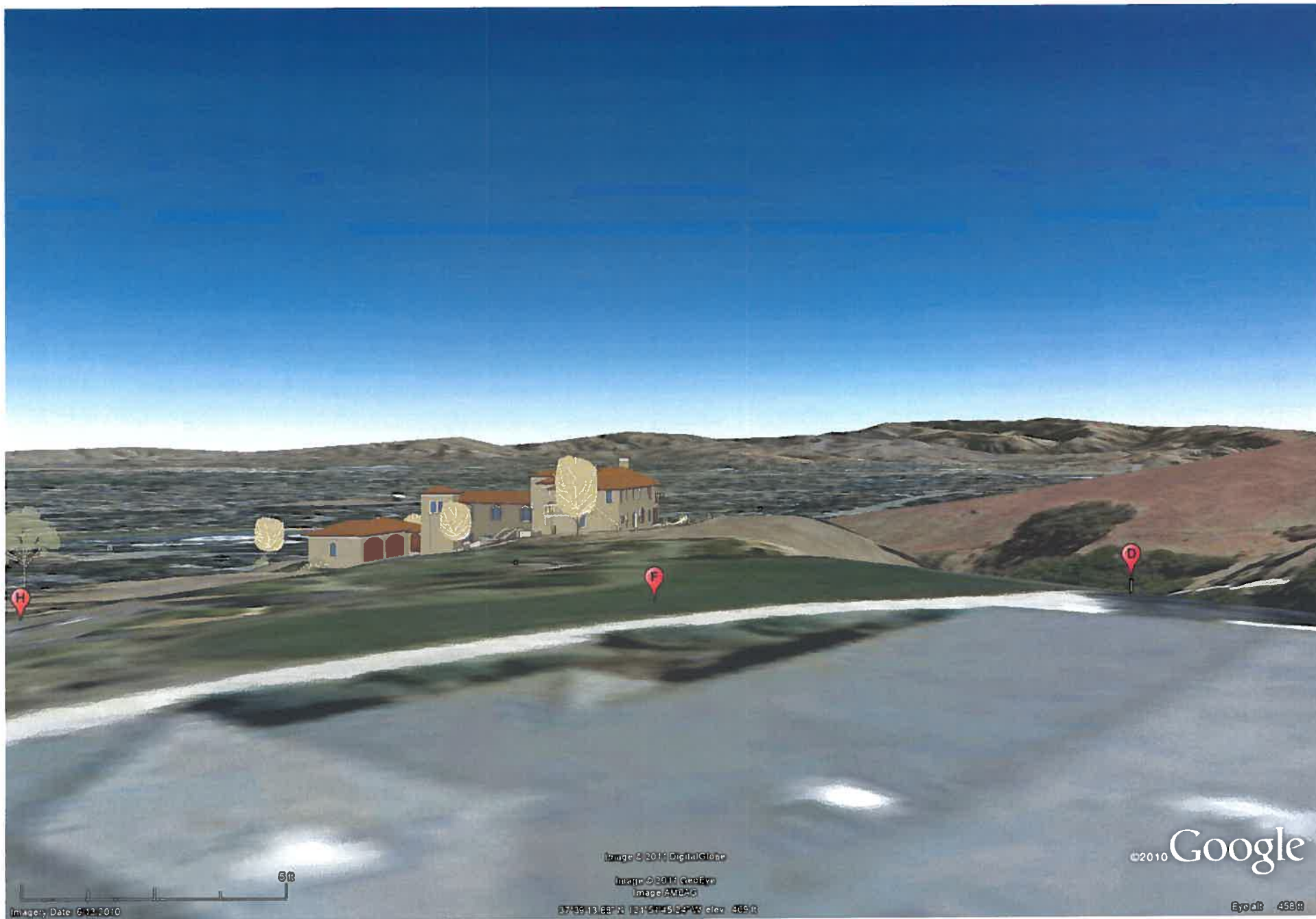
View from C



View from D



View from E



View from F



View from G



View from H



View from I



Key for Views

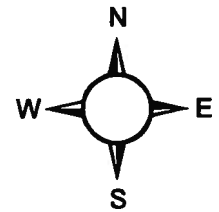
EXHIBIT G

5130 Foothill Road

City of Pleasanton

GIS

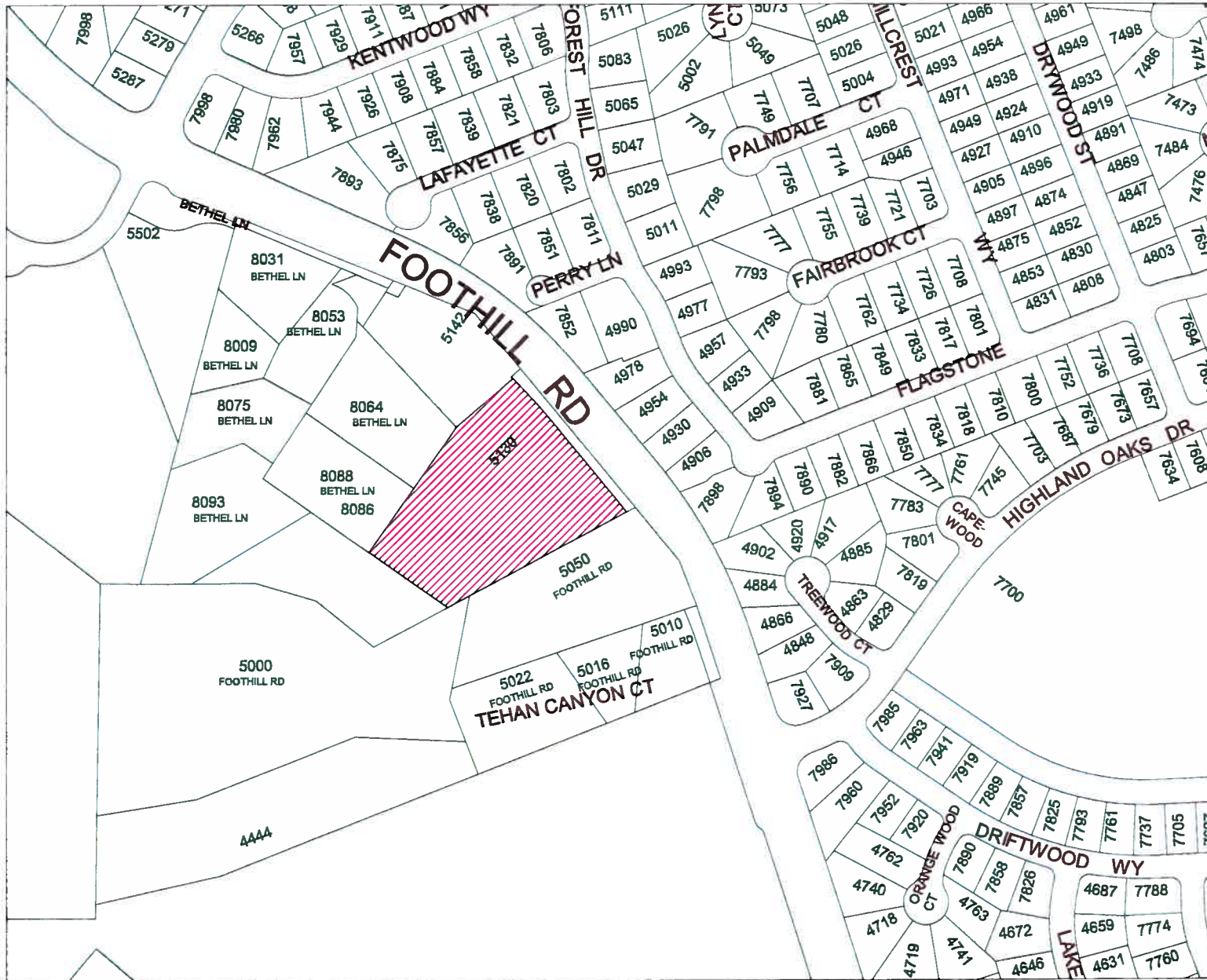
Department

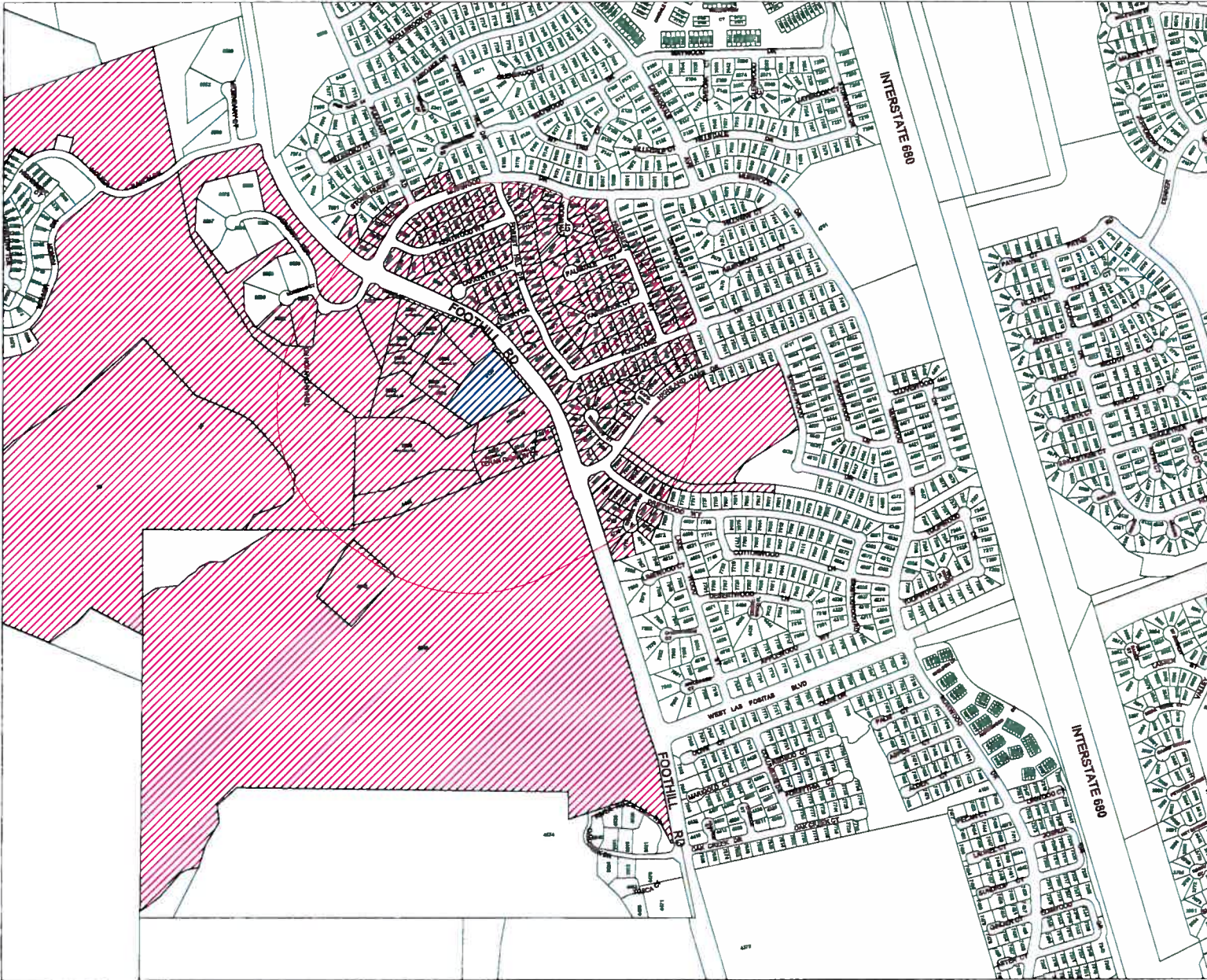


Scale 1 in = 300 ft



Printed 10/27/2011



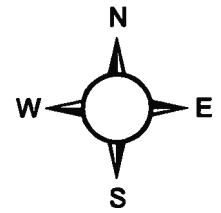


5130 Foothill Road

City of Pleasanton

GIS

Department



Scale 1 in = 900 ft



Printed 10/27/2011