

## **EXHIBIT A**

### **Conditions of Approval P11-0458 446 Sycamore Road**

#### **PROJECT SPECIFIC CONDITIONS**

##### **Planning**

1. The design review approval shall lapse one year from the effective date of approval unless a building permit is obtained and construction diligently pursued, or the City has approved a time extension.
2. A minimum of one appliance or system that meets Energy Star standards shall be installed as part of the project. The proposed appliance or system and how it adheres to the Energy Star standards shall be stated on the plans submitted for the issuance of a building permit.
3. A minimum of one water conservation device such as low-flow faucets, toilets, shower fixtures, etc. shall be installed as part of the project. The water conservation devices(s) shall be stated on the plans submitted for the issuance of a building permit.
4. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance. 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.
5. The applicant shall provide dimensions of the emergency generator and specifications including noise level of the emergency generator in the construction plan set for review and approval by the Director of Community Development. The emergency generator shall meet the City of Pleasanton Noise Ordinance regulations.
6. The applicant shall provide elevations and details of the trash enclosure in the construction plan set for review and approval by the Director of Community Development.
7. The applicant/project developer shall comply with the tree preservation recommendations of the tree report prepared by HortScience dated "Received, July 26, 2011," on file with the Planning Division. No tree trimming or pruning other than that specified in the tree report shall occur, except for routine tree pruning for maintenance purposes. The project developer shall

arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.

8. The final landscape and irrigation plan shall include the detail of the screen wall located between the front of the residence and the gate. The detail of this wall is subject to the review and approval by the Director of Community Development and it shall match the materials/colors of the residence.
9. The final landscape and irrigation plan shall include planting pockets between the west elevation and the parking stalls. The plant species shall be specified on the final landscape plan and shall be subject to the review and approval by the Director of Community Development prior to issuance of a building permit.
10. The final landscape and irrigation plan shall show that additional trees are to be planted along the east property line to screen the building.
11. The final landscape and irrigation plan shall show that additional landscape is to be planted on the south and west sides of the trash enclosure.
12. The final landscape and irrigation plan shall show that no irrigation will occur within in the Tree Protection Zone as specified in the arborist report, dated "Received July 26, 2011," on file with the Planning Division.
13. The final landscape and irrigation plan shall be submitted to and approved by the Director of Community Development as part of the building permit plan set prior to issuance of a building permit. Plant species shall be a drought tolerant nature with an irrigation system that maximizes water conservation (e.g. drip system). The landscaping and irrigation indicated on the approved plans shall be installed prior to occupancy.
14. All shrubs shall be a minimum of five gallons, unless otherwise shown on the plans and approved by the Director of Community Development. Deviations from the approved plan shall be reviewed and approved prior to installation.
15. The project applicant shall provide root control barriers and 4-inch perforated pipes for trees near driveways and in other paved areas less than 10-feet in width, or as determined by the Director of Community Development.
16. The grading and drainage plan shall be revised to include the recommendations stated in the arborist report, dated "Received July 26, 2011," on file with the Planning Division. Specifically, the final drainage plan shall include the following:

- Redesign the drain line adjacent to trees #178 and 180 identified in the arborist report to provide a minimum of five feet between the trees and the edge of the trench;
- Redesign the drain line adjacent to tree #181 identified in the arborist report to provide a minimum of eight feet between the trees and the edge of the trench;
- Evaluate the possibility of designing the bioswale adjacent to tree #181 identified in the arborist report to minimize the grading within eight feet of the tree.
- Redesign the curb west of tree #183 identified in the arborist report to be placed in the same location as the existing curb to minimize root loss associated with the excavation of the new curb footing.

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

18. The applicant shall submit the final roof color to the Director of Community Development for approval prior to issuance of a building permit.

### **Fire**

19. 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.

## **STANDARD CONDITIONS OF APPROVAL**

### **Community Development Department**

20. The project applicant shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the City Engineer. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, unless otherwise approved by the department.

21. The project applicant shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

22. 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.

## **Planning**

23. The proposed development shall be in substantial conformance to Exhibit B, dated "Received, October 12, 2011," and Green Building Checklist and arborist report dated "Received, July 26, 2011," on file with the Planning Division, except as modified by the conditions of approval. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
24. The building permit plan check materials 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 applicant 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 appeal period.
25. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the project applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
26. 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.

27. 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.

28. Prior to building permit submittal, a list of the green building measures used in the design of the unit covered by this approval shall be provided to the Planning Division for the review and approval by the Director of Community Development. The 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.

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

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

29. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed.

30. 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.
31. 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.
32. Prior to occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
33. The developer and occupants 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.
34. The developer and occupants are encouraged to use best management practices in the use of pesticides and herbicides.
35. The project applicant must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
36. 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 or Sundays. 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.
37. 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.
38. A construction trailer may be allowed to be placed on the project site for daily administration/coordination purposes during the construction period, upon approval of the Director of Community Development.

39. 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.
40. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.

### **Engineering**

41. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit.
42. 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.
43. 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 applicant. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
44. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
45. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
46. The project applicant and/or the project applicant's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
47. The project applicant shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a any grading permit.
48. The project applicant shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project

applicant is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the City Engineer. Such measures shall be maintained until such time as permanent landscaping is in place.

49. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners or through an association approved by the City.
50. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.

### **Building**

51. 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.
52. At the time of building permit plan submittal, the project applicant 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**

53. The project applicant shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
54. Prior to any construction framing, the project applicant shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
55. 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.

## **URBAN STORMWATER CONDITIONS OF APPROVAL**



56. 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](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](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](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.
  - 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. The project applicant shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the stormwater running off the paved surface that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.

- b. 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.
- a. Roof drains shall discharge and drain away from the building foundation. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

#### B. Construction Requirements

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

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

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/finalconstpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf)

1. The project applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP for review by the City Engineer/Chief Building Official prior to issuance of building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work

is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.

2. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
3. The project 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.
- 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

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.

**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**

57. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. The project/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**

58. The project applicant 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.

59. The project applicant 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.
60. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
61. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.

## **CODE REQUIREMENTS**

### **Fire**

62. 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.
63. 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.
64. 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.
65. The building 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).

{end}





CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, ALAMEDA

ORDINANCE NO. 1914

**AN ORDINANCE APPROVING THE APPLICATION OF EARL BACH, KARL BACH, ED LAMB, SR., AND ED LAMB, JR. FOR PUD DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-42**

WHEREAS, Earl Bach, Karl Bach, Ed Lamb, Jr., and Ed Lamb, Sr. have applied for PUD development plan approval to allow a four-lot development plan for three new homes on a 1.84-acre site located at 446 Sycamore Road, in the North Sycamore Specific Plan area; and

WHEREAS, the City Council determined that there were no substantial changes to the project or to the circumstances under which the project is undertaken that involve environment effects or substantially increase the severity of previously identified effects, and there is no information of substantial importance not known at the time the Environmental Impact Report for the North Sycamore Specific Plan area was certified in February 1991 regarding the project or its effects, mitigation measures, or alternatives; therefore, no additional environmental documentation was prepared for this project: and

WHEREAS, the Council received the Planning Commission's recommendations for approval of the development plan; and

WHEREAS, a duly noticed public hearing was held on March 15, 2005; and

WHEREAS, the City Council finds that the development plan, building design, and site development standards are consistent with the General Plan, the North Sycamore Specific Plan, and the purposes of the PUD ordinance.

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

**Section 1.** Approves Case PUD-42, the application of Earl Bach, Karl Bach, Ed Lamb, Jr., and Ed Lamb, Sr. for PUD development plan approval to allow a four-lot development plan for three new homes on a 1.84-acre site located at 446 Sycamore Road, in the North Sycamore Specific Plan area, subject

to the conditions shown on Exhibit B, attached hereto and incorporated herein by this reference.


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

Section 3. This ordinance shall be effective thirty (30) days after its passage and adoption.


INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on March 15, 2005.

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on April 5, 2005.

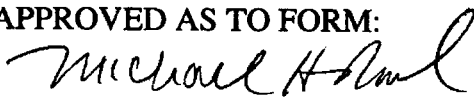
AYES: Councilmembers -- Brozosky, McGovern, Sullivan and Mayor Hosterman  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
JENNIFER HOSTERMAN, MAYOR

ATTEST:

  
Dawn G. Abrahamson, City Clerk

APPROVED AS TO FORM:

  
Michael H. Roush, City Attorney



**EXHIBIT B  
CONDITIONS OF APPROVAL**

**PUD-42, Earl Bach, Karen Bach, Ed Lamb, Sr., and Ed Lamb, Jr.  
446 Sycamore Road**

**March 15, 2005**

**Project-Specific Conditions:**

1. The four-lot development plan covered by this approval shall be subdivided and constructed substantially as shown on the development plans and design guidelines, Exhibit "A", dated "Received July 13, 2004 and September 15, 2004" on file with the Planning Department, 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 the approved exhibits.
2. The lots covered by this PUD development plan shall be subject to the permitted and conditional uses of the R-1-20,000 (One-Family Residential) District as defined in the Pleasanton Municipal Code. The project developer shall modify the design guidelines to include this statement before submittal of the tentative parcel map application to the City of Pleasanton for review.
3. The project developer shall protect Sycamore Creek during all grading and construction activities. A \$10,000.00 bond shall be posted with the City Engineer to insure compliance with this requirement. Protection measures shall be described in detail on the on-site/grading plan, site plan, and any other construction or building plans to the satisfaction of the Planning Director and/or the City Engineer or Building Official before grading/construction begins.
4. The project developer shall add the following statements to the design guidelines covering this development:
  - a. The applicants for the future homes on Parcels One through Four shall provide view studies at the design review stage to demonstrate the proposed design, view impacts, privacy impacts, etc. Various techniques including setbacks, window placement, etc., should be employed in the building design to minimize view disruption and to maximize privacy.
  - b. Building materials and colors shall blend with the natural landscape. Stone and treated wood are encouraged for exterior surfaces. Where stucco is used it should be colored with a muted earth color. Color contrasts should be used judiciously. The color of the roof materials should also be earth tones and should be non-reflective.

- c. Use plant materials whose mature height will not obstruct views.
- d. Use trees and shrubs to frame views and visually soften the hard edges and structural underpinnings of buildings, where visible.
- e. On sloping sites, use landscaping to screen views of the downhill side of decks, retaining walls, and pier foundations of buildings from streets and residences.
- f. All house designs shall be brought to the Planning Commission for approval. Prior to that, the project developer shall consult with neighbors to address their concerns pertaining to privacy/view issues, lower building heights, etc.

The project developer shall submit the revised guidelines to the Planning Director for review and approval before the City's approval of the tentative parcel map.

- 5. The lots and structures covered by this PUD approval shall be subject to the following site development standards:

<b>PUD-42, Primary Structure Standards</b>				
	<b>Parcel One<sup>1</sup></b>	<b>Parcel Two</b>	<b>Parcel Three</b>	<b>Parcel Four</b>
<b>Minimum Lot Area</b>	19,676 sq. ft.	18,171 sq. ft.	17,896 sq. ft.	24,341 sq. ft.
<b>Minimum Lot Width</b>	133 ft.	137 ft.	133 ft.	133 ft.
<b>Minimum Lot Depth</b>	144.5 ft	133 ft.	133 ft.	183 ft.
<b>Setbacks:</b>				
<b>Front</b>	25 ft.	25 ft. <sup>2</sup>	25 ft. <sup>2</sup>	25 ft.
<b>One Side/Both Sides</b>	15 ft./30 ft.	15 ft./30 ft. <sup>2</sup>	15 ft./30 ft. <sup>2</sup>	15 ft./30 ft. <sup>4</sup>
<b>Rear</b>	25 ft.	25 ft. <sup>2</sup>	25 ft.	30 ft.
<b>Floor Area Ratio</b>	30% <sup>3</sup> 5,000 sq. ft. <sup>3</sup>	30% <sup>3</sup> 5,000 sq. ft. <sup>3</sup>	30% <sup>3</sup> 5,000 sq. ft. <sup>3</sup>	30% <sup>3</sup> 5,500 sq. ft. <sup>3</sup>
<b>Maximum Height</b>	30 ft.	30 ft.	27 ft. <sup>5</sup>	27 ft.
<b>PUD-42, Accessory Structure Standards</b>				
	<b>Parcel One<sup>1</sup></b>	<b>Parcel Two</b>	<b>Parcel Three</b>	<b>Parcel Four</b>
<b>Maximum Height</b>	15 ft.	15 ft.	15 ft.	10 ft.
<b>Side Yard</b>	3 ft.	3 ft. <sup>2</sup>	3 ft. <sup>2</sup>	3 ft.
<b>Rear Yard</b>	5 ft.	5 ft. <sup>2</sup>	5 ft. <sup>2</sup>	20 ft.

<sup>1</sup> Existing house and accessory structures.

<sup>2</sup> For Parcel Two and Parcel Three, there shall be a minimum 10-foot setback from the top-edge of the bank of Sycamore Creek or a 25-foot setback from the centerline of the creek, whichever is greater. The minimum sideyard setbacks shall be measured from the edge of Sycamore Terrace.

<sup>3</sup> The Floor Area Ratio includes primary and accessory structures but excludes up to 600 square feet of garage area. Portions of garage floor area over 600 square feet would be included in the FAR calculation.

<sup>4</sup> All primary structures on Parcel Four shall maintain a minimum 45-foot setback from the north property line.

<sup>5</sup> Or 407 feet NGVD whichever is less.

The project developer shall modify the design guidelines with these changes before submittal of the tentative parcel map application to the City of Pleasanton for review.

6. The development standards for open structures, e.g., patios, arbors, porte cocheres, etc., would be those outlined under Section 18.84.120, Projections Into Yards, of the Pleasanton Municipal Code. The project developer shall modify the design guidelines to include this statement before submittal of the tentative parcel map application to the City of Pleasanton for review.
7. The project developer shall comply with the recommendations of the tree report prepared by Atlas Tree Service, Inc. dated June 4, 2004, as follows:

<b>Tree</b>	<b>Species</b>	<b>Diameter</b>	<b>Condition</b>	<b>Disposition</b>
<b>Tree No. 1</b>	Northern California Black Walnut ( <i>Juglans hindsii</i> )	38-inches	Good Condition – Moderate amount of deadwood.	Retain, prune, and fertilize.
<b>Tree No. 2</b>	Almond ( <i>Prunus amygdalus</i> )	12-inches	Fair Condition	Remove and replace with a 24-inch box size tree.
<b>Tree No. 3</b>	Lombardy Poplar ( <i>Populus nigra Italica</i> )	26-inches	Good Condition – Minimal amount of pruning.	Retain, thin, and prune.
<b>Tree No. 4</b>	Pecan ( <i>Carya illinoensis</i> )	14-inches	Good Condition – Moderate amount of deadwood.	Retain, prune, and fertilize.
<b>Tree No. 5</b>	Valley White Oak ( <i>Quercus lobata</i> )	16-inches	Good Condition – Moderate amount of deadwood.	Retain, prune, and fertilize.

No other trees shall be removed other than these specifically designated for removal. The project developer shall post cash, letter of credit, or other security satisfactory to the Planning Director in the amount of \$5,000.00 for each of the above-identified trees to be preserved. 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.

8. No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of grading permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.

9. The "V"-ditch shown along the westerly side of the development covered by this approval shall be an earth tone color. The project developer shall show this detail on the subdivision improvement plans to the satisfaction of the Planning Director and City Engineer before approval by the City Council.
10. The project developer shall obtain all necessary permits from the applicable environmental agencies, e.g., California Department of Fish and Game, Regional Water Quality Control Board, etc. Proof of such permit approvals shall be submitted to the Planning Director and to the City Engineer before issuance of a grading permit by the City Engineer.
11. The project developer shall install irrigated bioswales located on the southerly property lines of Parcels 3 and 4. These swales shall drain to the concrete "V"-ditch located along the westerly property line. The swale shall have a subsurface cutoff wall and subdrain located on the southerly side of the swale. The design details of the bioswale shall be shown on the subdivision improvement plans, shall be reviewed and approved by the Soils Engineer, and then shall be reviewed and approved by the Planning Director and City Engineer before approval by the City Council.
12. Storm drainage swales, bioswales, gutters, inlets, outfalls, "V"-ditches, 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 maintenance association as determined by the City Engineer, Planning Director, 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.
13. No grading shall take place, excepting the concrete "V"-ditch tie-in, within 10 feet of the edge or 25 feet from the centerline of Sycamore Creek, whichever is greater. The project developer shall prepare a creek protection plan for review and approval by the Planning Director and the City Engineer before issuance of a grading permit.
14. The project developer shall construct the six-foot wide concrete sidewalk shown on the development plan including the concrete stairs shown in the public right-of-way of San Carlos Way with the first phase of construction. The location and design of the sidewalk and stairs shall conform to Exhibit "A", except that the stairs shall be revised to include two, 90-degree bends and landings before connecting to San Carlos Way and the sidewalk shall be designed with measures, e.g., steps, speed bumps, off-sets, etc., to prevent speeding by skateboarders and bicyclists. The sidewalk/stairs design shall be shown on the subdivision improvement plans to the satisfaction of the Planning Director and the City Engineer before approval by the City Council. The project developer shall obtain an encroachment permit for the installation of the stairs within the San Carlos Way street right-of-way from the City Engineer.
15. The project developer shall install a sign at the corner of Sycamore Terrace and Sycamore Creek Way by the public sidewalk indicating that the sidewalk is not ADA

accessible and identifying alternate routes. The sign design shall be submitted for review and approval by the Planning Director before installation and shall be installed in conjunction with the construction of the sidewalk from Sycamore Terrace to San Carlos Way.

16. The project developer shall work out the details and solutions pertaining to runoff, flooding, and retaining walls between the development covered by this approval and the property owned by Tom and Mary Greene to the west of the subject property. Said details shall be shown on the preliminary grading plan submitted with the tentative parcel map to the satisfaction of the City Engineer and Planning Director.
17. With the parcel map, the project developer shall field survey the location of the shared property line between the Greenes' property and the property covered by this approval to the satisfaction and verification of the City Engineer. Any survey document prepared by the Greenes may be considered, at their option, in the determination of the property line. Any costs associated with moving the property line onto the Greenes' property shall be paid by the applicant. The location of the property line shall be staked in the field and verified as accurate before the approval of the parcel map.

**General Conditions:**

18. The project developer shall obtain a Building Permit from the Building Department and any other applicable City permits for the project prior to the commencement of any construction.
19. The project developer shall pay any and all fees including the applicable Zone 7 drainage 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.
20. 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 be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities to serve new development in Pleasanton. The method and manner for the provision of these funds and/or facilities shall be approved by the City and in place prior to issuance of building permits. In no event shall construction commence unless the above method and manner for the provision of these funds and/or facilities has been approved by the City.
21. This PUD 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 the development of the site in the event that the project developer fails to record a final map within two years of PUD approval.
22. 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.

23. 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.
24. The building permit plan check materials 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.

#### **Tentative/Final Parcel Map**

25. With submission of the tentative parcel map for the development covered by this approval, the project developer shall submit a fence plan showing the following:
  - a. The project developer shall install a metal frame/chain link fence on the common property line separating Parcels One through Four from the property owned by Tom and Mary Greene (386 Sycamore Road). This fence shall be installed with the first construction phase and shall be maintained by the present and future property owners throughout the life of the buildings to be located on these lots.
  - b. The project developer shall retain the existing open fence on the common property line separating Parcel Four from the property owned by Michael and Katherine Ferreira (5821 San Carlos Way).
  - c. The project developer shall install a metal, wrought iron style fence along the west side of the public sidewalk connecting San Carlos Way to Sycamore Terrace. This fence shall be installed with the first construction phase and shall be maintained by the present and future property owner of Parcel Four throughout the life of the buildings to be located on this parcel.
  - d. The project developer shall install open mesh fencing along the common east/west property lines between Parcels One/Two, Two/Three, and Three/Four.
26. With recordation of the final parcel map, the project developer shall enter into an agreement with the City for the long-term inspection and maintenance of this development's storm water facilities including, but not limited to, the concrete "V"-ditch,

bioswales, subdrains located underneath the bioswales. etc. The Assistant City Attorney shall approve the exact language of this agreement prior to its recordation.

27. The concrete "V"-ditch and bioswales shall be located in easements. The project developer shall record said easements with the final parcel map.
28. The project developer shall disclose the following information to the future owners of these parcels:
  - a. On Parcels One through Four, the recorded deed of sale for these lots shall include the following statement :

"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, the storage and use of agricultural machinery and 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."

- b. That Sycamore Creek Way will be extended as a bypass road to the City Golf Course.

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.

29. With recordation of the final parcel map covering this development, the project developer shall dedicate to the City of Pleasanton an additional eight-foot wide Public Service Easement (PSE) along the project frontage of Sycamore Terrace and an eight-foot wide PSE along the project frontage of Sycamore Creek Way.

**Planning Requirements:**

30. The second unit covered by this approval shall comply with all the applicable requirements of Pleasanton Municipal Code Chapter 18.108 Second Units. A restrictive covenant shall be recorded against the lot with the Alameda County Recorder's Office prior to the issuance of a future building permit from the building department regarding restrictions on the second unit. Please provide a copy of the deed and legal description to the Assistant City Attorney who will prepare the document for your signature.
31. The project developer 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 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 issuance of building permits. The bond shall be returned to the project developer upon acceptance of said improvements by the Planning Director.

32. The height of the structure(s) covered by this approval shall be surveyed and verified as being in conformance to the approved building height as shown in Exhibit "C" 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 Department before the first framing or structural inspection by the Building Department.
33. A list of all green building measures used in the design of the home(s) shall be provided for the review and approval of the Planning Director with the application for design review approval for the home(s). Each home shall be designed to include a minimum of 50 points using the ACWMA's Green Points rating system with a minimum of ten points in each category (Resources, Energy, and IAQ/Health).
34. The project developer shall submit a waste management plan to the Building Department prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 50-percent 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 developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only". The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

**Building Permit Review:**

35. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the grading/improvement plans and building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the project/building developer(s) to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
36. All dwelling units in the development covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
37. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Department will issue permits.



38. 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 or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
39. The project developer shall submit two 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.
40. 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.

**Construction Requirements:**

41. All 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.
42. 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 workday.
43. Final inspection by the Planning Department is required prior to occupancy.
44. 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.
45. 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.

**Fire Department Requirements:**

46. The project developer shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).
47. The building(s) 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 Department for review and approval prior to installation. The fire alarm system, including waterflow 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).

48. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
49. 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.
50. The Fire Chief and the Director of Building Inspection shall approve the number, type, and location of all private fire hydrants.
51. 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.
52. 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.

**Engineering Requirements:**

53. All utilities required to serve any existing or proposed development on-site shall be installed underground, unless otherwise determined by the City Engineer.
54. The project developer shall comply with the recommendations of the geotechnical report prepared titled, "*Geotechnical Investigation, Proposed 4-Lot Residential Development, 446 Sycamore Road, Pleasanton, California, Prepared for Mr. Ed Lamb*", by *GFK Geotechnical Associates*, dated *June 23, 2004*. 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.
55. 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.

56. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading/on-site permit.
57. 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.
58. 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.
59. All existing septic tanks or holding tanks shall be removed or sealed, filled, and abandoned, pursuant to the requirements of the Alameda County Department of Health Services.
60. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations unless Zone 7 retains specific wells for observation wells, or special approval is obtained from the City Engineer for temporary use of an existing well for construction water. Any wells designated for abandonment or any wells, encountered during construction, are to be destroyed in accordance with a permit obtained from Zone 7.
61. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by a maintenance association approved by the City.
62. The project developer shall construct vertical P.C.C. curbs and gutters within this development.
63. 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.
64. The project developer shall submit a dust control plan or procedure as part of the improvement plans.
65. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
66. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer.
67. Electric power distribution, gas distribution, communication service, cable television, and any required alarm systems shall be installed underground in a joint utility trench.

68. The project developer shall be responsible for the installation of the street lighting system on Sycamore Terrace serving the development. The street lights shall be 70-watt, high pressure sodium vapor units mounted on galvanized steel poles with poured in place bases, on the LS-1C schedule per City requirements and P.G.& E. standard details, unless otherwise specifically approved. Approval for the number, location, and type of electroliers shall be subject to the review and approval of the City Engineer.
69. 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.
70. 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:**

71. The project developer shall include erosion control/storm water 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 and/or the Director of Building Inspection. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
72. 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.
73. Bulk construction materials stored outdoors that may contribute to the pollution of storm water runoff shall be covered as deemed appropriate by the City Engineer and/or the Director of Building Inspection.
74. 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.
75. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/storm water quality measures are in place, subject to the

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

76. 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.
77. 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.

*{end}*

# Final Development Standards & Guidelines

## BACH PARCEL



Prepared by:  
LX3, INC.

# **Bach Parcel Final Development Standards and Guidelines**

Prepared for  
Earl and Karen Bach

Submitted by  
LX3 Construction, Inc.  
Claude E. Lamb III

In association with  
Alexander & Associates, Inc., Surveyors, Engineers, Planners  
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GFK & Associates, Geotechnical Consultants  
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January, 2006

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## **1) DESIGN GUIDELINES/DEVELOPMENT STANDARDS**

### **a) Introduction**

- i) The following proposed PUD-LDR guidelines and accompanying densities are in compliance with the recommendations of the NSSP. It will be the task of the project architects and landscape architects to translate these guidelines into contemporary housing and landscape designs.

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### **b) Density**

- i) As specified in the NSSP, PUD-LDR properties should be developed at densities of 0-2 dwelling units per acre. Although the Bach parcel is 1.84 acres, the parcel was allowed four units under the NSSP based on the original lot size that existed prior to the roadway dedication.
- ii) Three dwelling units currently exist on the property, all within lot #1. The units are complimentary rental units, with inconspicuous front entrances and shared yard areas. In order to bring the property into compliance with the NSSP guidelines for LDR development, and within the characteristics of the existing homes in the surrounding neighborhood, the three units are proposed to be remodeled. The largest of the units, a three bedroom, two bath residence, will be structurally and aesthetically improved to more closely conform to the North Sycamore area neighborhood standards of LDR single-family homes. Specifically, the front entrance of the home will be improved to identify the unit as the main residence. In addition, the other two dwelling units are proposed to be removed/remodeled into a garage and "granny suite" to accompany the main residence.

**c) Site Development Standards (R-1-20,000)**

- i) The following R-1-20,000 standards will serve as minimum/maximum guidelines for establishing specific home designs intended for the design review process. All impending specific home designs will be submitted for review and approval to the City of Pleasanton pursuant to Chapter 18.20 of the Pleasanton Municipal Code.

<b>PUD-42, Primary Structure Standards</b>				
	<b>Parcel 1<sup>1</sup></b>	<b>Parcel 2</b>	<b>Parcel 3</b>	<b>Parcel 4</b>
<b>Minimum Lot Area</b>	19,676 sq. ft.	18,171 sq. ft.	17,896 sq. ft.	24,341 sq. ft.
<b>Minimum Lot Width</b>	144.5 ft.	95 ft.	115 ft.	118 ft.
<b>Minimum Lot Depth</b>	133 ft.	133 ft.	133 ft.	133 ft.
<b>Setbacks:<sup>2</sup></b>				
<b>Front</b>	25 ft.	25 ft.	25 ft.	25 ft.
<b>One Side/Both Sides</b>	15 ft./30 ft.	15 ft./30 ft.	15 ft./30 ft.	15 ft./30 ft. <sup>3</sup>
<b>Rear</b>	25 ft.	25 ft.	25 ft.	25 ft.
<b>Floor Area Ratio<sup>4</sup></b>	30%	30%	30%	30%
	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,500 sq. ft.
<b>Maximum Height</b>	30 ft.	30 ft.	27 ft. <sup>5</sup>	27 ft.
<b>PUD-42 Accessory Structure Standards</b>				
	<b>Parcel 1<sup>1</sup></b>	<b>Parcel 2</b>	<b>Parcel 3</b>	<b>Parcel 4</b>
<b>Maximum Height</b>	15 ft.	15 ft.	15 ft.	15 ft.
<b>Side Yard</b>	3 ft.	3 ft.	3 ft.	3 ft.
<b>Rear Yard</b>	5 ft.	5 ft.	5 ft.	5 ft.

<sup>1</sup> Existing house and accessory structures will be deemed "Existing Non-Conforming."

<sup>2</sup> For Parcel Two and Parcel Three, there shall be a minimum 10-foot setback from the top-edge of the bank of Sycamore Creek or a 25-foot setback from the centerline of the creek, whichever is greater. The minimum side-yard setbacks shall be measured from the edge of Sycamore Terrace.

<sup>3</sup> All primary and accessory structures on Parcel Four shall maintain a minimum 45-foot setback from the north property line.

<sup>4</sup> The Floor Area Ratio includes primary and accessory structures but excludes up to 600 square feet of garage area. Portions of garage floor area over 600 square feet would be included in the FAR calculation.

<sup>5</sup> Or 407 feet NGVD whichever is less.

**d) Architecture**

i) Homes shall be designed in a traditional style compatible with other homes in the immediate neighborhood.

ii) Front Porches

(1) Covered front porches attached to the main structure may come to a point no closer than 12-feet from the front property line, provided that the covered front porch is designed to be an integral part of the home, is open on three sides, has a minimum depth of eight-feet, maintains the required 15-foot side yard, and has a minimum width of 10-feet or covers 50-percent of the width of the wall that it is located along, whichever is greater.

(2) The porch eaves shall project no more than an additional 24 inches into the required front yard setback.

iii) Building Height

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(1) For all primary and accessory structures, the building height shall be measured vertically from the lowest ground elevation adjacent to the building to the highest elevation of the building, excluding chimneys.

iv) Floor Area Ratio

(1) The maximum floor area ratio (FAR) for lots 1 through 4 including primary and accessory structures shall be 30 percent.

(2) The floor area ratio shall not include swimming pools/spas and a cumulative garage floor area of less than 600 square feet.

(3) Garage floor area over 600 square feet shall be counted in the lots' floor area ratios. (Note: This is cumulative garage floor area, e.g., the combined floor area for attached and detached garages on these lots.)

v) Building Form

The applicants for the future homes on Parcels One through Four shall provide view studies at the design review stage to demonstrate the proposed design, view impacts, privacy impacts, etc. Various techniques including setbacks, window placement, etc., should be employed in the building design to minimize view disruption and to maximize privacy.

All house designs shall be brought to the Planning Commission for approval. Prior to that, the developer shall consult with neighbors to address their concerns pertaining to privacy/view issues, lower building heights, etc.

- (1) The individual homes shall be designed to achieve an eclectic mix of building forms that compliment the overall common characteristics of the neighborhood.
- (2) Front-yard planter areas and patio/plaza hardscape areas should be used to ~~avoid suburban-type, all grass front yards. Site grading to differentiate~~ building pads from street grade can create opportunities for such landscape features and should be encouraged.
- (3) All buildings – including the main house and accessory structures – should be simple in overall form and configuration. The main structure should generally be rectilinear in form. Square buildings should be avoided. “L” or “U” shaped buildings should be used in lieu of square building forms.
- (4) Building siting should permit major views through to outlying areas and to create varied front-yard street views.
- (5) Secondary roof elements can be shed, gable, or hip, which generally do not extend into the upper quarter of the main roof.

vi) **Roofs**

(1) **Overall Form**

- (a) The roof is the most significant element of the building and should be simply shaped and not complicated. The roof is primary in providing clarity to the overall building form. Gable roofs should generally dominate the roof form character.
- (b) **Roof Pitch:** Roof pitches for the main house and any accessory structures should be a maximum of 6: 12, or minimum 4: 12.
- (c) All roof pitches should be the same except for:
  - (i) Porches that extend from single-story building mass (here the roof pitch shall maintain an absolute 4: 12 minimum)
  - (ii) Reduced pitches near eave lines that do not have secondary elements from them (used only on a limited basis)
  - (iii) Increased pitches on dormers and gable ends.

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(2) **Roof Penetrations**

- (a) Roof penetrations, excluding chimneys, should be minimized, organized, occur primarily at the rear of the house, and be painted the same color as the roof.
- (b) Eave vents for plumbing are encouraged over pipe penetrations through the roof.

- vii) **Building Materials:** The collection of individual buildings on the private drive should look uniform from a distance in terms of building materials. Individual buildings should appear authentic and substantial in their construction. Materials and colors contribute significantly to these characteristics.

Building materials and colors shall blend with the natural landscape. Stone and treated wood are encouraged for exterior surfaces. Where stucco is used it should be colored with a muted earth color. Color contrasts should be used judiciously. The color of the roof materials should also be earth tones and should be non-reflective.

- (1) **Exterior Walls:** Materials, design, and detailing should be carried through to all four sides of the structure.
- (a) **Materials:** All buildings on each lot should have matching exterior wall materials consisting of either plaster, stucco, wood, stone, or manufactured stone of the highest quality and authenticity.
- (b) **Changes in Materials:** Exterior walls should generally be the same from the ground to the roof except for treatments around door jambs and windows. A change in material around the base may be permitted as an accent to the overall exterior wall character.
- (c) **Colors:** Exterior building base colors should consist of warm, medium-light to medium tones of ochre, sand, taupe, gray, beige, and tan. Colors should have a reflectivity value of no greater than 30 percent, as specified by the manufacturer. Trim colors should be compatible with base colors and provide only subtle contrast.
- (2) **Roof Materials:** All of the buildings located on this private drive including accessory structures should have similar roof materials consisting of either slate, authentic manufactured slate, arched tile, or flat concrete tile. Colors should consist of solid medium-warm gray, red and brown tones of a flat, non-reflective nature.
- (3) **Chimneys:** Chimney articulation should be refined similar to door and window opening surrounds. Chimneys may either be constructed of stone, brick, or the same material and color as the exterior walls of the building. Chimneys are encouraged to be located at the ends of buildings, centered on the roof peak.

- (4) Opening Articulation:
- (a) Where provided around openings, expressed lintels, jambs, and sills should either be set flush to the exterior building walls or may consist of embedded trim that may project up to one-half inch for lintels and jambs and one-inch for sills.
  - (b) Windows should fill the entire opening.
  - (c) Articulation around dormer faces and main building entrances can be more elaborate and project from the surface of the exterior walls.
  - (d) Preferred materials for opening articulation are pre-cast concrete, stone, authentic manufactured stone, or wood preferably heavy timber. Carved stone or pre-cast concrete with decorative relief are encouraged at main entrances and dormer faces.
- (5) Porches: Porches are highly encouraged as a way to enjoy life by providing covered places for outdoor living and views towards the private drive and neighbors.
- (a) Porches should be wide enough and long enough to be conveniently usable. Porches should be a minimum of eight by eight feet to accommodate a table, four chairs, and room to circulate. Additional circulation may be less than eight feet wide.
  - (b) Porch roofs should not distract from the simplicity of the building mass.
  - (c) Porches should be integrated into the body of the building mass and contained below the main roof, where possible.
  - (d) Porch roofs can either extend out from the roof eave or extend as a shed roof off of the side of a building.
  - (e) Stone, pre-cast concrete, or heavy timber porch posts with heavy timber rafters and beams are encouraged as porch structure materials.
  - (f) A continuous seat wall at the base of the porch posts is encouraged as a way to define the edge of the porch and provide built-in seating. The seat wall should be of stone, authentic manufactured stone, earth-tone colored concrete, or exterior plaster to match the building.
  - (g) As previously stated, front porches meeting specified design criteria would be able to project into the front yard building setback area.

- (6) Entries: Entrances should be modest in scale.
- (a) Main entry articulation should be limited to the area around the door.
  - (b) Exterior entry architectural features should not be taller than one story.
  - (c) Emphasis can be given to main entries by a terrace at the ground level.
- (7) Windows: Building walls and roofs should read as substantially solid with the windows appearing as secondary to the building mass.
- (a) Windows should be rectangular in shape with a vertical ratio of at least three (vertical) over two (horizontal).
  - (b) Single- or double-casement windows are strongly encouraged.
  - (c) Window-glazing should be clear and non-reflective and conforming to Title 24 requirements.
  - (d) Windows should be recessed into the wall surface a distance of not less than one-half of the wall thickness.
  - (e) Vertically-proportioned windows can be ganged side-by-side to create a larger opening for an exceptional view. Trimmed separations between ganged windows shall be eight-inches minimum.
- (8) Dormers in Roofs:
- (a) Dormers shall be placed on the roof only.
  - (b) Dormer windows should be single, not ganged, windows.
  - (c) Dormer roof material shall be the same as that used on the main roof.
  - (d) Dormer sidewall materials shall match the exterior wall material.



- (9) Skylights: Skylights can detract from the visual dominance of the roof and, therefore, should be used sparingly.
- (a) Skylights should be flat with a thin profile and follow the pitch of the roof. Domed skylights are not permitted.
  - (b) Skylight glazing should be non-reflective.
  - (c) Exposed curbs and flashing should be painted to match the color of the roof.
- (10) The development standards for open structures, e.g., patios, arbors, porte cocheres, etc., would be those outlined under section 18.84.120, Projections into Yards, of the Pleasanton Municipal Code.
- (a) Terraces should be sized in proportion to the room that they serve.
  - (b) Terraces should be within two feet of the surrounding grade.
  - (c) Terrace surface materials should be stone, authentic manufactured stone, or earth-tone colored concrete.
  - (d) Seat walls surrounding the terrace are encouraged as a way to define the edge and to provide built-in seating. The seat-wall material should match the terrace material.
- (11) Mechanical Equipment and Trash Storage Areas: These items should be hidden from street view.

## **e) Development Practices**

### **viii) Urban Stormwater Runoff Measures:**

- (1) The lot developer is responsible for implementing the following measures during all construction phases.**
- (2) 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.**
- (3) 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.**
- (4) 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.**
- (5) 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.**
- (6) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.**
- (7) 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.**
- (8) Ensure that concrete/granite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.**

- ix) **Construction Hours:** All initial lot improvements and house and accessory structure 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.
- x) **Green Building Practices:** The individual lot developer shall utilize "Green Building" practices in constructing the new homes on this site. The lot developer shall use their best efforts to implement the measures identified in the Alameda County Waste Management Authority's New Home Construction Green Building Guidelines in the design, construction, and operation of the proposed homes. Before issuance of building permits, the project/lot developer shall submit to City staff the green building provisions that would be incorporated into the proposed project's construction. The lot developer shall then meet with City staff to review these provisions. If, following this review, it appears that there are other feasible and mutually agreeable green building measures that can be incorporated into the project, the lot developer shall modify the project accordingly. Before issuance of a building permit, the green building measures shall be explicitly called out on a separate sheet of the building permit plan set and shall be subject to review and approval by the Planning Director.
- xi) **Construction/Demolition Waste:** The lot developer shall submit a waste management plan to the Building and Safety Division prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 50-percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Director of Building Safety prior to the issuance of a final building permit. During demolition and construction, the lot developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only". The lot developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

## **f) Landscape Design Guidelines**

The following landscape design guidelines are intended for use in the development of landscape improvements for individual residential lots, streetscape, and open space areas. These guidelines are to complement the Architectural Design Guidelines. Together they establish a comprehensive approach to neighborhood design and quality. They are proposed to enhance the connection of the overall development located on this private drive to the other, nearby projects in the North Sycamore Specific Plan area.

Plant materials shall be chosen which will not obstruct desired views at mature height.

Trees and shrubs shall be used to frame views and visually soften the hard edges and structural underpinnings of buildings, where visible.

On sloping sites, use landscaping to screen views of the downhill side of decks, retaining walls, and pier foundations of buildings from streets and residences.

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### **i) Primary Goals:**

- (1) To achieve landscape designs and treatments which complement and accentuate the architectural character of the buildings on this private drive.**
- (2) To use landscape elements to create unique neighborhood character within the private drive area.**
- (3) To establish a high level of design quality in terms of landscape materials and details of construction.**

## **ii) Landscape Design Guidelines**

### **(1) Residential Lot Tree Planting**

- (a) Planting within individual residential lots and yards should generally be informal rather than formal in arrangement.**
- (b) Residential tree plantings should reinforce and support the structural character of the development. They should reinforce the architectural elements of the site's structure, be used to create outdoor living space, utilized to frame desired views, to screen unwanted views, and to provide privacy.**
- (c) Individual trees and tree clusters should be selected to mitigate local microclimate conditions, including the provision of summer shade, and seasonal wind protection.**
- (d) Flowering and fruiting trees are encouraged, as are trees that are native to the North Sycamore Specific Area and/or adapted to a Mediterranean climate. Orchard type planting patterns are encouraged in some rear and/or side yard areas.**
- (e) Residential trees should be a minimum 15-gallon size with at least 50-percent of the trees being a minimum of 24-inch box-size.**

## (2) Other Residential Lot Plantings

- (a) Plant materials should be complementary to the North Sycamore Specific Plan setting. Native plants or plants adapted to Mediterranean-like climates are encouraged.
  - (b) Plantings should be relatively simple in arrangement and character. The massing of shrub and perennial plantings is encouraged.
  - (c) Lawn plantings should be carefully used to play a specific functional or visual role. No more than 40 percent of the entire front yard landscape area should be lawn planting.
  - (d) Flowering or plantings in pots and/or containers are encouraged. Potted plants should be used to soften large paved areas, to create accents at building entries, and to transition between built and landscaped areas. Pots should be properly scaled, and complimentary to the style, color, and materials used in the building architecture.
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## (3) Landscape Details and Materials:

### (a) Pavement

- (i) Pavement materials should be appropriate to the intended use, selected for a durability and appearance, and be consistent with building architectural style and character.
- (ii) Recommended pavement materials for heavy outdoor use areas include simply patterned concrete with integral color, stone pavers or flatwork, and modular concrete pavers.
- (iii) Decorative pavements near building entries and in outdoor living spaces are recommended to include tile or terra cotta pavers suitable for outdoor use and exposure.
- (iv) Pool area decks should be integral color concrete or stone.

(b) Walls and Fences:

- (i) Walls and fences should complement the building architectural style and character both in materials and design. Where possible, they should appear as an extension of the building elements into the landscape.
- (ii) Wall and fencing materials should include wood, stone or manufactured stone, decorative iron, stucco, or exterior plaster over concrete masonry units. Where stone or manufactured stone is used, the stone shall turn building comers and cover wall surfaces. When stone veneer surfaces are used, the stone shall turn building comers and cover wall surfaces visible from the street.
- (iii) Area separations may also be achieved by the use of hedges or vines on a supporting structure.
- (iv) Solid fences and walls are not permitted in the front yard areas of these lots. ~~Open fences, open rail, wrought-iron style, picket-style, etc.,~~ fence designs up to a height of 42-inches measured from finished grade are permitted. An open fence is defined as a fence where at least 33-percent of the fence area is open to view.
- (v) Solid fences may be used between individual rear yards on the side property line. Use of vines and/or hedges is also recommended to soften solid fences along property boundaries and to provide additional privacy.
- (vi) Wall and fence heights shall be six feet allowed by right, eight feet with approval by the Planning Director subject to an application for design review approval.

(c) Outdoor Structures

- (i) Outdoor structures shall be designed and located to complement the primary buildings, define outdoor use areas, and enhance architectural massing.
- (ii) Structures may include, but not be limited to, low walls, pilasters, trellises, arbors, gazebos, utility buildings, equipment enclosures and screens, outdoor pavilions, fireplaces/barbeques, fountains, etc.
- (iii) The materials and detailing used for outdoor structures shall be complimentary to and consistent with those used in the residential building architecture.
- (iv) Blank walls of outdoor structures and enclosures shall be screened or softened by the planting of shrubs or vines.

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(d) Exterior Lighting

- (i) Exterior lighting should be used judiciously to complement building and landscape character, provide for night time safety and security, and enhance outdoor living opportunities. In keeping with the semi-rural character of the Specific Plan area, ambient light levels should be kept as low as possible.
- (ii) Lighting fixtures shall be integral to building and/or outdoor structure designs and complement building character and style in material and detail.
- (iii) Lighting should be subtle rather than ostentatious, and care should be exercised in the selection and aiming of fixtures to minimize glare and to prevent light over spill into neighboring residences, streets, or outdoor use areas. The development's overall lighting designs should minimize the visibility of light sources and overall light levels as seen from adjacent hillside areas.
- (iv) Front yard lighting should be limited to low level fixtures that provide for pedestrian comfort and safety. Bright decorative lighting to wash or illuminate building elements, landscape plantings, or outdoor structures should not be placed where it is visible from the public street/turn around or neighboring residential living areas.



## **g) Storm Water Management Requirements**

- i) Property water run-off will be pre-treated prior to entering the storm drain system. A series of landscaped swales shall be constructed along the western edge of the parcels. The major swale running north-south is shown on the preliminary grading plan. As the main swale meets the creek channel, an additional swale, or swales may branch off to distribute the run-off more evenly into the creek channel. Additionally, any fill areas where the original ground surface is steeper than 6:1 will include a keyhole subdrain.

## **h) Creek Restoration and Special Setbacks**

For Parcel Two and Parcel Three, there shall be a minimum 10-foot setback from the top-edge of the bank of Sycamore Creek or a 25-foot setback from the centerline of the creek, whichever is greater. The minimum side-yard setbacks shall be measured from the edge of Sycamore Terrace.

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A final channel landscaping design shall result from a coordinated effort between a consulting biologist and design engineer with city approval. An effort shall be made to include:

- 4 A grass-lined channel with a bottom width of 4 ft.
- 5 8 ft. of natural bank slope per side bank.
- 6 5 ft. of additional landscaping of native variety vegetation to promote the potential for riparian habitat.

### **3) STREET IMPROVEMENTS**

#### **a) Emergency Vehicle Access**

- i) As per recommendation by Eric Carlson, Fire Marshall, Livermore-Pleasanton Fire Department, the driveway of parcel number four will abut the current fire apparatus turnaround at the north end of Sycamore Terrace at a minimum width and depth of 20 feet.

#### **b) Pedestrian Trail**

As required by the NSSP, a pedestrian trail connecting Sycamore Terrace to San Carlos Way will be installed as part of the four-lot development. As shown on the preliminary grading plan, the trail will exist along the eastern edge of proposed parcel number four and connect San Carlos at the northern edge of the parcel. The trail will be city standard concrete sidewalk. A set of concrete stair steps will be constructed to facilitate the connection over the 6' elevation drop from the northern edge of proposed parcel number four and the southern edge of San Carlos Way.

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RECEIVED

OCT -7 2011

CITY OF PLEASANTON  
COMMUNITY DEVELOPMENT

Oct. 6, 2011

Pleasanton Planning Dept.  
200 Old Bernal  
Attn: Janice Stern  
Planning Manager

RE: PSPA-4PUD-65-01M Kavayiotidis  
5980 & 5998 Sunol Blvd.  
Pleasanton, Ca.

After attending a meeting some time ago only one parcel was indicated for this proposal- the lot closet to the cemetary.

On the yellow card notice - meeting planned 10-12-11 for approval.

Beigh card meeting comes for approval of Housing Element for lot 20 - site 20 - againg listed as one parcel when is 2 separate lots. Meeting 10-26-11

This seems to put the cart before the horse.

In all of Pleasanton there isn't another location for for this proposal.

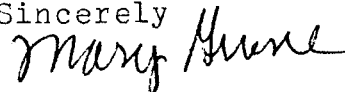
~~When the North Sycamore Plan was passed and approved by the City we were under the impression that it couldn't be changed.~~

However 446 Sycamore Rd. Our neighbors - bought this property to make a rehab house..the house hasbeen torn appart and left like that for 2 yrs.

This is an example of a variance from the No. Sycamore Plan than specifically that rest homes etc. wouldn't be allowed.

We are in support of our neighbors The Dingmans.

Sincerely



Mary Greene

## Jenny Soo

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**From:** John Serri  
**Sent:** Wednesday, October 19, 2011 10:18 AM  
**To:** Jenny Soo  
**Subject:** 446 Sycamore Project Questions

Hello Jenny,

My name is John Serri and I live at 6068 Sycamore Terrace, very close to the property 446 Sycamore Road. We spoke once before about this property/ project before.

There are a number of questions that I would like to see addressed regarding this proposed facility. I have really been left in the dark about this, and the fact that the property is currently in a demolished / somewhat dangerous state and has been for almost a year has further raised my concerns about the project and the operator.

From my perspective there is no information on the nature of the facility regarding name/ size/ scope/ schedule/ design/ type of ownership. One of the concerns is the lack of knowledge on the project. I have only been able to get information through hearsay and I have no idea how reliable or accurate it is. What documents can I read to learn more about this? What will be covered at the hearing on October 26?

Here are a list of basic questions

- 1. What is the purpose of the facility, for example how many beds will there be, what are the conditions of the residents? What is the expected stay of residents in the facility? How many staff work at the facility?
- 2. What has been planned regarding parking and traffic flow in the area, as Sycamore Terrace is not a suitable street for parking due to its narrowness, and the other street Sycamore Rd/ Sycamore Valley Road is a very busy intersection. Without a parking lot I believe this poses a serious traffic hazard. Also as you know Sycamore Terrace is not a public street. The basic question is how much traffic will be generated and how will parking be accommodated? I presume this has all been documented.
- 3. What access do I have regarding reports and impact assessments that hopefully have been put together related to this proposed project.
- 4. If such a facility should in fact be built and go into operation, what visibility do neighbors have about the safety of the facility and the on-going compliance with health codes and other regulations? What regulations must they abide by? Can you point me to some state documentation.
- 5. What keeps the facility from changing its size or mission in the future. What protections are there to prevent this?.
- 6., What is the city of Pleasanton's role in this project? What benefits if any does the city receive related to having a facility like this in the city?
- 7. How many related facilities are there in the City of Pleasanton, and if you know in Alameda County?
- 8. What was the decision process that led to this proposed site selection versus other sites. Perhaps some insight would help to quell some of the uneasiness related to this project.
- 9. What legal course of action can be taken by residents of Pleasanton if they believe this project will have a significant negative impact on the neighborhood. Who are the contacts in the state regarding this facility, and if a court action were to be initiated, who would I work with?

A response to this email would be most appreciated.

Respectfully Yours,  
John Serri

Owner

Click [here](#) to report this email as spam.

## Jenny Soo

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**From:**  
**Sent:** Tuesday, October 18, 2011 9:31 AM  
**To:** Jenny Soo  
**Subject:** feedback on 446 sycamore road, pleasanton

Good morning Jenny,

I am sending this email to follow up on our discussion yesterday about the property on 446 Sycamore road in Pleasanton and the concerns I have about the design and usage of this property in a residential neighborhood. I believe that the proposed use of the property is not consistent with the current zoning or general plan designation for the property and is also inconsistent with the approved specific plan for the area. Even though you mentioned that the city can not enforce the current zoning in this case due to the state mandate for this kind of use, I respectfully ask that the city staff and planning commission consider/minimize the impact of such a use on the character of the neighborhood by making sure that the proposed site plan, architecture, and quality of building construction blend in and not become an eye sore

I would like to thank you for your time yesterday. My property address is 5736 shadow ridge court, Pleasanton

Lina azar

Click [here](#) to report this email as spam.

October 21, 2011

City of Pleasanton  
Code Enforcement  
City Council

Property Address: 446 Sycamore Road, Pleasanton

To Whom It May Concern:

I am one of many concerned neighbors of 446 Sycamore Road. I was recently informed that the property owner has plans to convert the existing main house, "granny suite" and garage into a 12-bedroom "Care Home". As my understanding of the North Sycamore Specific Plan, that property is zoned for PUD-Low Density Residential.

According to the "North Sycamore Specific Plan", and under the PUD-LDR guidelines, "...the development within this district is generally intended to conform to the provisions and permitted uses contained in the R-1 One Family Residential District of the City of Pleasanton's Municipal Code." I would assume that a "Care Home" will fall under a different category.

If such a facility is permitted at the above mentioned property, this will create a dramatic traffic impact to the neighborhood. In addition, there is no parking along Sycamore Road and Sycamore Creek Way and the street is not wide enough for parking along the curb. The property does not even have enough parking spaces to allow for all the visitors, workers and emergency vehicles. Base on those items, I strongly oppose such a facility at that property.

The property has been left in a state where it appears to be abandoned for over one year. Bulk construction materials and materials from demolition have been stored and left outdoors are not only unsightly but may contribute to the pollution of storm water runoff and vermin infestation. Weeds are taking over the front, sides and rear of the property. What is the City's role in maintaining the overall appeal of the neighborhood? The condition that the property is in currently is potentially causing neighboring property values to decline in this already very volatile economic market. Should the City be contacting the property owner and notifying them of possible violations?

Please contact me with your response to my concerns. I can be reached at

Thanks,

Janny Rocha

October 21, 2011

City of Pleasanton  
Code Enforcement  
City Planning Commission

Regarding: 446 Sycamore Road

To Whom It May Concern:

We are writing as a very concerned neighbor of 446 Sycamore Road. It is our understanding that this particular property, which is zone for Low Density Residential, has plans to become a 12 bed "Care Home", which will directly and adversely affect our property and our family.

We live at the top of Sycamore Terrace, which is the very narrow Private Road that will most likely become an access drive and/or parking for this proposed Care Home. There is not even enough room for two SUV-sized cars to pass each other on our street.

However, with only a few homes on our street, and with very courteous neighbors, we all take our time to let one another pass on the rare occasion that two cars are on the road at once. In the event that the Care Home is built, there will be many more cars coming up our street. Our fear is that because visitors of this Care Home will not be familiar with the street, they will not realize that extra caution needs to be taken as they turn the corner, which could potentially result in accidents. Not to mention the fact that we have three small children that walk up and down the street almost daily, and there is no sidewalk on that side of the street, nor is there a crosswalk at the bottom of the street. Again, a danger when you have so many unknowing and unconcerned visitors and staff coming and going from the Care Home.

In addition, there is no place for ample parking for this type of care facility. With 12 patients, there would have to be at least a couple of nurses, a doctor, in addition to the numerous visitors that I previously mentioned. This could amount to at least half a dozen cars at one time, if not a dozen. It is our fear that these cars (visitors especially) will not give care to the surrounding neighbors and use our narrow street to park on, or even park on the empty lots that are adjacent to the proposed Care Home. This would not only cause a traffic issue, but look very unsightly as well.

Equally frustrating to us is the fact that we built our home about two years ago, and went through many painstaking steps with the City of Pleasanton to abide by all of the codes and procedures. We had to put up "story poles" so that surrounding neighbors could make sure our home would not be too obtrusive. Why has this not been done for 446 Sycamore Road? Also, we were under a very strict timeline to complete the construction of our home as well as our landscaping. We had to complete our landscaping within 6 months of our home completion so that our property would keep the neighborhood looking nice and tidy. However, 446 Sycamore Road has been in complete shambles for



over a year, significantly detracting from the overall appearance of the neighborhood. It looks like the site has been condemned. I actually called and spoke with someone at the City Planning Department (Dianna, I believe) about six months ago and asked what steps could be taken to make the owner complete, or even continue, on the project – I was told nothing could be done until a year had gone by. This is so very disappointing. Had we known that we would have to drive past this “dump” for over a year, and then that it would end up becoming a Care Facility, we would have never bought the lot that we built our home on.

Please feel free to call either one of us to discuss our concerns in greater detail.

Sincerely,

Megan Tarpley

Jeff Tarpley

## Jenny Soo

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**From:** Molly Ziemer  
**Sent:** Thursday, October 20, 2011 2:59 PM  
**To:** Jenny Soo  
**Cc:** Frank Ziemer  
**Subject:** PLL-0458 -446 Sycamore Road- Ron Panish

To Jenny Soo,

This e-mail is in regard to the application for Ron Panish at 446 Sycamore Rd. in Pleasanton, scheduled to be discussed at your meeting on October 26, 2011. We would like to voice our concern about this proposal and ask that it be denied.

The proposal for a business ,and a building addition, to be made to the existing site, which is on an already small lot, would make parking and any landscape plan challenging at the very least. We feel the parking would be inadequate and the overflow would be necessary on the street. This overflow would disrupt the flow of traffic and cause a traffic hazard. This would potentially impede emergency vehicles for example, a firetruck, from freely making a turn up Sycamore Road.

In addition, residents, city services, mail and delivery vehicles may be disrupted while servicing the neighborhood because of the lack of adequate parking . This type of business requires frequent visits by vendors, employees and other people associated with the day to day operations. Additionally, we feel if this proposal was approved and vehicles were allowed to park on Sycamore and Sycamore Creek, it would create an eyesore to the neighbors.

We will be attending the meeting to voice our concerns and if you have any further questions prior to the meeting, feel free to contact me Molly Ziemer at 775-219-7598 or my father, Frank Ziemer at 925-449-0452.

The Ziemer's

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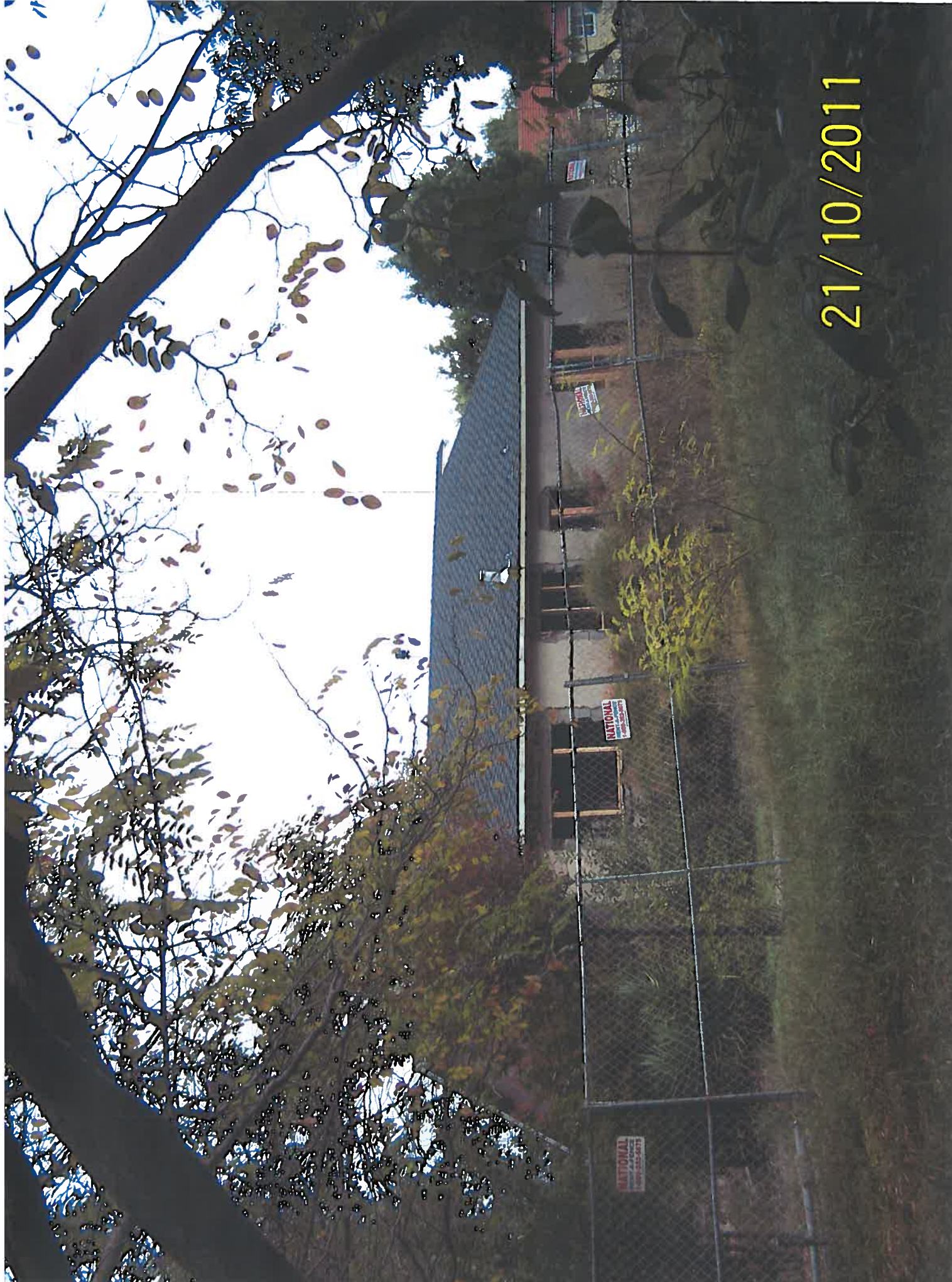


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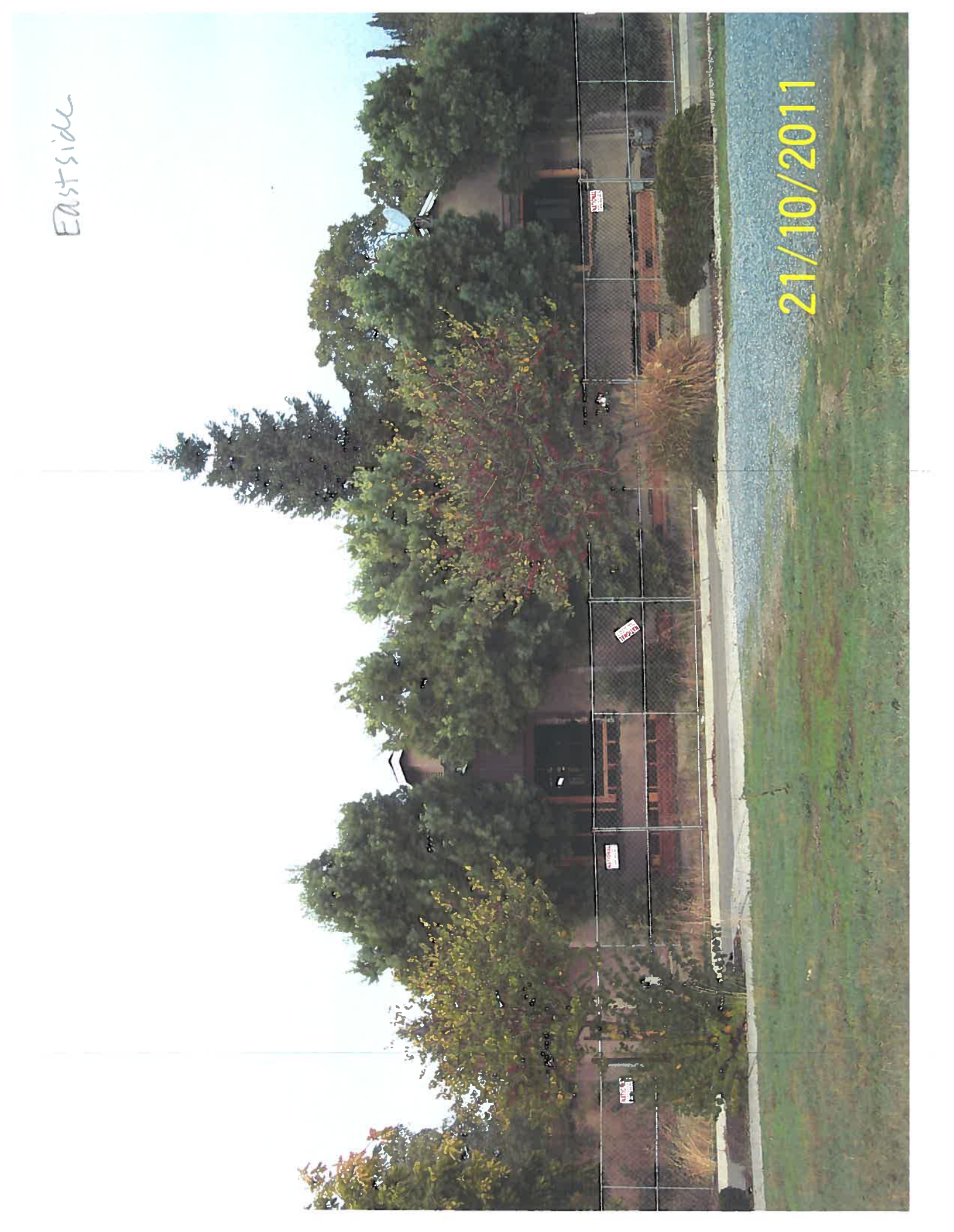
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FRONT



Eastside

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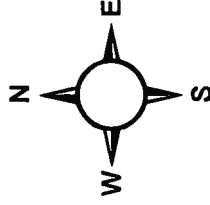
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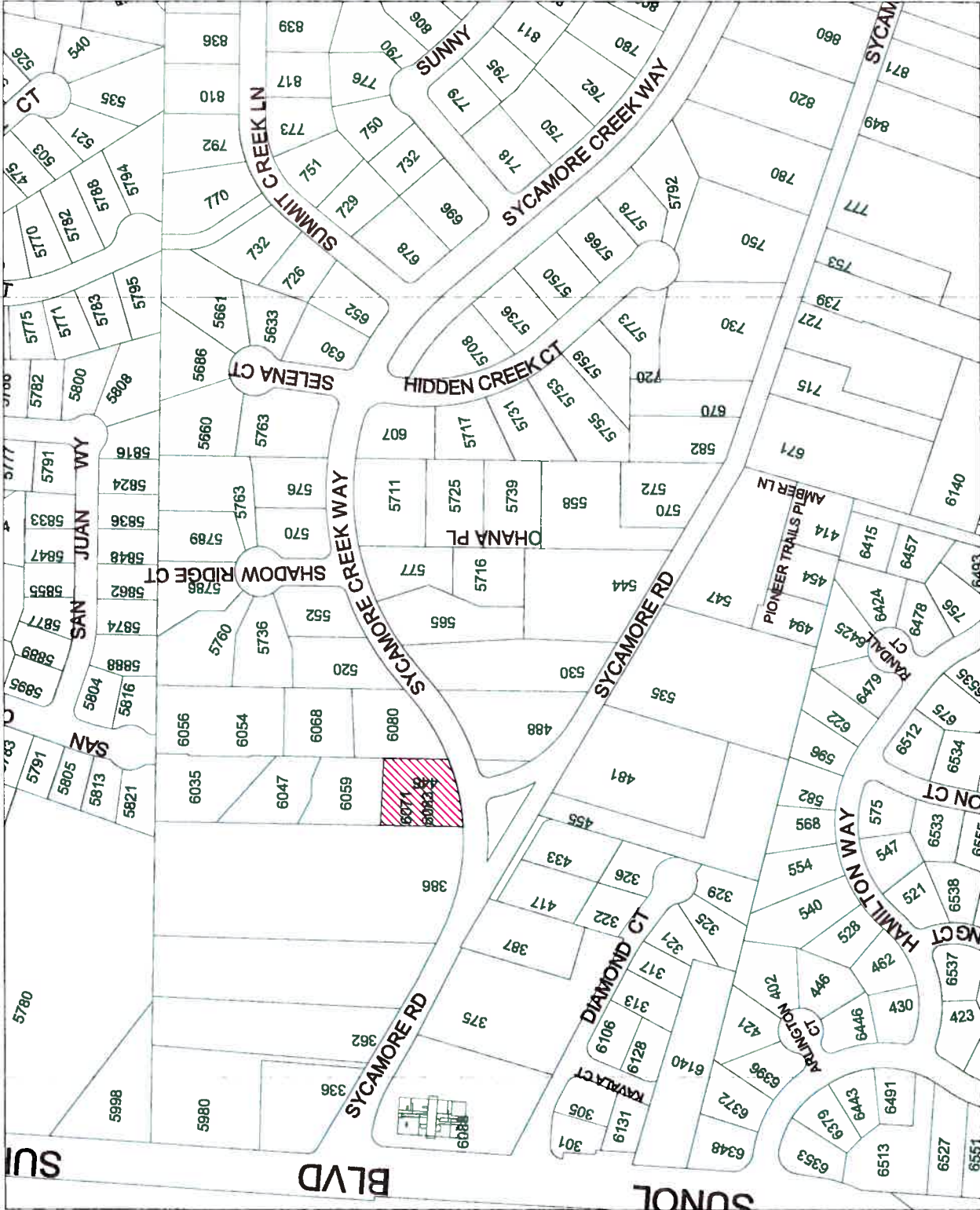
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446 Sycamore Rd



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EXHIBIT F





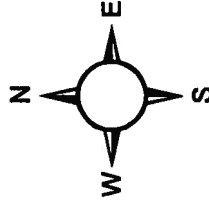
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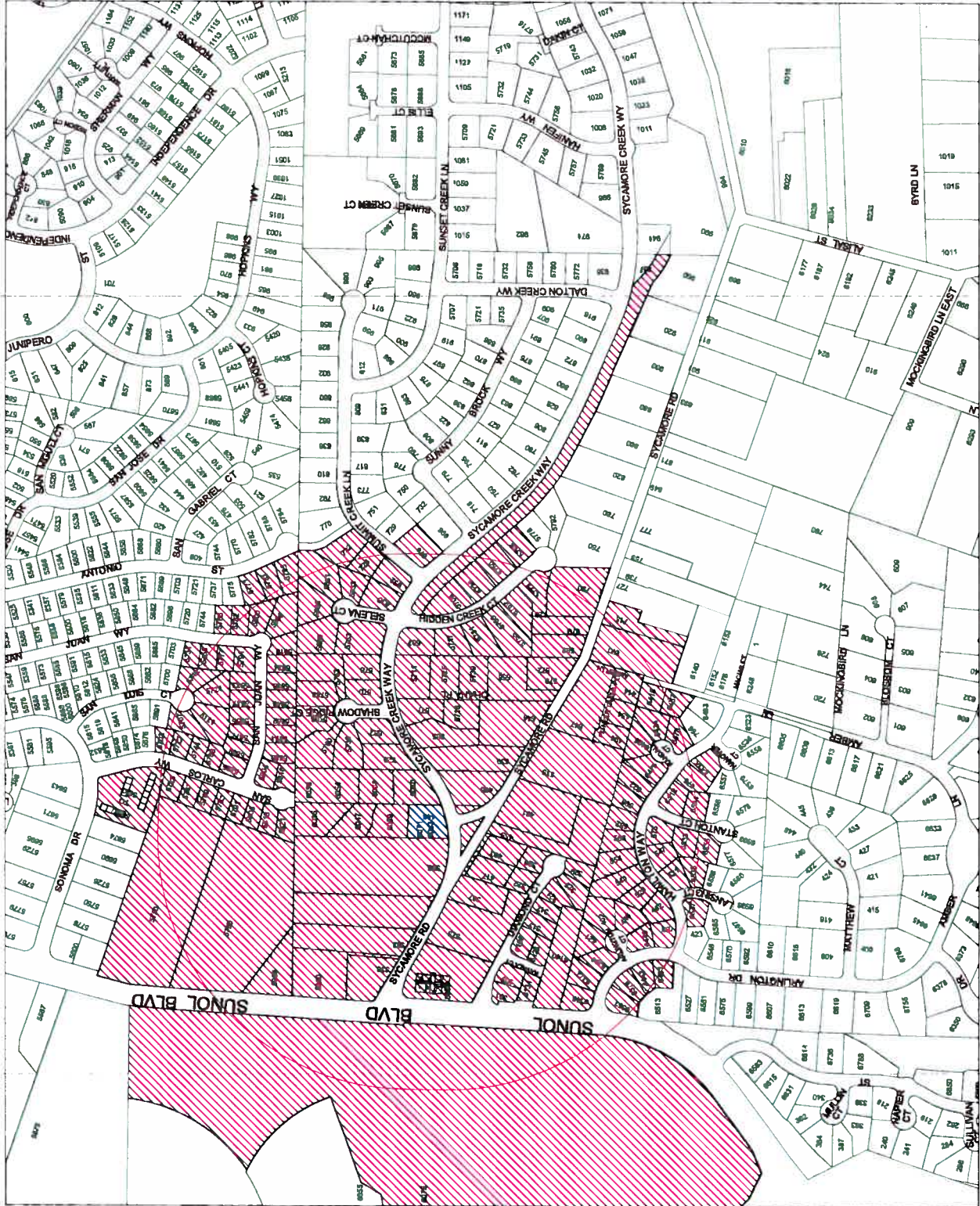
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## CAL. HSC. CODE § 1250 : California Code - Section 1250

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As used in this chapter, "health facility" means any facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer, and includes the following types:

(a) "General acute care hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff that provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services. A general acute care hospital may include more than one physical plant maintained and operated on separate premises as provided in Section 1250.8. A general acute care hospital that exclusively provides acute medical rehabilitation center services, including at least physical therapy, occupational therapy, and speech therapy, may provide for the required surgical and anesthesia services through a contract with another acute care hospital. In addition, a general acute care hospital that, on July 1, 1983, provided required surgical and anesthesia services through a contract or agreement with another acute care hospital may continue to provide these surgical and anesthesia services through a contract or agreement with an acute care hospital. The general acute care hospital operated by the State Department of Developmental Services at Agnews Developmental Center may, until June 30, 2007, provide surgery and anesthesia services through a contract or agreement with another acute care hospital. Notwithstanding the requirements of this subdivision, a general acute care hospital operated by the Department of Corrections and Rehabilitation or the Department of Veterans Affairs may provide surgery and anesthesia services during normal weekday working hours, and not provide these services during other hours of the weekday or on weekends or holidays, if the general acute care hospital otherwise meets the requirements of this section

A "general acute care hospital" includes a "rural general acute care hospital." However, a "rural general acute care hospital" shall not be required by the department to provide surgery and anesthesia services. A "rural general acute care hospital" shall meet either of the

following conditions:

(1)The hospital meets criteria for designation within peer group six or eight, as defined in the report entitled Hospital Peer Grouping for Efficiency Comparison, dated December 20, 1982.

(2)The hospital meets the criteria for designation within peer group five or seven, as defined in the report entitled Hospital Peer Grouping for Efficiency Comparison, dated December 20, 1982, and has no more than 76 acute care beds and is located in a census dwelling place of 15,000 or less population according to the 1980 federal census.

(b)"Acute psychiatric hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff that provides 24-hour inpatient care for mentally disordered, incompetent, or other patients referred to in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy, and dietary services.

(c)"Skilled nursing facility" means a health facility that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

(d)"Intermediate care facility" means a health facility that provides inpatient care to ambulatory or nonambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

(e)"Intermediate care facility/developmentally disabled habilitative" means a facility with a capacity of 4 to 15 beds that provides 24-hour personal care, habilitation, developmental, and supportive health services to 15 or fewer developmentally disabled persons who have intermittent recurring needs for nursing services, but have been certified by a physician and surgeon as not requiring availability of continuous skilled nursing care.

(f)"Special hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff that provides inpatient or outpatient care in dentistry or maternity.

(g)"Intermediate care facility/developmentally disabled" means a facility that provides 24-hour personal care, habilitation, developmental, and supportive health services to developmentally disabled clients whose primary need is for developmental services and who have a recurring but intermittent need for skilled nursing services.

(h)"Intermediate care facility/developmentally disabled--nursing" means a facility with a capacity of 4 to 15 beds that provides 24-hour personal care, developmental services, and nursing supervision for developmentally disabled persons who have intermittent recurring needs for skilled nursing care but have been certified by a physician and surgeon as not requiring continuous skilled nursing care. The facility shall serve medically fragile persons

who have developmental disabilities or demonstrate significant developmental delay that may lead to a developmental disability if not treated.

(i)(1) "Congregate living health facility" means a residential home with a capacity, except as provided in paragraph (4), of no more than 12 beds, that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in paragraph (2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.

(2) Congregate living health facilities shall provide one of the following services:

(A) Services for persons who are mentally alert, physically disabled persons, who may be ventilator dependent.

(B) Services for persons who have a diagnosis of terminal illness, a diagnosis of a life-threatening illness, or both. Terminal illness means the individual has a life expectancy of six months or less as stated in writing by his or her attending physician and surgeon. A "life-threatening illness" means the individual has an illness that can lead to a possibility of a termination of life within five years or less as stated in writing by his or her attending physician and surgeon.

(C) Services for persons who are catastrophically and severely disabled. A catastrophically and severely disabled person means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a catastrophically disabled person shall include, but not be limited to, speech, physical, and occupational therapy.

(3) A congregate living health facility license shall specify which of the types of persons described in paragraph (2) to whom a facility is licensed to provide services.

(4)(A) A facility operated by a city and county for the purposes of delivering services under this section may have a capacity of 59 beds.

(B) A congregate living health facility not operated by a city and county servicing persons who are terminally ill, persons who have been diagnosed with a life-threatening illness, or both, that is located in a county with a population of 500,000 or more persons may have not more than 25 beds for the purpose of serving terminally ill persons.

(C) A congregate living health facility not operated by a city and county serving persons who are catastrophically and severely disabled, as defined in subparagraph (C) of paragraph (2) that is located in a county of 500,000 or more persons may have not more than 12 beds for the purpose of serving catastrophically and severely disabled persons.

(5)A congregate living health facility shall have a noninstitutional, homelike environment.

(j)(1)"Correctional treatment center" means a health facility operated by the Department of Corrections, the Department of the Youth Authority, or a county, city, or city and county law enforcement agency that, as determined by the state department, provides inpatient health services to that portion of the inmate population who do not require a general acute care level of basic services. This definition shall not apply to those areas of a law enforcement facility that houses inmates or wards that may be receiving outpatient services and are housed separately for reasons of improved access to health care, security, and protection. The health services provided by a correctional treatment center shall include, but are not limited to, all of the following basic services: physician and surgeon, psychiatrist, psychologist, nursing, pharmacy, and dietary. A correctional treatment center may provide the following services: laboratory, radiology, perinatal, and any other services approved by the state department.

(2)Outpatient surgical care with anesthesia may be provided, if the correctional treatment center meets the same requirements as a surgical clinic licensed pursuant to Section 1204, with the exception of the requirement that patients remain less than 24 hours.

(3)Correctional treatment centers shall maintain written service agreements with general acute care hospitals to provide for those inmate physical health needs that cannot be met by the correctional treatment center.

(4)Physician and surgeon services shall be readily available in a correctional treatment center on a 24-hour basis.

(5)It is not the intent of the Legislature to have a correctional treatment center supplant the general acute care hospitals at the California Medical Facility, the California Men's Colony, and the California Institution for Men. This subdivision shall not be construed to prohibit the Department of Corrections from obtaining a correctional treatment center license at these sites.

(k)"Nursing facility" means a health facility licensed pursuant to this chapter that is certified to participate as a provider of care either as a skilled nursing facility in the federal Medicare Program under Title XVIII of the federal Social Security Act or as a nursing facility in the federal Medicaid Program under Title XIX of the federal Social Security Act, or as both.

(l)Regulations defining a correctional treatment center described in subdivision (j) that is operated by a county, city, or city and county, the Department of Corrections, or the Department of the Youth Authority, shall not become effective prior to, or if effective, shall be inoperative until January 1, 1996, and until that time these correctional facilities are exempt from any licensing requirements.

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## CAL. HSC. CODE § 1267.8 : California Code - Section 1267.8

### Search CAL. HSC. CODE § 1267.8 : California Code - Section 1267.8

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(a) An intermediate care facility/developmentally disabled habilitative or an intermediate care facility/developmentally disabled--nursing or a congregate living health facility shall meet the same fire safety standards adopted by the State Fire Marshal pursuant to Sections 13113, 13113.5, 13143, and 13143.6 that apply to community care facilities, as defined in Section 1502, of similar size and with residents of similar age and ambulatory status. No other state or local regulations relating to fire safety shall apply to these facilities and the requirements specified in this section shall be uniformly enforced by state and local fire authorities.

(b) An intermediate care facility/developmentally disabled habilitative or an intermediate care facility/developmentally disabled--nursing or a congregate living health facility shall meet the same seismic safety requirements applied to community care facilities of similar size with residents of similar age and ambulatory status. No additional requirements relating to seismic safety shall apply to such facilities.

(c) Whether or not unrelated persons are living together, an intermediate care facility/developmentally disabled habilitative which serves six or fewer persons or an intermediate care facility/developmentally disabled--nursing which serves six or fewer persons or a congregate living health facility shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of the facility shall be considered a family for the purposes of any law or zoning ordinance which is related to the residential use of property pursuant to this article.

For the purposes of all local ordinances, an intermediate care facility/developmentally disabled habilitative which serves six or fewer persons or an intermediate care facility/developmentally disabled--nursing which serves six or fewer persons or a congregate living health facility shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or the mentally infirm, foster care home, guest home, rest home, sanitarium, mental hygiene home, or other similar term which implies that the intermediate care facility/developmentally disabled habilitative or intermediate care facility/developmentally disabled--nursing or a congregate living health facility is a business run for profit or differs in any other way from a single-family residence.

This section does not forbid any city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of an intermediate care facility/developmentally disabled habilitative which serves six or fewer persons or an intermediate care facility/developmentally disabled--nursing which serves six or fewer persons or a congregate living health facility as long as such restrictions are identical to those applied to other single-family residences.

This section does not forbid the application to an intermediate care facility/developmentally disabled habilitative or an intermediate care facility/developmentally disabled--nursing or a congregate living health facility of any local ordinance which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as that ordinance does not distinguish intermediate care facility/developmentally disabled habilitative which serves six or fewer persons or an intermediate care facility/developmentally disabled--nursing or a congregate living health facility from other single-family dwellings and that the ordinance does not distinguish residents of the intermediate care facility/developmentally disabled habilitative or intermediate care facility/developmentally disabled--nursing which serves six or fewer persons or a congregate living health facility from persons who reside in other single-family dwellings.

No conditional use permit, zoning variance, or other zoning clearance shall be required of an intermediate care facility/developmentally disabled habilitative which serves six or fewer persons or an intermediate care facility/developmentally disabled--nursing which serves six or fewer persons or a congregate living health facility which is not required of a single-family residence in the same zone.

Use of a single-family dwelling for purposes of an intermediate care facility/developmentally disabled habilitative serving six or fewer persons or an intermediate care facility/developmentally disabled--nursing which serves six or fewer persons or a congregate living health facility shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section supersedes Section 13143 to the extent these provisions are applicable to intermediate care facility/developmentally disabled habilitative providing care for six or fewer residents or an intermediate care facility/developmentally disabled--nursing serving six or fewer persons or a congregate living health facility.

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