EXHIBIT A DRAFT CONDITIONS OF APPROVAL

Vesting Tentative Tract Map 7981 3835 Vineyard Avenue September 29, 2010

- 1. Vesting Tentative Tract Map 7981 shall be as shown on the vesting tentative tract map plans and related exhibits, dated "Received June 9, 2010" except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance to the approved exhibits.
- 2. All conditions of PUD-71 shall remain in full force and effect.
- 3. This subdivision map approval will lapse and become void two years from the date of approval unless a final subdivision map has been recorded or an extension has been approved by the City.
- 4. To the extent permitted by law, the project applicant shall defend (with counsel reasonable 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 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.
- 5. The project developer shall remove and install a new wheelchair ramp on Vineyard Avenue near the southeast corner of the property. Additionally the remaining three wheelchair ramps at the intersection of Vineyard Avenue and Adams Way shall be modified.
- 6. The project developer shall dedicate on the face of the tract map an eight-foot (8) wide Public Service Easement (PSE) along the frontage of both Vineyard Avenue and Vine Street.
- 7. The project developer shall install a curb return type driveway on Vineyard Avenue and Vine Street. The driveway cross slope shall slope towards Vineyard Avenue and Vine Street. The project developer's engineer shall provide a profile of the driveway on Vineyard Avenue and provide to the City Engineer sufficient information to demonstrate the line of sight is adequate for drivers leaving the site.

- 8. The project developer shall run individual water services to each of the homes. The water meters shall be located within the proposed PSE along Vineyard Avenue and Vine Street. The water service connections shall be a minimum of 1 ½ inches. The exact size of the water service shall be determined after fire flow calculations are submitted and approved by the Fire Marshall. The project developer shall connect the water services to a manifold tied to the City water main.
- 9. The proposed street/driveway Medeiros Place and utilities within the street/driveway including water laterals, sanitary sewer main and storm drain for the project shall be private and maintained by the Homeowners Association.
- 10. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
- 11. The project developer shall grant an easement to the City over those parcels needed for public service easements (PSE) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.
- 12. The project developer shall construct vertical Portland cement concrete (P.C.C.) curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
- 13. All dry utilities (electric power distribution, gas distribution, communication service, cable television, street lights and any required alarm systems) required to serve the development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
- 14. A final map shall be required to subdivide the property into 13 lots. With the map, the project developer shall set forth the common maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record conditions, covenants and restrictions (CC&Rs) at the time of recordation of the map which shall create a homeowners association for the development. The CC&Rs shall be subject to the review and approval of the City Attorney prior to recordation of the map. The homeowners association shall be responsible for the maintenance of all private utilities, the common access driveway, and other common areas and facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the homeowners association.
- 15. The project developer shall create drainage easements across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.

- 16. The project developer shall create utility easements across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
- 17. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
- 18. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydromodification worksheets, etc., shall be submitted as part of the improvement plans.
- 19. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
- 20. A sanitary sewer lateral with two-way cleanout shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
- 21. The in-lieu park dedication fees shall be paid to the City prior to recording of the map, at the rate then in effect, for the total number of buildable lots on the map, unless this requirement has been otherwise satisfied.
- 22. All common private improvements including but not limited to storm drainage swales, gutters, inlets, outfalls, channels, retaining walls, soundwalls, fences, etc., shall be privately maintained by the property owners or through a homeowners association approved by the City. The project CC&R's shall include an exhibit showing the location of all the common private improvements to be maintained by the property owners or homeowners association.
- 23. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
- 24. Prior to the first plan check, the project developer's engineer/surveyor shall submit a preliminary copy of the Final Map along with a preliminary copy of the title report and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Government Code Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the project developer's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the project developer after the map is recorded. Similarly, if the project developer withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the project developer. Conversely, should

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

- 25. At the time project developer submits the fee for the consultant map review, the project developer shall also submit the following information to the City Engineer for review and approval:
 - a) Two prints of the final tentative map
 - b) One copy of the preliminary title report
 - c) One set of the computer closures
 - d) One legible copy of the latest recorded deed for the property being subdivided
 - e) One legible copy of the recorded deeds for each of the adjacent properties unless those properties are part of a recorded map which has been recorded within the last seven years; and
 - f) One legible copy of the Recorded Final map or Record of Survey used to prepare this tentative map.
- 26. The project developer's title company shall record the final/ parcel map, CC&Rs, Storm Water Operations and Maintenance Agreement, any grant deeds or easements, and any other required documents concurrently with the Alameda County Recorder's Office. After the recording of these documents the City shall be provided with a legible recorded copy.
- 27. The curb and gutter along Vineyard Avenue shall have a subdrain installed at either the back of the curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.
- 28. The project developer shall provide the City with a reproducible Mylar copy of the recorded map with all recording data shown.
- 29. When the map is submitted for the City Engineer's signature, the project developer shall provide the City with an electronic copy of the Tentative Map. In addition to the information shown on the tentative map, the electronic information submitted should include:
 - a) Street address(es) centered on lot(s).
 - b) Building outlines for existing structures.
- 30. Any dedications, open offers of dedication, or grants of easements may be dedicated and accepted on the face of the map. Agreement or other required items shall be recorded as separate documents concurrently with the recordation of the tentative map.

31. All new service drops (PG&E, Pac Bell and cable TV) to proposed units within this development shall be installed underground in conduit to the nearest "utility approved" riser pole. The developer shall also be responsible for paying a prorata share as determined by the City Engineer for undergrounding of the overhead utility lines across the project frontage. Said payment shall be due prior to the approval of the final map.

Urban Stormwater Conditions of Approval

32. The project shall comply with the California Regional Water Quality Control Board, San Francisco Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009.

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

and

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

33. 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)

{end}

ORDINANCE NO. 1975

AN ORDINANCE APPROVING THE APPLICATION OF MICHAEL AMINIAN/ VINEYARD GARDEN, LLC FOR PUD REZONING AND DEVELOPMENT PLAN APPROVAL. AS FILED UNDER CASE PUD-71

WHEREAS, Michael Aminian/Vineyard Garden, LLC, has applied for Planned Unit Development (PUD) rezoning and development plan approval to rezone an existing 0.876-acre parcel from RM-4,000 (Multi-Family Residential) District to PUD-HDR (Planned Unit Development — High Density Residential) District and to construct ten townhouse units located at 3835 Vineyard Avenue; and

WHEREAS, infill development projects on sites of five acres or less that have no habitat for endangered, rare, or threatened species, that can be adequately served by all required utilities and public services, that are consistent with the General Plan and zoning regulations, and would have no significant effects on traffic, noise, air quality, or water quality are categorically exempt from CEQA (In-fill Development: 15332[32][a-e]); and

WHEREAS, at its meeting of April 15, 2008, the City Council received the Planning Commission's positive recommendations for approval of the PUD rezoning and development plan; and

WHEREAS, a duly noticed public hearing was held on April 15, 2008; and

WHEREAS, after a review of the materials presented, the City Council determined that the proposed rezoning for 3835 Vineyard Avenue is appropriate for the site; and

WHEREAS, the City Council finds that the PUD development plan is consistent with the General 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 the rezoning of the property at 3835 Vineyard Avenue from the RM-4,000 (Multi-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District.

SECTION 2. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 471, attached hereto as Exhibit A, dated April 15, 2008 and incorporated herein by this reference.

SECTION 3. Approves Case PUD 71 the application of Michael Aminian/ Vineyard Garden, LLC for Planned Unit Development (PUD) rezoning and development

plan approval to rezone an existing 0.876-acre parcel from RM-4,000 (Multi-Family Residential) District to PUD-HDR (Planned Unit Development — High Density Residential) District and to construct ten townhouse units located at 3835 Vineyard Avenue, subject to the conditions shown on Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 4. 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 5. This ordinance shall be effective thirty (30) days after its passage and adoption.

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on May 6, 2008.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on April 15, 2008 by the following vote:

Ayes:

Councilmembers Cook-Kallio, McGovern, Sullivan, Mayor Hosterman

Noes:

None

Absent:

Councilmember Thorne

Abstain:

None

And adopted at a regular meeting of the City Council of the City of Pleasanton on May 6, 2008 by the following vote:

Ayes:

Councilmembers McGovern, Sullivan, Thorne, Mayor Hosterman

Noes:

None

Absent:

Councilmember Cook-Kallio

Abstain:

None

Jennife Hosterman, Mayor

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Michael H. Roush, City Attorney

Mellace Holor

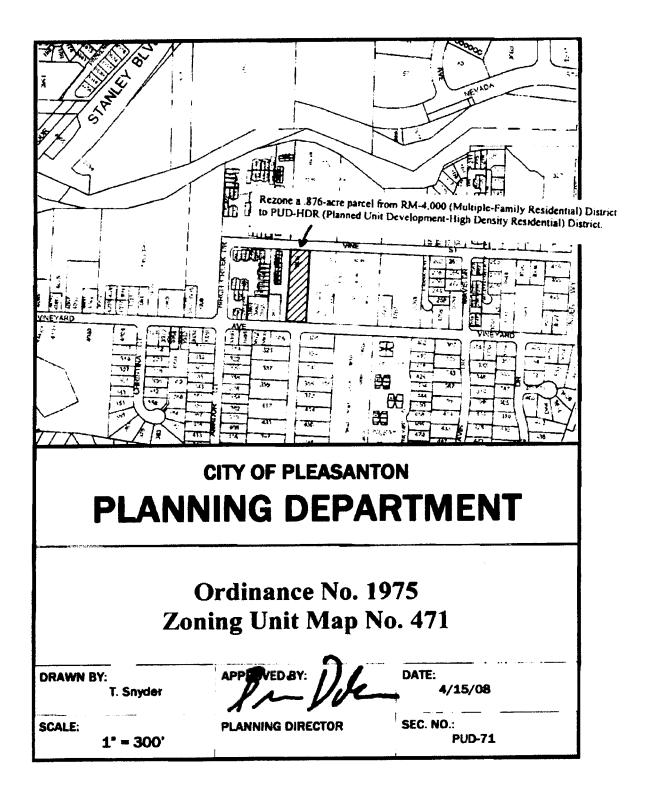


EXHIBIT B CONDITIONS OF APPROVAL

PUD-71, Michael Aminian/Vineyard Gardens, LLC 3835 Vineyard Avenue April 1, 2008

General Conditions

- 1. Development shall be substantially as shown on the development plans, color/material board, Exhibit A, dated "Received March 14, 2008," Green Building Checklist dated "Received February 7, 2008," and the Tree Report prepared by HortScience dated "Received December 12, 2007," 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. PUD development plan approval for the project will lapse two (2) years from the effective date of approval unless a building permit is issued and construction has commenced and is diligently pursued toward completion or an extension has been approved by the City pursuant to section 18.20.070 of the Pleasanton Municipal Code.
- 3. The building permit plan check materials will be accepted for submittal after introduction of an ordinance by the City Council approving the proposed project and before the effective date of the ordinance if the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned. In no case will a building permit be issued until the effective date of the ordinance approving the project.
- 4. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. 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.
- 5. The project developer shall pay any and all fees to which the property may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.

- 6. The project developer shall provide all buyers with copies of the project conditions of approval.
- 7. 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 off-set 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 permit. 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.
- 8. Prior to issuance of a building permit, the project developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the project developer shall pay any applicable Dublin San Ramon Services District (DSRSD) sewer permit fee.
- 9. 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.
- 10. 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.
- 11. A final map shall be recorded prior to the sale of the first unit.
- 12. A Department of Real Estate report is required prior to the sale of the first unit.
- 13. Unless otherwise required, the building developer shall pay the in-lieu park dedication fees in effect at the time building permits are issued for the structures to be constructed on the lots created with the final map.
- 14. A demolition permit is required prior to the removal of the existing dwelling unit and accessory structures. No demolition permit will be issued until the final map is approved and the project is being reviewed by the City for issuance of building permits.

PLANNING

15. This PUD shall be subject to the site development standards as shown on the following table. No additional development—including, but not limited to, residential additions, garage additions, bay windows, porches, balconies, fencing, or accessory structures—is permitted.

	RM-4,000 (Current zoning)	Proposed PUD Development		
Front Yard	30 feet	25 feet (Vineyard Avenue)		
Side Yard:	7 feet (one side)	East Side: 28 feet		
	16 feet (both sides)	(20 feet for driveway;		
	,	8 feet for bioswale)		
		West Side: 10 feet		
Rear Yard:	30 feet	16 feet (Vine Street)		
Building Height:	30 feet	30 feet ¹		

¹ The height measurement is taken from the lowest grade to roof peak of each individual unit.

- 16. Permitted and Conditionally Permitted Uses for the project shall be those of the R-1 One-Family Residential District as outlined in the Pleasanton Municipal Code (P.M.C. §18.32).
- 17. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Planning Director and the Chief Building Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
- 18. The applicant/developer shall include all recommendations provided for tree protection, preservation and/or removal in accordance with the HortScience Tree Report Dated "Received December 12, 2007". No tree trimming or pruning other than that specified in the tree report shall occur. The applicant shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of demolition and grading permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed for trees on the subject site. The applicant/developer shall be required to mitigate by planting two trees for each removed tree and pay the appraised value of the removed trees. The specific compensation amount shall be determined by the Planning Director based on the appraised value of these trees from HortScience, Inc.
- 19. All exterior lighting shall be designed or shielded so as to not shine on neighboring properties. The applicant shall submit a final lighting plan, and include drawings and/or manufacture's specification sheets showing the size and types light fixtures proposed for the exterior of the buildings and parking areas.

- The light fixtures and their locations shall be subject to the review and approval of the Planning Director.
- 20. A Homeowners Association shall be created for the project. The proposed CC&R's shall be subject to the review and approval of the City Attorney prior to the recordation of a Final Map for the project. Any future change to the CC&R's shall be subject to the review and approval of the City Attorney prior to any amendments.
- 21. Final inspection by the Planning Department is required prior to occupancy.
- 22. The windows shall be recessed two inches from the face of the building exterior walls. A window details shall be provided for review and approval by the Planning Director prior to the issuance of a building permit.
- 23. No reflective glass is allowed. The window glazing shall be clear with no tint.
- 24. All condensing units shall have the lowest noise rating available. The location shall be reviewed and approved by the Planning Director prior to building permit issuance.
- All new homes are required to be a "green home". Prior to building permit 25. submittal, a list of the green building measures used in the design of the new homes covered by this approval shall be provided to the Planning Department for the review and approval by the Planning Director. The homes covered by this approval shall be designed to achieve a "certified rating" of a minimum of 50 total points, with achieving the minimum points in each category, using Build It Green's 2007 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 showing which sheet the item 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 Planning Director and the Chief Building Official. A special inspection by a representative from the Planning Department 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 qualified specialist, or the applicant shall provide written verification by the project engineer, architect, landscape architect, or designer.
- 26. All residences in the PUD shall be constructed to allow for future installation of a Photovoltaic (PV) system. The project/ building developer shall comply with the following requirements for making all houses on the subject site photovoltaic ready. Making the home photovoltaic ready shall require the following measures to be implemented with the construction of the structures covered:

- a) Electrical conduit and cable pull strings shall be installed from the roof/attic area to the buildings' main electrical panels.
- b) Roof trusses shall be engineered to handle an addition load of five (5) pounds per square foot beyond that of the anticipated load for the roofing material.
- c) An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current.

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

- 27. On-site parking is only allowed in the garages and designated parking spaces. Common parking shall be used only by visitors. Parking is prohibited on the driveway (except for Unit A of Building No. 2) or within the drive aisle. Moving, delivery, and any other type of service vehicles must either park in the home's garage or designated guest parking, or park off-site. The CC&R's for the project shall include language indicating that the garage shall be used exclusively for parking and not for storage.
- 28. Prior to the issuance of a building permit, the project developer shall submit details and/or a spec sheet of the proposed exterior doors to the Planning Department for review and approval by the Planning Director.
- 29. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in new or renovated homes.
- 30. The electrical plan for this home shall provide telecommunications infrastructure consistent with state-of-the-art methods, e.g., cabling for DSL, broadband, or wireless service, wiring for total room access, etc., in effect at the time that building permit(s) are issued. The plan shall be part of the building permits issued for plumbing and electrical.
- 31. Prior to landscape installation, a final landscape plan and irrigation plan shall be submitted to and approved by Planning Director as part of the building permit plan sets prior to issuance of a building or on-site permit. Said landscape plan shall include landscaping enhancement for the area fronting Vineyard Avenue. In addition, the landscaping plan shall detail plant species, location, size,

- quantities, and spacing. The landscaping and irrigation plans are subject to the review and approval of the Planning Director.
- 32. The project developer/subdivider shall deposit a bond with the City of Pleasanton to ensure completion of any required off site improvements. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer. The City Engineer may waive this requirement if the required improvements have been satisfactorily installed/constructed prior to recordation of the final map.
- 33. The width of the vegetated swales and the vegetated swale planting materials shall be subject to the review and approval of the Public Works, Planning, and Engineering Departments prior to the issuance of a building permit.
- 34. The applicant shall provide root control barriers and four-inch (4") perforated pipes for street trees and trees in planting areas less than ten feet (10' 0") in width.
- 35. All trees used in landscaping shall be a minimum of fifteen (15) gallons in size and all shrubs shall be a minimum of five (5) gallons.
- 36. Prior to occupancy, the landscape architect shall certify in writing to the Planning Director 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.
- 37. Before project final, all landscaping shall be installed, reviewed, and approved by the Planning Director.
- 38. 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.
- 39. Approved building materials and colors shall be stated on the plans submitted for issuance of building permits.
- 40. The applicant shall effectively screen from view all ducts, vents, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director. All required screening shall be provided prior to occupancy.

- 41. The location of any pad-mounted transformers shall be subject to approval by the Planning Director prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates. All transformers shall be shown on the plans submitted for issuance of building permits. The applicant shall attempt to locate transformers at the rear of the site.
- 42. All backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened so as to minimize visual impacts. The location of all backflow prevention devices, above ground irrigation controls, and above ground irrigation meters and the quantity and type of proposed landscape screening shall be subject to the review and approval of the Planning Director prior to installation.
- 43. The project developer or its designee shall be present on the job site at all times during construction to control construction activities and to mediate construction related noise, dust, and parking issues. The project developer shall provide the Planning Department job site contact information prior to commencement of grading/construction.
- 44. The applicant shall install whole house fans in each unit. This change shall shown on the construction drawing submitted for plan check prior to the issuance of a grading/building permit.
- 45. The applicant shall install a fence on the west side of the property. Said fence shall be a six-foot high solid-wood fence located along the westerly property line. Fence location shall be shown on the site plan, and fence detail shall be included in the final landscape and irrigation plan.
- 46. The applicant shall consider installing a play structure on site. If provided, the play structure shall conform to all safety regulations, as provided in the Pleasanton Municipal Code, and shall be shown on the final landscape plan.

BUILDING AND SAFETY DIVISION

47. Prior to the issuance of building permits, the 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 applicant intends to recycle at least 50% 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 applicant shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only". The applicant shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

- 48. All dwelling units in the development shall be constructed to meet Title 24 state energy conservation requirements.
- 49. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
- 50. The applicant shall submit plot plans showing building setbacks and a topographic plan showing grading and drainage. Pad elevations, finish floor elevations, retaining walls, easements, maximum height of the highest structure, and the front, rear, and side yards are to be indicated on the plan. Plan is to be signed by a registered civil engineer. The plot plan shall show compliance with Sections 2907(d) and 70012(d) of the Uniform Building Code.
- 51. The height of the structures shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit A 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 and Safety Division.
- 52. The applicant shall submit a site soils report to the Chief Building Official with as many copies as required by the Chief Building Official prior to issuance of a grading permit for third party peer review and shall pay for such review at the time specified.
- 53. The record grading plan is to be submitted to the Chief Building Official before issuance of a building permit.
- 54. The soils engineer shall certify the pad compactions of all lots containing fill to the satisfaction of the Chief Building Official prior to the issuance of building permits.
- 55. Building and site plans are to be submitted to the Building and Safety Division on computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built situs and architectural information as approved by the Director.
- All construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. In addition, no construction shall be allowed on Federal Holidays. The Planning Director may allow earlier "start-times" for specific construction activities (e.g., concrete-foundation/floor pouring), if it can be demonstrated to the satisfaction of the Planning Director that the construction and construction traffic noise will not affect nearby residents. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

- 57. A temporary construction trailer shall be allowed on site during construction for use during the allowed hours of operation. 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.
- 58. There shall be no truck deliveries, parking lot sweeping, outside maintenance, or garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m. during project construction. This condition does not amend the waste pickup schedule of Pleasanton Garbage Service.
- If any prehistoric or historic artifacts, or other indications of cultural resources 59. 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 ground-breaking 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.
- 60. 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.

POLICE DEPARTMENT

61. The area of the development shall be tested for strength and clarity of signal to and from the area for City emergency services communications including, but not limited to, City eight-hundred megahertz (800 MHz) trunked radio, Livermore-Pleasanton Fire Services radio, Alameda County eight-hundred megahertz (800 MHz) trunked radio, CLEMAR/ Police Dispatch, and the current police mobile data system, unless waived by the Police Department, City of Pleasanton. Expert opinions may be required in anticipation of communications difficulties inside or around large structures. Mitigation plans of less than acceptable communications shall be submitted to the satisfaction of the Police Department prior to approval and shall be financed by the applicant immediately upon approval.

FIRE DEPARTMENT

- 62. 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 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.
- 63. The 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.
- 64. The applicant shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).
- 65. The applicant shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
- 66. Prior to any construction framing, the applicant shall provide adequate fire protection facilities, including, but not limited to surface roads, fire hydrants, and a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire. When alternate methods of fire protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternative methods of fire protection shall be submitted in writing to the Fire Chief prior to any framing construction. Work on the alternative fire protection methods shall not begin until approved by the Fire Chief.
- 67. The Fire Chief and the City Engineer shall approve the number, type, and location of all public fire hydrants.
- 68. Blue street "hydrant markers" shall be installed for all fire hydrants per City of Pleasanton Standard Specifications.
- 69. At the time of sale, the applicant shall give homeowners notice of the availability of the City's Fire Safety Inspection Program and shall encourage their participation in this program.
- 70. As required by the Fire Chief, all sprinkler and back flow prevention Fire Department connections (FDC) shall be placarded with the address(es) it serves. The placard shall be submitted with the signage package for the site and shall have numerals on a contrasting background. All placards are subject to the review of the Fire Chief.

PUBLIC WORKS/ENGINEERING

- 71. Prior to approval of the Final Map, the applicant shall post with the City an additional performance bond for all subdivision improvements that are not accepted by the City of Pleasanton.
- 72. The project developer shall install all new and existing utilities (PG&E, Pacific Bell, Cable TV, etc.) underground for each parcel unless waived by the City Engineer.
- 73. Unless otherwise approved by the City Engineer, all fill and cut slopes shall be 3:1 horizontal to vertical or less.
- 74. The project developer shall install street frontage improvements on Vineyard Avenue and Vine Street per Chapter 19.40.010 of the Pleasanton Municipal Code and to the satisfaction of the City Engineer. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, water facilities, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems.
- 75. The project developer shall submit a refundable cash bond for hazard and erosion control prior to issuance of an engineering or building permit. The amount of this bond will be determined by the City Engineer.
- 76. 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.
- 77. The project developer shall submit a dust control plan or procedure as part of the improvement plans.
- 78. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
- 79. 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 applicant. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer. The development side of Birch Creek Drive from Vine Street to Vineyard Avenue shall be overlaid or slurry sealed at the City Engineer's discretion.
- 80. The project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
- 81. 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 Chief Building Official.

- 82. The applicant 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/Chief Building Official.
- 83. Unless waived by the City Engineer, prior to the issuance of a building permit and recordation of a Final Map, the applicant shall complete impervious surface Form A of the storm water control requirements and submit this to the Public Works and Engineering Department.
- 84. The utilities within the development shall be private and maintained by the HOA. There shall be a separate water supply for the domestic and irrigation system and fire sprinkler system. Where the new water laterals connect to the City water main at Vineyard Avenue, there shall be a water meter and backflow device for the domestic and irrigation systems. The fire sprinkler line shall be looped unless otherwise approved by the Fire Marshall and City Engineer and have backflow devices and each connection. The sizing of the on-site utility lines shall be subject to the review and approval of the Fire Marshall and City Engineer.
- 85. The applicant engineer shall submit storm drain hydraulic calculation to verify that the hydraulic grade line does not exceed city design standards.
- 86. The building shall pads shall be constructed above the 100-year flood elevation as established by Alameda County Flood Control Zone 7. The property shall be graded such that no storm water runs directly to the Arroyo.

URBAN STORMWATER RUNOFF REQUIREMENTS

Stormwater Design Requirements

- 87. The project shall comply with the Alameda Countywide NPDES Permit #CA50029831, a copy of which is available at the City offices.
- 88. The following requirements shall be incorporated into the project:
 - a) The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be designed to the satisfaction of the City Engineer to optimize the amount of the storm water 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) The project developer shall submit sizing design criteria to treat stormwater runoff at the time of plan submittal.
- c) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - i) Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - ii) Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required.
 - iii) Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - iv) Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- d) Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system, and an area drain shall be installed in the enclosure area providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a berm shall be installed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin-San Ramon Services District (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Department.
- e) Prior to grading permit issuance 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 for projects with clearing, grading and excavation exceeding the current standards.
- f) Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.

Stormwater Construction Requirements

- 89. The project development shall submit a Stormwater Pollution Prevention Plan (SWPP) for review and approval by the City Engineer prior to issuance of building or grading permits. Failure to comply with the approved construction SWPPP may result in the issuance of correction notices, citations or stop work order. The following construction Best Management Practices (BMPs), as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
- 90. The project developer is responsible for implementing the following measures during all construction phases of the project:
 - a) 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/Chief Building Official. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
 - b) All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/storm water quality measures are in place, subject to the approval of City Engineer/Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is place.
 - c) Gather all 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.
 - d) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom-sweep the street pavement adjoining the project site on a daily basis. Scrape caked on mud and dirt from these areas before sweeping.

- e) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- f) Create a contained and covered area on the site for the storage of 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.
- g) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h) Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

Stormwater Operation Requirements

- 89. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
 - a) A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
 - b) On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
 - c) Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
 - d) Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
 - e) Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.

- f) Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
- g) Regularly but not less than once a month, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.
- h) Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.
- 91. The applicant 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.

{end}

EXHIBIT D



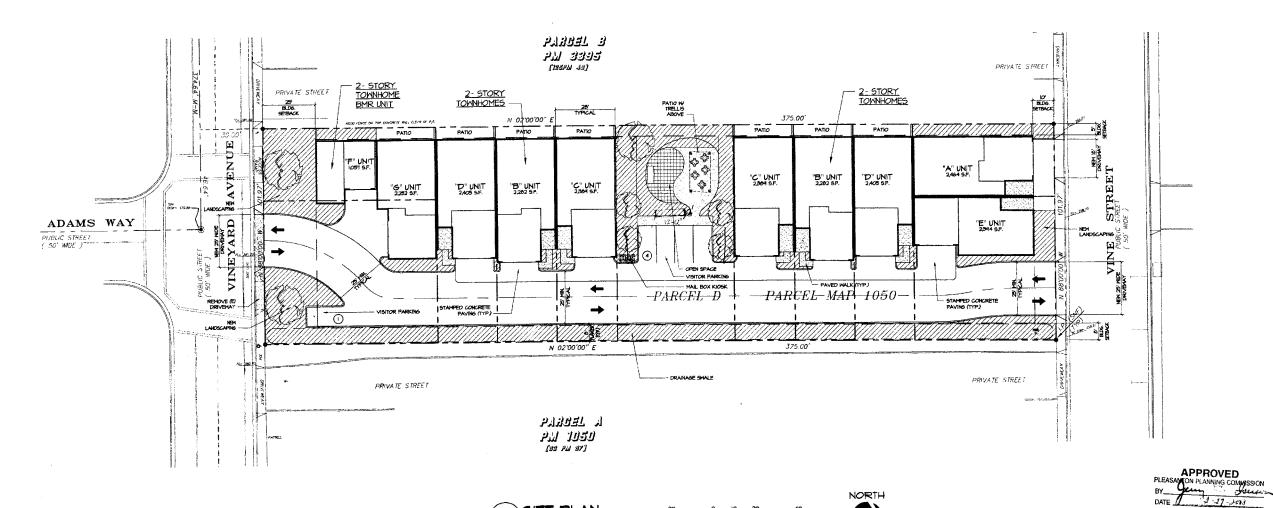
M | Architects, inc.

ARCHITECTURE PLANNING MANAGEMENT DESIGN

2960 CAMINO DIABLO SUITE 100 WALNUT CREEK, CA 94597

425-287-1174 Tel 925-943-1581 Fax 925-878-9875 Cell muthanaemiarchitect.com

PUD-71

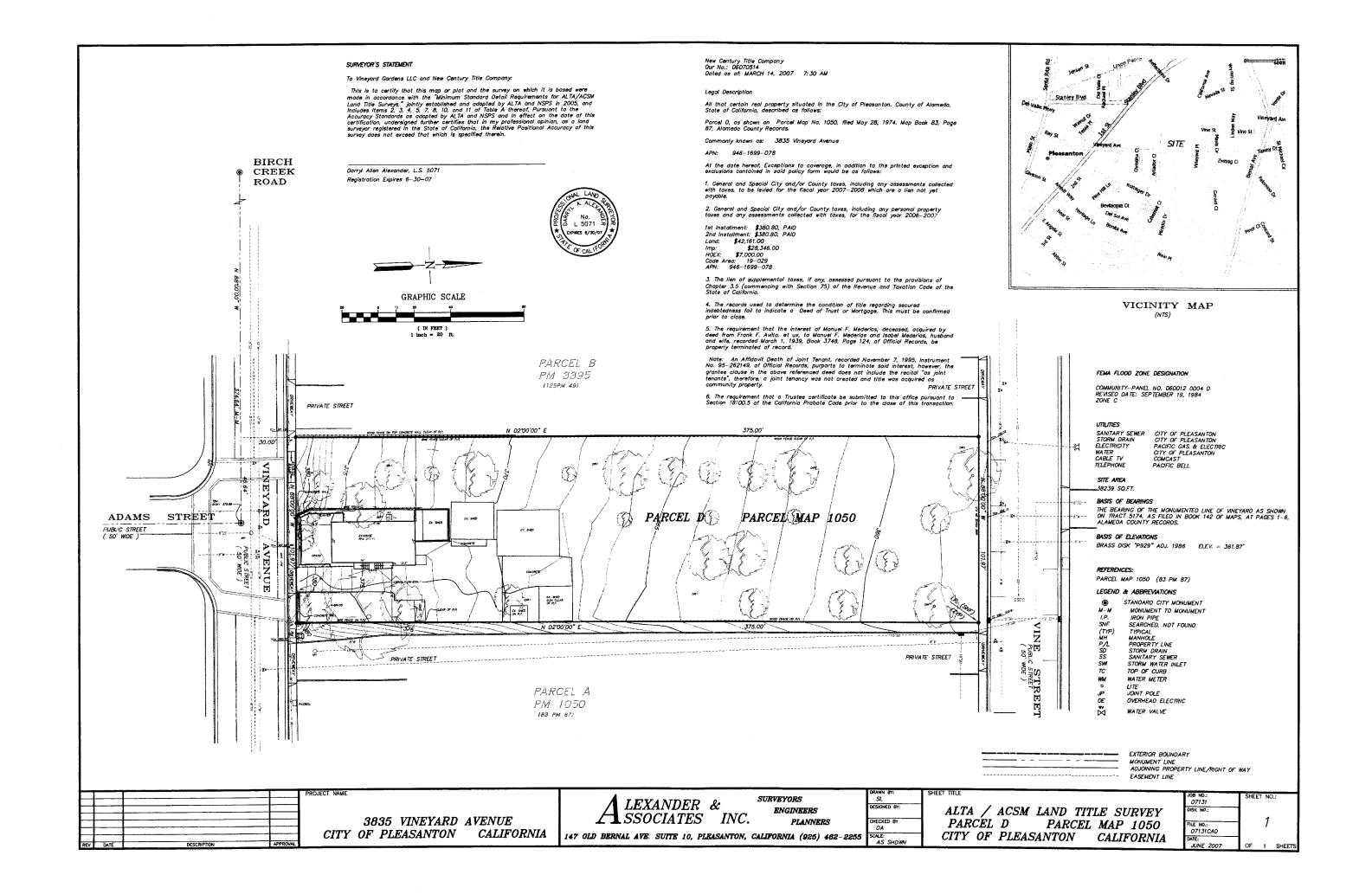


SITE PLAN - 20'-0'

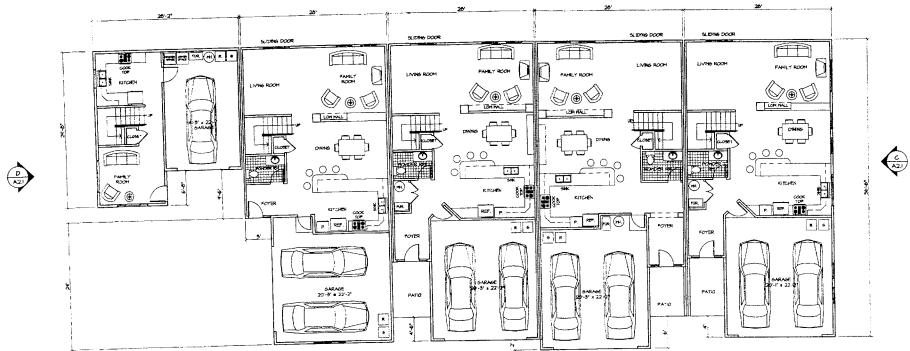


NORTH

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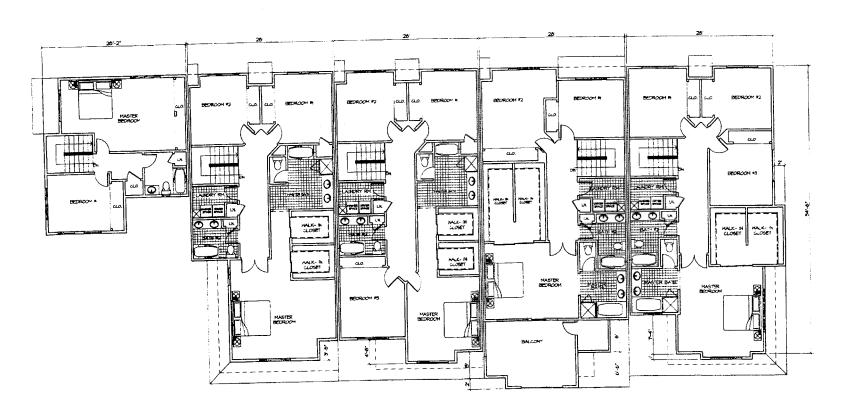








FIRST FLOOR PLAN



SECOND FLOOR PLAN SCALE: 1/8' - 1'-0'







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3835 VINEYARD AVENUE
PLEASANTON, CA. 94566

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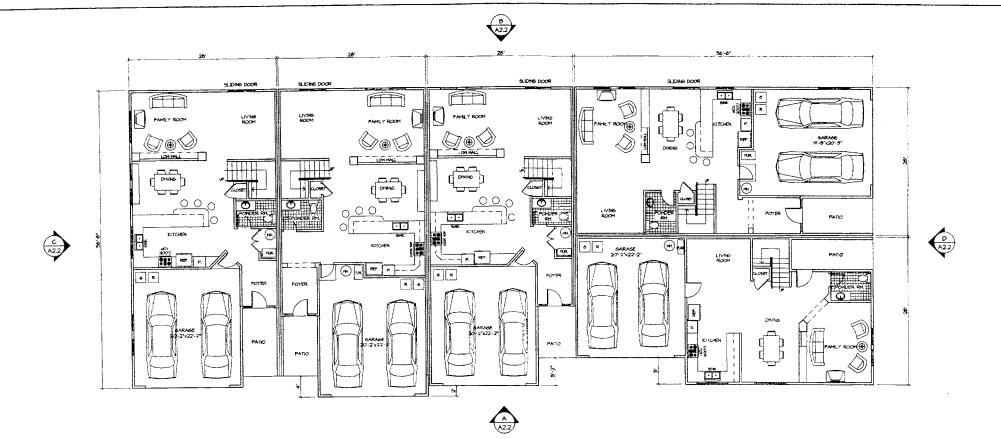
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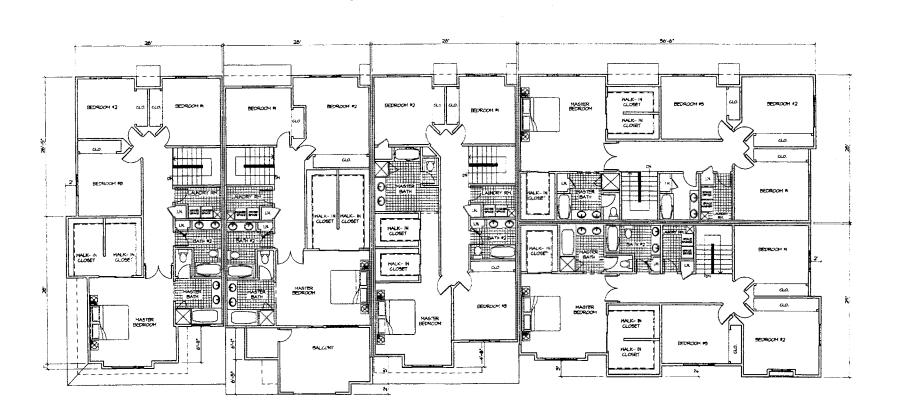
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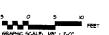


FIRST FLOOR PLAN

SCALE: 1/8' . "-0"



SECOND FLOOR PLAN SCALE: 1/8' = 1'-0'







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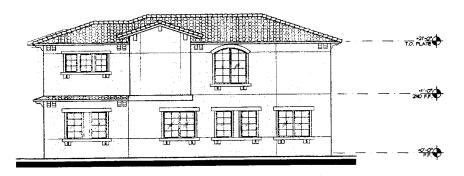
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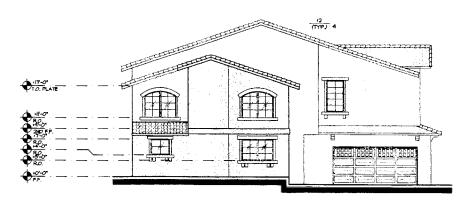
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WEST ELEVATION (B) SCALE: |/8' . "-0"







SOUTH ELEVATION (FACING VINEYARD AVE.) SCALE: 1/8' : 1'-0'

GRAPHIC SCALE. 1/0" = 1'-0"

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muthanaemiarchitect.com

MEDEIROS GARDENS TOMNHOMES
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3835 VINEYARD AVENUE
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VINEYARD AVENUE BUILDING ELEVATIONS

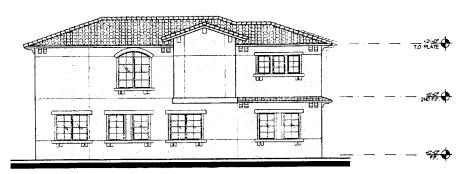
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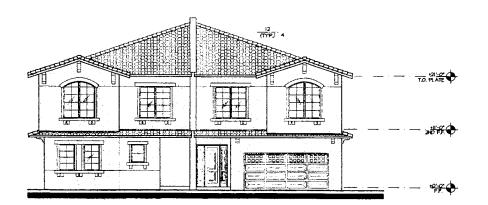
EAST ELEVATION SCALE: 1/8' . 1'-0"



WEST ELEVATION SCALE: 1/8' • 1'-0' (B







NORTH ELEVATION (FACING VINE STREET) SCALE: 1/8' . "-0"

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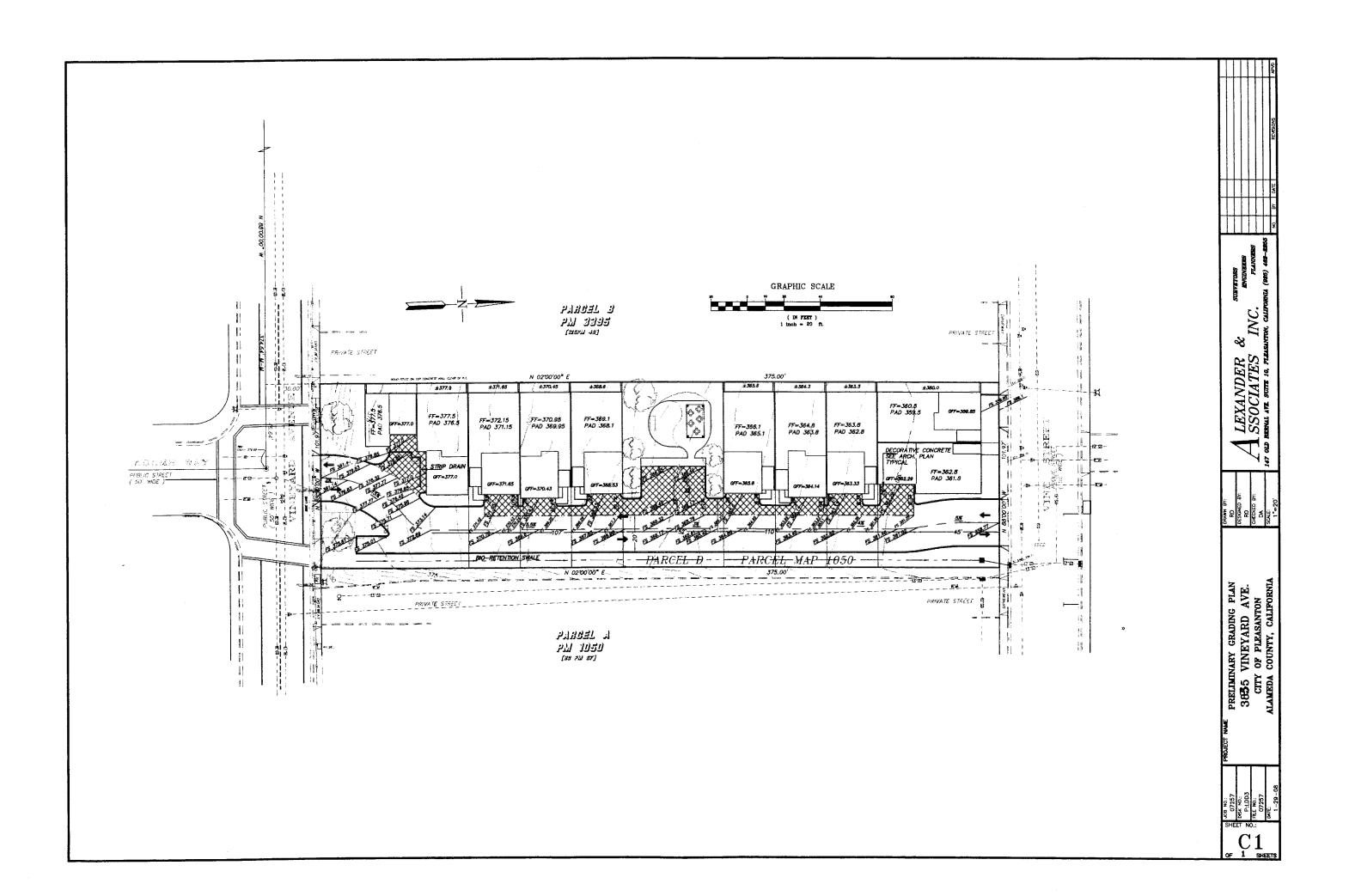
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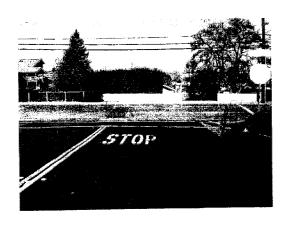
VINE STREET BUILDING ELEVATIONS

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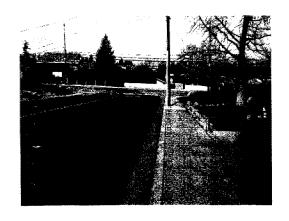
ADAMS WAY STREET SCAPE ELEVATION



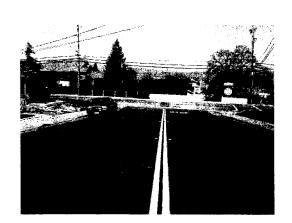
VIEW LOOKING NORTH FROM ADAMS WAY



VIEW LOOKING SOUTH FROM BIDEWALK OF THE SUBJECT PROPERTY



VIEW LOOKING NORTH FROM 824 ADAMS WAY



VIEW LOOKING NORTH FROM THE CENTER LINE OF ADAMS WAY



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- ISSUED FOR CONSTRUCTION
- ISSUED FOR PLAN CHECK
06-25-01 ISSUED FOR PLANNING

NO. DATE DESCRIPTION

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ADAMS WAY STREET SCAPE ELEVATIONS

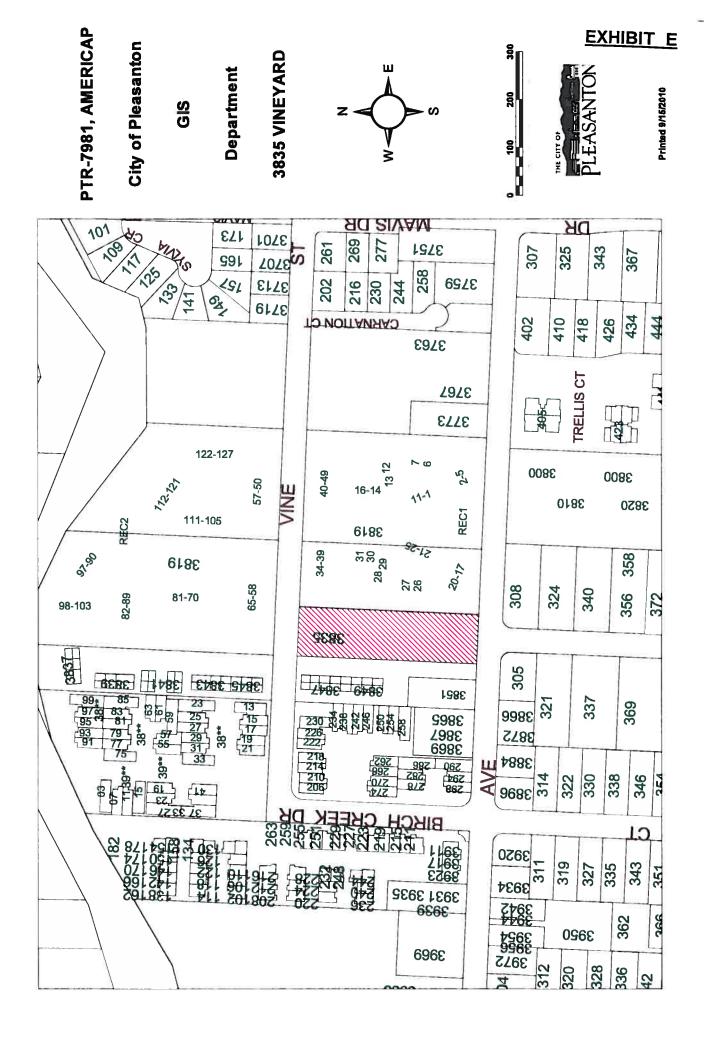
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