

Planning Commission Staff Report

January 14, 2009 ~~December 10, 2008~~
Item 6.a. ~~Item 6.c.~~

SUBJECT: PUD-77

**APPLICANT/
PROPERTY OWNER:** Clancy Dutra/Dutra Trust

PURPOSE: Application for Planned Unit Development plan approval for the development of five custom residential lots and one open space lot.
Consideration of a Negative Declaration.

GENERAL PLAN: Low Density Residential

SPECIFIC PLAN: Happy Valley Specific Plan

ZONING: PUD-SRDR/OS (Planned Unit Development – Semi-Rural Density Residential/Open Space) District

LOCATION: 1053 Happy Valley Road

ATTACHMENTS: Exhibit A,

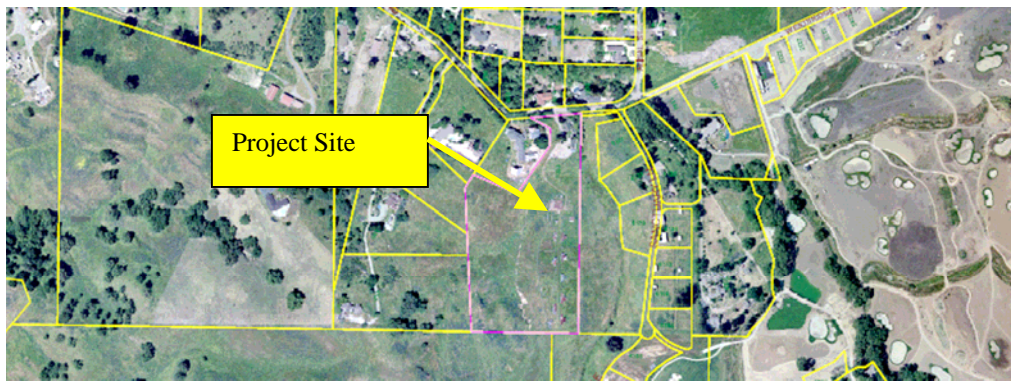
- Proposed PUD Development Plan
- Design Guidelines, Habit Assessment for the California Tiger salamander and the California red-Legged Frog by Olberding Environmental, Inc.
- Biological Resources Analysis by Olberding Environmental, Inc.
- U.S. army Corps Of Engineers Wetland Delineation by Olberding Environmental, Inc.
- Tree Report by HortScience Tree Report by HortScience
- Preliminary Geotechnical And Geologic Investigation by TRC Lowney
- Geotechnical and Geologic Investigation by Cornerstone Earth Group
- Alan Kropp & Associates peer review comments

BACKGROUND

On March 13, 2008, the Alameda County Land Area Formation Commission (LAFCo) granted an approval to Clancy Dutra allowing the existing 10.2-acre site located at 1053 Happy Valley Road be annexed to the City of Pleasanton. Following LAFCo's approval, Dutra Trust LLC submitted an application for a Planned Unit Development plan to develop the site with five residential lots and one open space lot as a common lot owned by an association.

SITE DESCRIPTION

The project site is an irregular polygon located on the south side of Happy Valley Road, in close proximity to the City's municipal golf course. The northwestern property line follows the shape of the neighboring property before it goes straight to the south. The eastern property line abuts the City's open space area where the golf course trail is located approximately 35 feet away within the adjoining Serenity at Callippe Preserve development.

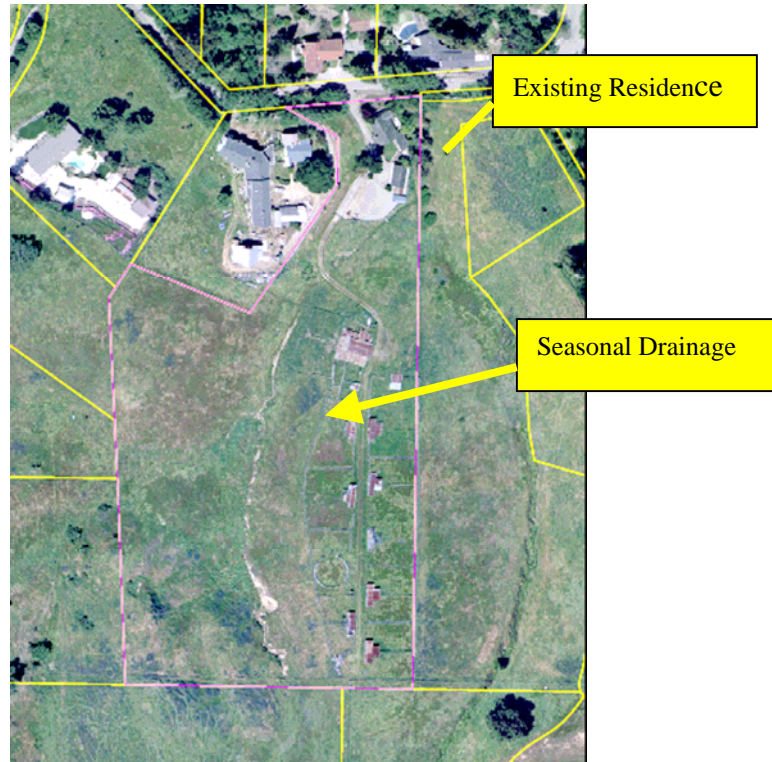


Project Location

The site is bisected north/south by a seasonal drainage area. This drainage flows into an existing culvert. A second drainage way flows from the northeast direction onto the project site. Additionally, a small seasonal wetland area has also been identified. It is located to the south of the Lot 5, within the proposed open space area. The steeper topography located in the southwest portion of the site shows sloughing soils, which are

evidence of slope failure in recent past and also as reported by the geotechnical reports and the geotechnical peer reviewer.

The site is currently developed with a single-family residence and a few out-buildings. Access to and from the property is via Happy Valley Road. The existing gravel driveway terminates a just beyond the out buildings. A wire fence and a gate separate the residence from the rest of the site, which has been used for grazing.



Project Site

The site is surrounded by single-family residential uses. The City’s golf course is located to the east.

PROJECT DESCRIPTION

The proposal includes a development plan to facilitate the following:

- Create a total of five residential lots and one open space parcel on the existing 10.2-acre site;
- Remove the existing home and out buildings;
- Establish a storm water runoff retention pond;
- Construct a private road and a bridge for access to the proposed homes;

- Establish a mechanism to maintain the open space parcel, the private road, and provide stormwater system; and
- Create design guidelines that provide design requirements for all proposed homes.

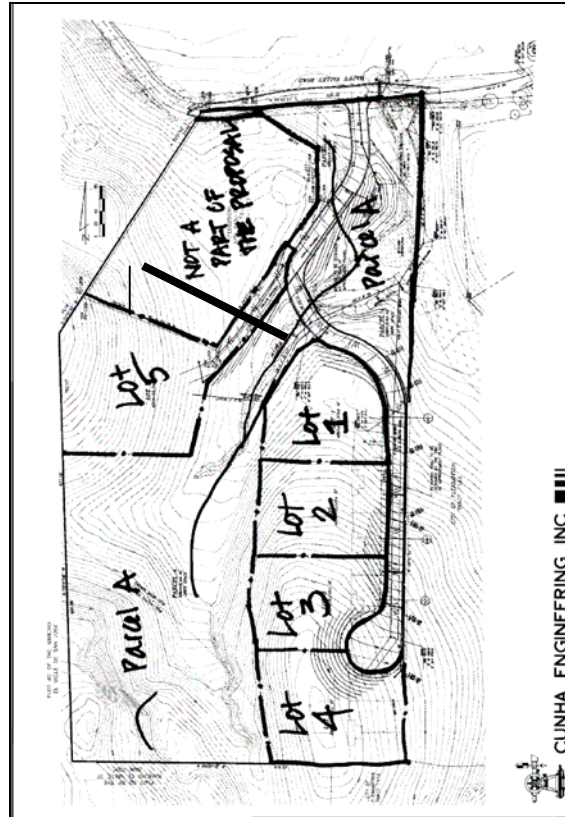
The proposal would utilize but modify the existing driveway from Happy Valley. A bridge would be constructed to access the lots. The area to the north of the new road would be used as a stormwater retention pond to capture and treat water run off before it entering into the storm drain system. Four of the proposed residential lots would be located on the north of the road, south of the bridge. Lot No. 5 would be located to the west of the bridge abutting the northern property line, and immediately adjoining the neighbor’s lot located at 965 Happy Valley Road, in unincorporated Alameda County.

The proposed open space area will preserve the existing seasonal drainage and wetland area in their natural state.

The proposed private road would be 28 feet in width. This width would allow for parking on one side of the street. A bulb-design has been proposed that would serve as a turn-around area for the emergency vehicles, mainly fire engine. This bulb would be located between Lots 3 and 4.

The proposed residential lots and the open space parcel have the following lot sizes:

Lot 1:	40, 379 square feet	(0.93 acre)
Lot 2:	35,225 square feet	(0.81 acre)
Lot 3:	36,118 square feet	(0.83 acre)
Lot 4:	39,824 square feet	(0.91 acre)
Lot 5:	55,348 square feet	(1.27 acres)
Parcel A:	5.44 acres	
Total:	10.19 acre (rounded to 10.2 acres)	



The Proposed Site Layout

ANALYSIS

Happy Valley Specific Plan

The Happy Valley Specific Plan assigned two land use designations for the project site: PUD-SRDR (Planned Unit Development – Semi-Rural Density Residential) and PUD-OS (Planned Unit Development – Open Space). These land use designations encompass approximately 2.27 acres for the PUD-OS area and the remaining 7.93 acres for the PUD-SRDR area.

The Happy Valley Specific Plan allows a maximum density of two acres per lot. The proposed development meets the site density requirements. The Happy Valley Specific Plan sets a minimum lot size of one acre for properties located in the PUD-SRDR district; however it also states that the site development standards (lot size, dimensions, building setbacks, etc.) may vary for “unusual site conditions as long a(s) any new standards are consistent with the intent of the Specific Plan.” (pg. 26).

The project site is unique in that a seasonal drainage bisects the property line and that the southwestern portion of the site shows evidence of land movement in the recent past. The

proposed development is sensitive to the site's unusual conditions the seasonal drainages, wetland area and the southwestern portion of the site would be located within the open space parcel. Staff has concluded that the proposal merits the exception to the one acre minimum lot size allowed by the Specific Plan.

Inclusionary Zoning Ordinance

The City's Inclusionary housing ordinance exempts projects of 15 units or less. However, the applicant is required to pay for the low-income housing fees per the Master Fee Schedule for Development Fees as adopted by the City Council.

Growth Management

The proposed residential lots covered by this development would fall under the "First Come, First Served" category of the city's Growth Management programs.

Design and Site Development Standards

Proposed Design Guidelines: The proposed design guidelines have been written to be similar to the design guidelines of both the Mariposa Ranch at Callippe Preserve and Serenity at Callippe Preserve. The design criteria contained in the proposed design guidelines are detailed and comprehensive. The guidelines include the setbacks, building height, and floor area ratio for the development and it also covers the recommended architectural styles, landscaping, fencing, etc. The detail of architectural elements, such as dormers, shutters, bay windows, roofline, etc., ensures successful translation from guideline statements to physical designs. Staff believes that the proposed guidelines provide a comprehensive level of detail and direction for future homeowners regarding all aspects of the designs of their homes.

The design guidelines also recognize the topographic constraints for Lots 2, 3 and 5, where the sites do not exhibit a knoll suitable for an area suitable for on-grade construction. To prevent excessive grading, the design guidelines include split-level requirements for these lots.

Design Guidelines Review Procedures: The review of the home designs for these lots would be administered by a two-step process.

1. An "in-house" review conducted by the development's Design Review Board (DRB) to ensure consistent to the design guidelines. The design plans would be approved by DRB before being submitted to City staff for review.

2. After receipt of the DRB approval, the proposal would then be reviewed by City staff following the review procedures set forth in Section 18.20 of the Pleasanton Municipal Code.

Having a DRB administer the first stage of design review ensures compliance with the design guidelines as well as a continuity of review among the various house designs, ensuring that the individual design works well within the design ensemble of the surrounding homes. Similar procedures have been successfully implemented in the Ruby Hill development and Mariposa Ranch at Callippe Preserve Golf Course.

Planning Commission Notification: The proposed process would create notification to the Planning Commission of the Zoning Administrator's actions on these home designs. Staff recommends the following procedures for each custom home site proposal:

1. Notice of the proposed house design application would be sent to the Planning Commission and to surrounding neighbors. This notice would provide to the Planning Commission notification of the application in the review process.
2. Notification of the Zoning Administrator's action would be forwarded to the Planning Commission with a copy of the approval letter, conditions of approval, and reduced copies of the plan set of the proposed house design including colored building perspectives and building elevations, the floor plans, landscape plans, grading plans, and/or any other design details considered to be pertinent to the proposed design.
3. A 20-day appeal period would be established.

This process would provide to the Planning Commission a comprehensive description and analysis of the application and the Zoning Administrator's action allowing a greater amount of time to appeal the project.

Grading Plan and Utilities

Grading: Grading would be performed for the storm water retention pond and the private road. Cut and fill would be performed to create the turn-around at Lots 3 and 4, however, grading on the individual lot would be done at the time of the development for each lot. The custom-designed lot would follow the design criteria specified in the design guidelines.

Utilities: A City sewer main is located at Happy Road and Alisal Road. The proposed development will need to extend the sewer to the site and connect to the City main located at Happy Valley/Alisal Road.

Geotechnical Investigation Report and Peer Review

A site specific Preliminary Geotechnical and Geologic Investigation report was prepared by TRC Lowney and a Geotechnical and Geologic Investigation report was prepared by Cornerstone, a geotechnical consulting firm. The reports identified regional seismic faults and stated that although the Verona Fault is approximately 0.4 miles northeast of the project site, it is not considered capable of generating large earthquakes.

The site is not located within an Alquist-Priolo Earthquake Fault Zone as delineated by the California Division of Mines and Geology. The State of California provides minimum standards for building design through the California Building Standards Code. The California Uniform Building Code is based on the UBC and has been modified for California conditions with numerous more detailed and/or stringent regulations. Specific seismic safety requirements are set forth in Chapter 23 of the UBC. The State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. The City implements the requirements of the California Code through its building permit process. The project will be required to comply with the applicable codes and standards to provide earthquake resistant design to meet or exceed the current seismic requirements.

The Cornerstone report investigated four debris flow-type landslides along the west and west facing slopes of the eastern ridge. The report found that these landslides appear to be relatively shallow. As shown on the proposed development plan, there is no development proposed on the southwestern portion of the site. This portion would be designated as open space. Thus, the landslides that underlay the southwestern corner of the project site are not likely to impact the proposed development.

The Cornerstone report also analyzed the site conditions in areas of slope stability, landslide mitigation, removal of existing fill, subgrade preparation, site drainage, erosion control, etc. Natural erosion is frequently accelerated by human activities such as site preparation for construction and alteration of topographic features. Grading, vegetation removal, as well as excavation and trenching for utility lines will disturb soils that could increase the rate of erosion if controls or best management practices are not in place. The City requires that all projects meet the requirements for stormwater control measures during design, construction and implementation phases of the project.

The Cornerstone report was peer reviewed by Alan Kropp and Associates, one of the City geotechnical consultants, who concurred with the report conclusions. Recommendations in site preparation and construction were included in the report and peer review comments. These recommendations are recommended conditions of project approval.

Wetland and Biological Assessment

Habitat Assessment for the California Tiger Salamander and the California Red-Legged Frog: A Habitat Assessment for the California Tiger Salamander and the California Red-Legged Frog report was prepared by Olberding Environmental, Inc., based in Concord, CA. The report cited that California Tiger Salamander (CTS) were sighted 0.75 miles east of the project site in 1999 and that adult CTS were sighted one mile north northwest of the project site in 2002. The report found that although no breeding habitat exists on the project site, but that CTS movement onto the project site could potentially occur from areas in the vicinity.

The report assessed the project site for its potential to serve as a California Red-Legged Frog (CRLF) breeding habitat. The report stated the CRLF is typically found in cold-water ponds and stream pools; thus, CRLF are unlikely occur within the project site.

Other Biological Resources: A Biological Resources Analysis report was also prepared by Olberding Environmental, Inc. Nine special-status plant species were identified as having the potential to occur on the property site based on the presence of suitable habitats. However, none of the species were observed in the field survey during the blooming season.

This report identified three special-status amphibians, including CTS, CRLF, and the foothill yellow-legged frog that have the potential to occur in the general vicinity of the project site but not within the project area. The project site has annual grassland habitat that is considered potentially suitable for the snake, but due to the lack of nearby occurrences, and shrub cover, this species is considered unlikely to be present on the site.

The report also investigated the possibilities of having special-status reptiles and mammals present on the project site. The report finds that due to the lack of nearby occurrences, these species are considered unlikely to be present on the project site.

The eucalyptus tree located off site is considered to be a suitable nesting habitat for the golden eagle, red-tailed hawk; however, it should not be disturbed by the proposed development. Tall grasses within the annual grassland habitat could potentially be used as nesting habitat by the northern harrier, however, human disturbance and graving are considered likely deterrents to this species. Additionally, the tall grassland habitat is considered potentially suitable nesting habitat for the California horned lark. However, there are no occurrences of it within five-mile radius of the project site. If nesting is observed, the report recommends that construction only be allowed outside the nesting period. Staff has included a condition to address this recommendation.

Wetland Delineation: The U.S. Army corps of Engineers Wetland Delineation report was prepared by Olberding Environmental, Inc. The report identified a total of 0.21 acres

of potentially regulated jurisdictional wetlands exist on the project site. This potentially regulated jurisdictional wetland area is located within a portion of the project site that is proposed to be the open space easement area. As such, no development is allowed to occur within the designated open space easement area.

The report has also identified two intermittent drainage features on the project site. The drainage features would interest the proposed roadway. The proposal includes a bridge with a span design. The span of the bridge would straddle over the drainage feature and would not interfere with any portion of the identified drainage features.

Tree Report

A tree report was prepared by HortScience, evaluating the potential development impacts to trees that are located within the proposed development area. The report includes an evaluation of the tree health and structural conditions, and an appraisal of the trees that are to be preserved. If a tree were damaged or destroyed due to construction activities, its value could be ascertained and fines levied.

The tree report surveyed a total of twenty-eight (28) trees that are within the proposed development area. Among them, three are valley oaks, coastal redwoods, a few pines and other species. The proposed development would remove three existing trees -- a Grecian laurel, a Glossy-leaf plum and a Holly. None of the trees that are recommended for removal are heritage-sized trees. The remaining 25 trees would be preserved.

Neighborhood Access

Access to the site is provided by the existing Happy Valley loop streets: Happy Valley Road, Alisal Street, and Sycamore Road. The proposed project would modify the existing driveway so that it would have an adequate width. The private street would be 28 feet wide which would allow for fire access and parking on one side of the street at the same time. The proposed improvements of this project would include curb on the south side of Happy Valley Road covering the site frontage.

The City limit stops at the front property line and the right-of-way is located in the unincorporated Alameda County, the project developer will need to obtain necessary encroachment permits from Alameda County for the modification of the existing driveway and the right-of-way improvement. A condition of approval has been added to address this item.

Parks: The municipal golf course is located within walking distance from the proposed development. Additionally, the public trail around the golf course is adjacent to the project site.

Fire Service: The site is located in the Fire Hazard area. As a result, the proposed new homes must be equipped with fire sprinklers and must have a Class “A” roof.

Establishment of an Association

Staff has included a condition specifying the creation of a Homeowners Association for the five lots created by this development proposal. The duties of the owners association would be limited to maintaining common area known as Parcel A which includes the private road, the bridge, the storm water retention pond and private storm water system.

The applicant has expressed concerns in establishing a HOA, in that the financial cost to establish and then to maintain a HOA, specifically the monthly HOA dues, would be considerably high. After many discussions, staff believes that a maintenance agreement, as preferred by the applicant, would not be sufficient for this development as a maintenance agreement is normally used when there is no common land involved.

PUD DEVELOPMENT PLAN FINDINGS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal. The Planning Commission must make the following findings that the proposed PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

1. Whether the proposed development is in the best interest of the public health, safety, and general welfare.

The proposed project, as conditioned, meets all applicable City standards concerning public health, safety, and welfare, e.g. vehicle access, geologic hazards (not within a special studies zone), and flood hazards. The proposed development plan is designed to be compatible with the adjacent land uses including the City Golf Course area located along the property's east.

The proposed development plan is designed in conformance with the Pleasanton General Plan and the Happy Valley Specific Plan designations for this site and all other relevant policies and programs.

Detailed geologic studies have been done in conjunction with the Happy Valley Specific Plan and with the proposed development plan which have been peer reviewed and accepted by the City Engineer. Mitigation measures have been incorporated into the project design to achieve stable slope banks and site grading.

The report did not identify any landslide or seismic safety issues pertaining to the development of these sites.

The project developer would provide a private road, bridge and infrastructure including water, storm, and sanitary sewer lines to the connections identified in the Happy Valley Specific Plan. The project developer is conditioned to improve Happy Valley Road as specified by the Specific Plan and to finance this project's share of the costs associated with area wide improvements.

Therefore, staff believes that this finding can be made.

2. Whether the proposed development is consistent with the Pleasanton General Plan.

The Happy Valley Specific Plan designates the subject property for Semi- Rural Density Residential and Open Space Land Uses with a maximum density of five units for the overall site. The Specific Plan was developed to implement the City's General Plan for the Happy Valley area and has been found by the City Council to be consistent with the General Plan policies including development outside 100-year flood zone areas, development on stable soils, construction (future) of semi-custom homes, densities consistent with surrounding properties, preservation of open space, protection of wildlife habitat, and mitigation of drainage impacts. Based on the analysis contained within this staff report, staff believes that the subject development is consistent with the Happy Valley Specific Plan. By conforming to the Happy Valley Specific Plan, the proposed project conforms to the Land Use Element of the Pleasanton General Plan.

Therefore, staff believes that this finding can be made.

3. Whether the proposed development is compatible with previously developed properties in the vicinity and the natural, topographic features of the site.

The proposed design guidelines have incorporated numerous provisions to integrate the design of the future home with deep setbacks, split-level design, open fencing, and private landscaping emphasizing native plant materials. The proposed private road has been situated in a manner which is consistent with the Happy Valley Specific Plan. The project will comply with the EIR mitigation measures in that none of the heritage-sized trees would be removed.

Staff believes that this finding can be made.

4. Whether grading takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible.

The proposed grading for the private road and the retention pond have been designed consistent with the Happy Valley Specific Plan requirements and the geotechnical report recommendations that have been prepared for the development. The split-level design specified in the design guidelines are used to reduce the amount of graded area and/or to produce graded building sites following natural topography. The location and configuration of the proposed public/private streets generally follow natural contours.

The proposed storm water retention pond will collect and pre-treat storm water run off from the development prior to entering the storm system.

Staff believes that the grading that has been proposed is effective in balancing the requirements of the Happy Valley Specific Plan and the grading that is needed to create the proposed development.

Therefore, staff believes that this finding can be made.

5. Whether streets and buildings have been designed and located to complement the natural terrain and landscape.

The subject property is not located in the Alquist-Priolo Special Study Zone. Requirements of the Uniform Building Code -- implemented by the City at the Building Permit review -- would ensure that building foundations and private road/on-site parking areas are constructed on satisfactorily compacted fill. Erosion control and dust suppression measures will be documented and administered by the City's Community Development Department.

Therefore, staff believes that this finding can be made.

6. Whether adequate public safety measures haven incorporated into the design of the plan.

The homes will be designed to meet the requirements of the Uniform Building Code, other applicable City codes, noise, energy, and accessibility requirements. Adequate access is provided to all structures for police, fire, and other emergency vehicles. Through the provisions of the Happy Valley Specific Plan and the proposed conditions of approval, staff believes that all public safety measure will be addressed.

Therefore, staff believes that this finding can be made.

7. Whether the plan conforms to the purposes of the PUD District.

The proposed PUD plan sets forth the parameters for the development of the subject property in a manner consistent with the Happy Valley Specific Plan. The proposed PUD development plan implements the purposes of the City's PUD Ordinance by providing a residential development consisting of custom-lot, single-family building sites and open space areas. Through the conditioning of the subject PUD development plan, the proposed project will substantially conform to the requirements of the Happy Valley Specific Plan and, therefore, the Pleasanton General Plan.

Therefore, staff believes that this finding can be made.

ENVIRONMENTAL ASSESSMENT

An Environmental Impact Report was prepared and certified for the Happy Valley Specific Plan.

The site has evidence of earth movements in the recent past. A Negative Declaration has been prepared. The Negative Declaration finds the proposed development would not have significant impacts on the surrounding environments.

CONCLUSION

The proposed development plan has been designed to be consistent with the Happy Valley Specific Plan. Staff believes that the proposed project has been designed in a manner that is compatible with the existing rural quality of the Happy Valley area and minimizes visual and biologic impacts to the greatest extent possible. Staff believes that the residential lotting pattern is appropriate and that a total of five home sites should be approved.

The proposed development standards/design guidelines contain numerous provisions to ensure that the design of the future homes is consistent with the rural quality of the area and with the Specific Plan. Staff also believes that the proposed infrastructure would adequately serve the proposed development while being sensitive to the existing qualities of the area.

STAFF RECOMMENDATION

Staff recommends that the Commission take the following actions:

1. Find that the project would not have a significant effect on the environment and adopt a resolution approving the attached draft Negative Declaration.
2. Find that the proposed Planned Unit Development plan is consistent with the General Plan and PUD Ordinance;
3. Make the PUD findings as listed in this staff report; and
4. Adopt a resolution recommending approval of PUD-77 to the City Council for a Development Plan approval of a five-lot residential and one space parcel project as shown in Exhibit A, subject to the conditions of approval listed on Exhibit B.

Staff Planner: Jenny Soo, Associate Planner, 925.931.5615, or email:

EXHIBIT B
DRAFT CONDITIONS OF APPROVAL

PUD-77, Dutra Trust
1053 Happy Valley Road
January 14, 2008

General Conditions:

1. The Proposed Planned Unit Development plan shall be substantially following the documents on file, list below as Exhibit "A", dated "Received September 5, 2008", on file with the Planning Division, 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.
 - Site Plan and Grading Plan dated
 - Design Guidelines
 - Habit Assessment for the California Tiger salamander and the California Red-Legged Frog by Olberding Environmental, Inc.
 - Biological Resources Analysis by Olberding Environmental, Inc.
 - U.S. army Corps Of Engineers Wetland Delineation by Olberding Environmental, Inc.
 - Tree Report by HortScience
 - Preliminary Geotechnical And Geologic Investigation by TRC Lowney
 - Geotechnical and Geologic Investigation by Cornerstone Earth Group
 - Alan Kropp & Associates peer review comments
2. Uses allowed and conditionally allowed within this PUD shall be subject to those of the Semi-Rural Density Residential (PUD-SRDR) District of the Happy Valley Specific Plan.
3. 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.
4. The project developer shall fund this development's pro-rata share of the infrastructure improvement costs specified in the Happy Valley Specific Plan and the City's adopted sewer/water policies for the Happy Valley area. All water/sewer main extensions shall be at the full cost of the project developer; however, the project developer may be entitled to reimbursement in the event this cost exceeds its share as established in the above-listed programs. Final resolution of this

project's obligations/requirements shall be made prior to the approval of a tentative subdivision map covering these units.

5. The project developer shall work with the Pleasanton Unified School District and the City Director of Community Development 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 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.
6. 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.
7. The developer shall pay the in-lieu park dedication fees prior to approval of final map.
8. This development plan shall be of no further validity and the project developer shall be required to submit the same or new development plan for City approval prior to development of the site in the event that the project developer fails to record a final parcel map within two (2) years of PUD approval.
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. The project developer shall record CC&Rs at the time of recordation of the final map which shall create a property owners association for the development. The CC&Rs shall be subject to the review and approval of the City Attorney prior to the recordation of the final map. The property owners association shall be responsible for the maintenance of Parcel A which includes the private road, bridge, storm water retention pond and the open space easement area. The CC&Rs shall include language that restricts development on the open space easement of Parcel A. The City shall be granted the rights and remedies of the association, but no the obligation, to enforce the maintenance responsibilities of the property owners association.
12. Concurrent with the recordation of a map to create five single-family residential parcels, the applicant shall record with the Alameda County Recorder's Office the following:
 - a) Designation of the area within Parcel A for an open space easement. The specific language of open space designation shall be review and approved by the City Attorney prior to recording.
13. The development's design guidelines shall be modified to require two (2) twenty-four inch box street trees per lot. Final edition of the guidelines shall be submitted to the Director of Community Development with the tentative map.
14. Any proposed phasing of this development shall be depicted on the tentative tract map and shall include narrative explaining the proposed phasing. Unless a phasing plan for improvement is approved by the Director of Community Development, the project developer shall complete all of the on-site improvements at one time, including the storm water retention pond and retaining wall. All remaining development area shall be seeded and kept in a neat and weed-free manner at all times.
15. The project developer shall submit a waste generation disposal and diversion 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 shall recycle at least fifty percent (50%) of the job site construction and demolition waste. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of final occupancy. 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 all waste disposal. Only that portion of trash and recycling waste refused by Pleasanton Garbage Service shall be disposed of or diverted by another trash/recycling company.

16. This development shall be considered as a "first-come, first-served" project for growth management purposes.
17. The project developer shall provide all buyers with copies of the project conditions of approval.

Landscaping and Irrigation System Design and Operation:

18. The project developer shall comply with the recommendations of the tree report by HortiScience, on file with the Planning Division. No trees shall be removed other than those specified for removal in the report. The project development 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. This cash bond or security shall be retained for two years following acceptance of improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.
19. At the time of each custom lot is to be developed, the project developer/property owner shall include street tree in the design review submittal. The species and spacing of the street trees shall follow the criteria stated in the Design Guidelines. Additionally, street trees shall be maintained by each lot owner.

Wetland and Biological Assessment:

20. The applicant shall strictly following the recommendations stated in "The U.S. Army corps of Engineers Wetland Delineation" report prepared by Olberding Environmental, Inc., included in Exhibit A, on file with the Planning Division. No development is allowed to occur within the designated open space easement area per the report.
21. The applicant shall strictly following the recommendations stated in "the Biological Resources Analysis" report and the "Habitat Assessment for the California Tiger Salamander and the California Red-Legged Frog" report, both prepared by Olberding Environmental, Inc., included in Exhibit A, on file with the Planning Division.
22. If nesting birds are observed, the wildlife biologist be contracted at the owner's expense and shall recommend mitigation measures to minimize the construction disturbance to the nest birds. Mitigations may include but are not limited to establishing buffers no less than fifty (50) feet from active nests until young birds have fledged the nest. The written mitigations shall be submitted to the Director

of Community Development for review and approval prior to commencement of construction.

Geotechnical and Soil

23. The applicant shall strictly following the recommendations stated in the “Preliminary Geotechnical and Geologic Investigation” report by TRC Lowney, the “Geotechnical and Geologic Investigation” report by Cornerstone, and recommendations from Alan Kropp and Associates, included in Exhibit A, on file with the Planning Division.

Building Permit Review:

24. The applicants shall obtain a building permit, and any other applicable City permits for the project prior to the commencement of any construction.
25. All dwelling units in the development shall be constructed to meet Title 24 state energy requirements.
26. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
27. The project developer shall submit plot plans for each of the residential lots showing building setbacks and a topographic plan showing grading and drainage. Pad elevations, finish floor elevations, retaining walls, easements, and maximum height of the highest structure are to be indicated on the plan. Plans for custom lots are to be signed by a registered civil engineer. All residential plot plans shall show compliance with 2907(d) and 70012(d) of the Uniform Building Code.
28. The project developer shall submit two copies of the site soils report to the Chief Building Official 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.
29. Building and situs 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.
30. The following disclosure shall be made to all potential lot/home purchasers and recorded with the deed for the lot: “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, odors, dust, chemicals, refuse, waste, unsightness, use of agricultural equipment, and traffic. Permitted agricultural pursuits conducted in accordance with good practice and maintenance are not deemed by the City of Pleasanton to be a nuisance.” Also, the recorded deed of sale for this lot shall include a clause which states that the property is next to a public trail and is adjacent to a public golf course, that the City of Pleasanton is not liable for possible damages to such impacts. This noise/dust/vibration disclosure shall be recorded in the deed of sale and a separate disclosure statement shall be provided to prospective purchasers and tenants by lot owners, developers, and future successors in interest. All sales brochures and informational sheets shall contain these disclosures.

Construction Requirements:

31. 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. If future complaints are received regarding the Saturday construction hours, the Director of Community Development may modify or revoke the Saturday construction hours. The Director of Community Development 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 Director of Community Development 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.
32. 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.
33. A temporary construction trailer shall be allowed on site during construction for use during the allowed hours of operation.
34. No construction materials shall be stored within the public right-of-way.
35. The applicants are responsible for ensuring that no debris or construction scrap material is placed on any adjoining lot or street and that any such material stored on the site shall be completely removed and the site cleaned prior to occupancy.

36. All excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
37. 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 by the California Environmental Quality Act (CEQA). A similar note shall appear on the improvement plans.
38. 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:

39. The house shall meet the fire and security requirements in Chapters 20.24 and 20.36 of the Pleasanton Municipal Code.
40. Except otherwise approved by the Fire Marshal, the home shall be equipped with an automatic residential fire suppression system with an on-site water storage tank (minimum 650 gallon capacity) and water pressure booster pump, subject to the satisfaction of the Chief Building Official and Fire Marshal.
41. The project developer shall keep the site free of fire hazards from the start of construction until the final inspection.
42. The applicants shall post address numerals on the buildings so as to be plainly visible from the adjoining streets during both daylight and night time hours. Prior to any construction, 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 with the Pleasanton-Livermore Fire District's standard specifications.
43. All curbs located within a seven foot, six inches (7'-6") radius of a public/private fire hydrant shall be painted red, unless, modified by the Fire Chief. Blue street "hydrant markers" shall be installed for all hydrants per the City of Pleasanton Standard Specifications.
44. All roadways and driveways designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code which permits towing vehicles illegally parked on the fire lanes. Where required, 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 per the Vehicle Code.

Engineering Requirements:

45. The proposed street and storm drain system shall be private and maintained by the association.
46. The water and gravity sanitary sewer mains shall be public and maintained by the City. The applicant shall dedicate to the City a Public Service Easement over the private street and extending eight (8) feet behind the street for utility boxes. There shall be individual sanitary sewer and water laterals to each dwelling unit. There shall be a two-way cleanout on the sanitary sewer lateral located at the back of the PSE.
47. With the first construction phase, the project developer shall improve the segment of the Happy Valley Road abuts the project site as specified in the Happy Valley Specific Plan. The applicant shall obtain necessary encroachment permits from Alameda County for such improvements. The applicant shall provide a copy of the permit prior to starting any on site work.
48. The project developer shall arrange and pay for the geotechnical consultant during grading and excavation. The results of the inspections shall be certified in writing by the geotechnical consultant for conformance to the approved plans and recommendations as stated in the geotechnical reports and peer reviewer’s comments for this project.
49. All overhead utilities serving the existing home and the proposed houses shall be installed underground in conduit. All utility boxes and transformers for this project shall be installed underground. All capacitor banks or switches for the project may be installed above ground if properly screened to the satisfaction of the Director of Community Development.
50. The applicant shall post with the City prior to approval of final map, an additional performance bond for all subdivision improvements that are not to be accepted by the City of Pleasanton.
51. The existing septic tank and leach field to the existing house shall be abandoned per Alameda County Health Department regulations. The existing well shall also be abandoned per Zone 7 standards unless otherwise approved by the City Engineer for landscape purposed. If the well is to remain onsite the applicant shall install a backflow devise on the domestic water service to house on which the well serves.

52. All subdrains shall have cleanout installed at the beginning of the pipe. The bottom of the pipe shall terminate in a storm drain or other storm drain outfall; subject the approval of the City Engineer. The applicant's engineer shall submit a final subdrains location map to the City Engineer prior to acceptance of the Public Improvements. It shall be the responsibility of the homeowner to relocate the subdrains, if during the excavation of a pool or other subsurface structure the subdrains are encountered. All owners within the subdivision shall receive notice of the presents of these subdrains. The City Attorney shall approve said notice.
53. The project developer shall deposit a labor and materials and performance bond with the City of Pleasanton to ensure completion of any required public 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.
54. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades, pad and finished floor elevations, and on-site drainage control measures. This plan shall be subject to the review and approval of the City Engineer, Director of Community Development, and Chief Building Official prior to the issuance of any building permits.
55. The project developer shall submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building and Safety Division permit. The amount of this bond will be determined by the City Engineer.
56. 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.
57. The project developer shall submit a dust control plan or procedure as part of the improvement plans.
58. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
59. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer that the system is adequate, connects to an approved point of discharge, meets any and all applicable requirements of the Alameda County Flood Control District - Zone 7, meets any and all applicable requirements of the Federal Emergency Management Flood Hazard Program, and meets the immediate and long-range requirements of this development.
60. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. These plans should include, where applicable, a street

tree planting plan and landscape plans for buffer strips and any right-of-way landscape areas. The irrigation plan shall provide for automatic controls.

61. 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.
62. The project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
63. Prior to the first plan check, the applicant's engineer/surveyor shall submit a preliminary copy of the Final Map or Parcel Map (whichever is applicable) 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 Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant'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 applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely, should consultant's estimate be insufficient to cover all of the consultant's time, the applicant 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.
64. All agency environmental permits shall be obtained prior to the Final Map or the issuance of a grading permit

URBAN STORMWATER RUNOFF REQUIREMENTS

65. Stormwater Design Requirements

The project shall comply with the Alameda Countywide NPDES Permit #CA50029831, a copy of which is available at the City offices.

The following requirements shall also be incorporated into the project:

- a) The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage

control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the 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 designs 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.
 - 1) Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - 2) 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.
 - 3) 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.
 - 4) Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- d) 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.
- e) Prior to approval of the final map the applicant shall post a cash security (hazard bond) as determined by the City Engineer to provide for erosion control measures for the individual lots until such time as a final occupancy is issued on the building permit.

66. Stormwater Construction Requirements

The project development shall submit a Stormwater Pollution Prevention Plan (SWPPP) 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.

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. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the 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 in 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.

67. Stormwater Operation Requirements

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) Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
- c) Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
- d) 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.
- e) 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.
- f) 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.

- g) Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

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