

Planning Commission Staff Report

August 13, 2008
Item 6.b.

SUBJECT: PUDM-87-19-03M

APPLICANTS: Dr. William and Lydia Yee

OWNERS: Dr. William and Lydia Yee

PURPOSE: Application for a major modification to an approved Planned Unit Development to allow six custom lots on an approximately 29.8-acre site, custom lot design guidelines, and off-site construction on Foothill Road in the general vicinity between Puri Court and Muirwood Drive.

GENERAL PLAN: Low Density Residential (< 2.0 du/ac) and Rural Density Residential (1 du/5 ac)

ZONING: PUD – LDR/RDR/OS (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space) District

LOCATION: 4100 Foothill Road

ATTACHMENTS:

1. Exhibit A including:
 - a. Exhibit A–1, dated “Received August 6, 2008” including an “*Overall Site Plan*”, “*Focused Site Plan*”, “*Grading and Utility Plan*”, and “*Foothill Road Access*”.
 - b. Exhibit A–2, “*Preliminary Foothill Road/Equus Court Improvements*”, dated “Received August 6, 2008”.
 - c. Exhibit A–3, “*Yee Property Estates, Draft Site Development and Architectural Review Guidelines*”, dated April 20, 2007.
 - d. Exhibit A–4, “*Landscape Design Guidelines for the Yee Property*”, dated April, 2007.
 - e. Exhibit A–5, Computer generated visual analyses.
 - f. Exhibit A–6, Slope map showing areas above/below a 25 percent slope grade dated “Received August 6, 2008”.
 - g. Exhibit A-7, Applicants’ written narrative dated “Received April 25, 2007.”
2. Exhibit B, Draft Conditions of Approval, dated August 13, 2008.
3. Exhibit C, Initial Study/Mitigated Negative Declaration, dated July 16, 2008.

4. Exhibit D, Location Map
 5. Exhibit E, Consultant Reports including:
 - a. Exhibit E-1, "*Rare Plant Survey Report, dated August 22, 2005*".
 - b. Exhibit E-2, "*Hydrograph Modification Management Plan, Yee Property, Pleasanton*", California, dated August 21, 2007.
 - c. Exhibit E-3, "*Fuel Management Plan for the Yee Parcel, Planned Unit Development, 4100 Foothill Road, Pleasanton, California*", dated April, 2007.
 - d. Exhibit E-4, "*Preliminary Geotechnical Exploration, Yee Property, Pleasanton, California*", dated October 20, 2005.
 - e. Exhibit E-5, "*Supplemental Geotechnical Exploration, Yee Property, Pleasanton, California*", dated February 22, 2006.
 - f. Exhibit E-6, "*Delineation of Potential Section 404 Jurisdictional Wetlands and 'Other Waters'*", dated October, 2006.
 - g. Exhibit E-7, "*Preliminary Tree Report, 4100 Foothill Road, Pleasanton, California*", dated October, 2006.
 - h. Exhibit E-8, "*Biological Site Assessment, William Yee Property, Pleasanton, Alameda County, California*", dated June 24, 2005.
 6. Exhibit F, Minutes of the October 10, 2007 Planning Commission work session meeting.
 7. Exhibit G, PUD development plan for PUD-87-19.
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I. BACKGROUND

The applicants – Dr. William and Lydia Yee – request a PUD development plan modification for a six-lot custom home development on a 29.8-acre site located on the west side of Foothill Road. The homes would be located in designated building envelope areas with the remaining lot area preserved as permanent open space in private ownership. Design guidelines would control the building and landscape designs. As a custom lot development, separate design review approvals will be required for each individual lot.

The Planning Commission reviewed and supported the applicants' development at its work session and provided comments. Environmental review for the proposal is covered by an Initial Study/Mitigated Negative Declaration.

II. SUBJECT PROPERTY

Subject Property

In 1989, the City Council approved 20 lots; 14 lots on the Yee property and 6 lots on the Tong property (Tract 6275 – Equus Court) under the original PUD approval (PUD-87-19). PUD-87-19 covered an approximately 50-acre property. The original development plan, attached as Exhibit G, also provided project amenities and open space area, accessed by private streets and an emergency vehicle access (EVA).

Figure 1, below, is an aerial photograph showing the boundaries of PUD-87-19 in red and the lots of Tract 6275 and Parcel Map 3692 that are part of PUD-87-19 in yellow.

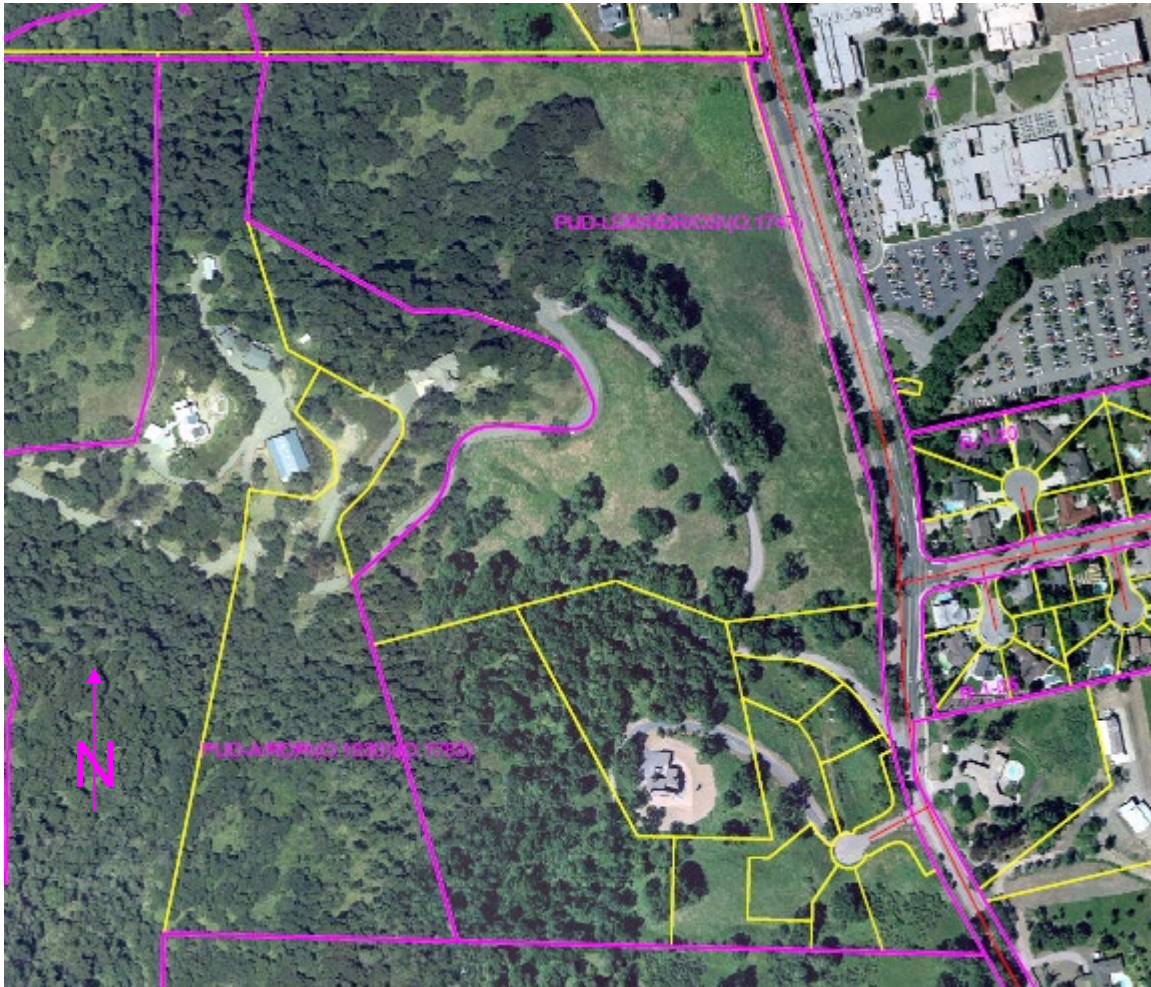


Figure 2: Aerial Photograph of PUD-87-19 with the Yee Property.

The Yee property is characterized by moderate to steep terrain with a mix of grassland, native trees including oak species, and low-scrub planting. The site undergoes periodic grazing to control the growth of grassland and low scrub. The site is visible to Foothill Road, to Foothill High School directly across Foothill Road from the subject property, to neighborhoods on the north and south sides of the site, and to some neighborhoods on the east side and easterly of Foothill Road.

Site Access

The Yee property is accessed from Foothill Road. The internal circulation from Foothill Road to the Yee property is provided by an existing private street that crosses Lots 4 through 6 of Tract 6275 on the Yee property's south side. This private street also provides access to the Fuller-Smathers properties (Parcel Map 7620) adjoining the west side of the Yee property. This street will have to be modified to accommodate the proposed driveway locations and to include a joint utilities trench serving the proposed

lots. Figure 2, below, is an aerial photograph showing the location of the site and surrounding area.



Figure 2: Location Map of the Yee Property and Surrounding Land Uses

Topography

Exhibit A-6 is a slope map of the Yee property showing the site's areas above and below a 25 percent slope grade. The project site is located in the foothill areas leading towards Pleasanton Ridge, characterized by a diverse, hillside landscape. A series of ephemeral creeks/swales drain the site to the east and to the Arroyo De La Laguna. The Arroyo De La Laguna eventually flows into Niles Creek and then to the San Francisco Bay.

The site slopes up from Foothill Road from an approximate elevation of 380 feet at Foothill Road to 660 feet at its westernmost edge. As the site slopes upward, the concentration of trees increases to the tree-covered slopes of the uphill properties and Pleasanton Ridge. Based on Exhibit A-6, approximately 70.6 percent of the site – 21.06 acres – is above the 25-percent slope grade. This exhibit also states the areas of and below the 25-percent slope line for each proposed lot.

III. SURROUNDING AREA

Surrounding Land Uses and Setting

Figure 3, on the following page, is a table describing the surrounding land uses and their land use designations.

Figure 3: Table Describing Surrounding Land Uses and Land Use Designations

Direction	Development	General Plan Designation
North	Single-family homes and open space.	Low Density Residential (< 2.0 du/ac)
East	Single-family homes and Foothill High School across Foothill Road.	Low Density Residential (< 2.0 du/ac) and Public (High School)
West	Single-family homes and open space.	Low Density Residential (< 2.0 du/ac) and Rural Density Residential (1.0 du per 5.0 acres)
South	Single-family homes.	Low Density Residential (< 2.0 du/ac) and Rural Density Residential (1.0 du per 5.0 acres)

Figures 4 through 7, following on Page 5 through Page 7, are photographs of the Yee property taken from selected viewpoints on Foothill Road.



Figure 4: Looking northwest towards the site from the entrance of Foothill Hill School.



Figure 5: Looking due west towards the site from Foothill Road.



Figure 6: Looking northwest towards the site from Foothill Road at Foothill Hill School.

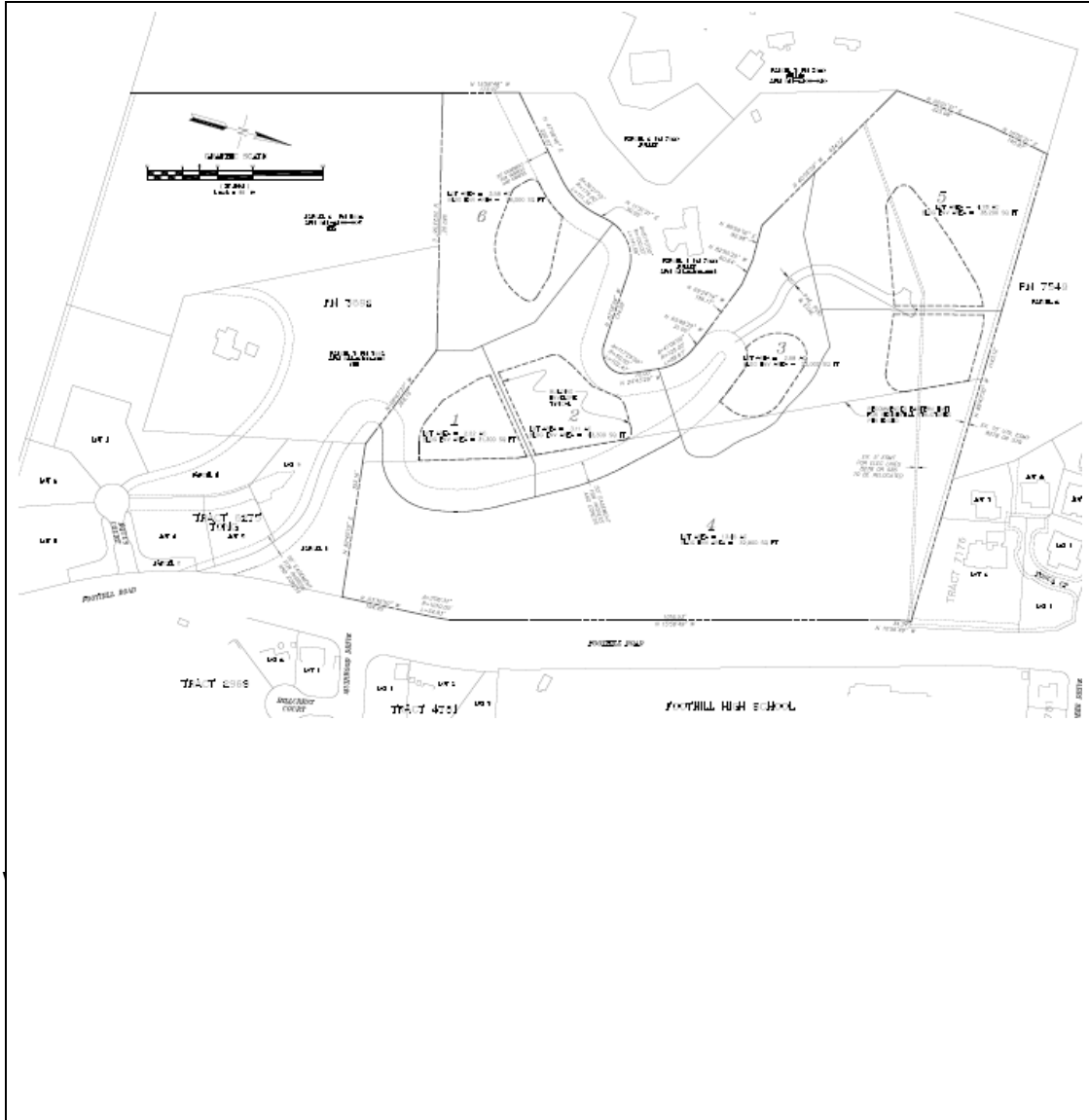


Figure 7: Looking northwest from Foothill Road at the entrance of Foothill Hill School.

IV. PROJECT DESCRIPTION

Proposal

Figure 8, on the following page, is the proposed development plan. The exhibit shows the Yee property, the lots covered by Tract 6275 (Equus Court) and Parcel Map 3692, and a portion of the Fuller-Smathers lots.



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driveways, all lot-specific development including private yard areas would be contained entirely within the building envelope area.

3. The building and landscape designs for these lots would be covered by the attached design guidelines.
4. The lots will be accessed from Foothill Road from an existing private street providing access to the six proposed lots, and to the four Fuller-Smathers lots (Parcel Map 7620) uphill and directly to the west of the Yee property and, ultimately, to the six lots of Tract 6275 and the two lots of Parcel Map 3692 directly to the south of the Yee property. The private street is located in an existing 50-foot wide easement that will remain.
5. Each lot of the proposed development would be designed to pretreat the stormwater runoff from hard surface areas before its entry into the City's storm drain system per the current NPDES requirements.

6. The existing electrical utilities from Foothill Road to the Fuller-Smathers properties crossing Lots 4 and 5 would be relocated to the joint utilities trench for Yee. The overhead utility lines would be removed.
7. Where grading is required, the cut/fill slope banks would be generally graded at a 3/1 slope, except where a steeper slope is required to match and feather the proposed grading with existing terrain.
8. A northbound left turn pocket into the site and a northbound merge lane for traffic exiting the site would be constructed in Foothill Road to the proposed project.
9. A south-bound bicycle lane would be installed in front of the project on Foothill Road from the north project boundary to the realigned entrance on the north side of Equus Court.

The PUD major modification is subject to the review and recommendation by the Planning Commission and then review and action by the City Council.

V. PLANNING COMMISSION WORK SESSION

The Planning Commission reviewed the proposal at a work session held on October 10, 2007. The minutes of the meeting are attached. The applicants and their consultants were present to speak in favor of their proposal and to answer questions. Their consultant, Joseph Gorny, was present to speak on the proposed development's building and landscape designs. There was no public testimony.

Dr. Yee and Mr. Hirst spoke on the project plans, the site history, the geotechnical report, tree preservation and removal, access from Foothill Road, and that there would be a maintenance agreement – no homeowners association – covering the private street and utilities. Mr. Hirst displayed project views from Foothill Road and from various surrounding sites.

Joseph Gorney noted that this project was different because the sites would not be graded with flat building pads because of the soil conditions and the trees; that each lot would step with the hills and would be sensitive to the environment; and that the architectural guidelines would be site-specific with grading integral to the building design.

The Planning Commission complimented the applicants on the overall concept for the proposal. The Commissions comments and directions on specific issues and areas pertaining to the "**General Plan**", "**Zoning**", "**Site Design**", "**Design Guidelines**", "**Grading/Urban Stormwater Runoff**", "**View Analyses**", "**Traffic and Circulation**", and "**Green Building Measures**", are discussed in the following "**Analysis**" section of the staff report.

VI. DISCUSSION

General Plan

Planning Commission Work Session

The Planning Commission unanimously supported the proposed project's conformance to the Pleasanton General Plan. The eight lots proposed to be removed would not be counted towards the density cap of the General Plan.

Pleasanton General Plan

Figure 9, below, depicts the land use designations for the Yee property by the Land Use Element of the Pleasanton General Plan.

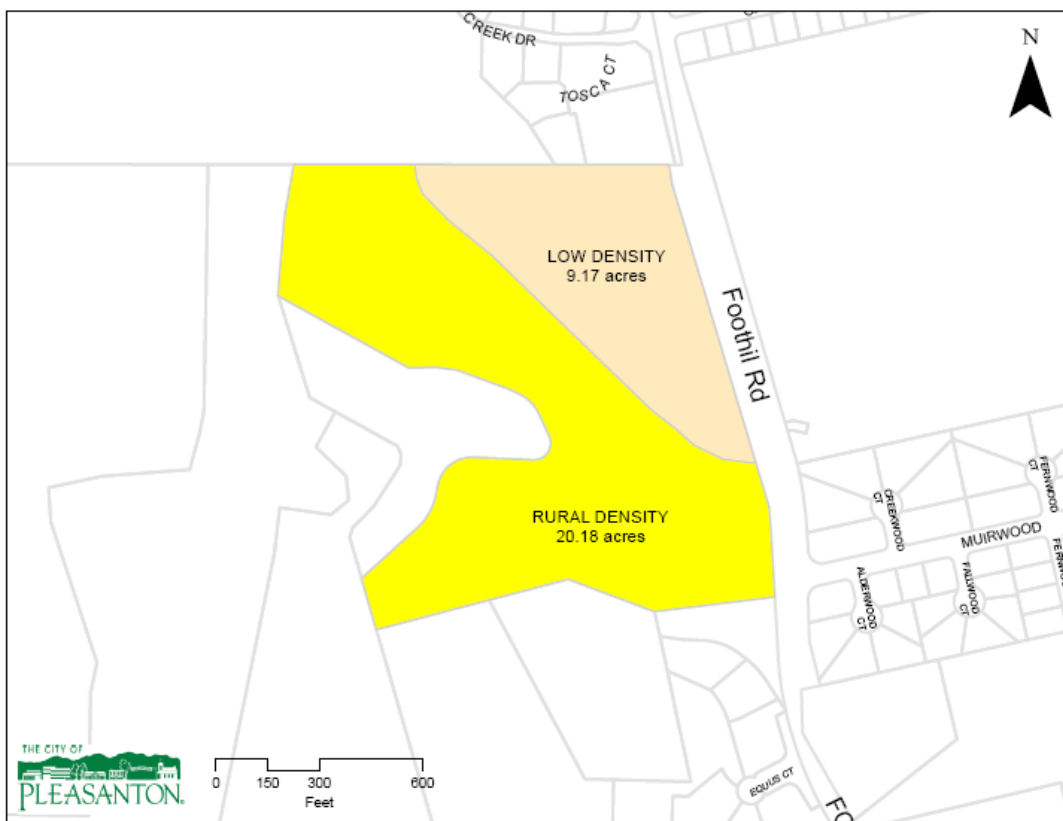


Figure 9: Land Use Designations for the Yee Property.

At six units, the proposed development is consistent with the land use designations of the Land Use Element of the Pleasanton General Plan applied to the property: Low Density Residential (< 2.0 du/ac) on 9.17 acres, equaling a maximum density of 18.34 dwelling units, and Rural Density Residential (1 du/5 ac) on 20.18 acres, equaling a maximum density of 4.04 dwelling units, for a maximum density of 22 dwelling units and a mid-point density of 13 dwelling units.

The Pleasanton General Plan encourages clustered development on hillside properties to minimize the impacts of development. The varied topography of the Yee property,

however, does not provide sufficient naturally flat or nearly flat terrain that would support a clustered development concept. If a clustered development concept were to be applied to Yee, staff believes that it would increase the potential site grading and tree removal for building pads, driveways and parking areas, private yards, etc.

In lieu of a clustered development, the applicant would provide relative small building envelopes distributed on the site with large separations of natural topography and vegetation between the building envelopes separating the homes. Staff believes that the applicant's proposal would meet the intent of the Pleasanton General Plan by distributing the homes across the site and nestling the homes into the terrain and vegetation.

An existing access gate controls the Yee property from Foothill Road and to the Fuller-Smathers properties adjoining the west side of Yee. The Pleasanton General Plan discourages the development of further gated communities as a means of encouraging community. The gate is discussed under the "**Traffic and Circulation**" section of the staff report. Note that the proposed development would still conform to the policies of the Pleasanton General Plan if the gate were to be retained. The provision of a bike lane across the project's Foothill Road is also discussed under the "**Traffic and Circulation**" section of the staff report.

Housing

Inclusionary Zoning Ordinance

For this proposal, Chapter 17.44, Inclusionary Zoning, of the Pleasanton Municipal Code states that:

"For all new single-family residential projects of fifteen (15) units or more, at least twenty percent (20%) of the project's dwelling units shall be affordable to very low, low, and/or moderate income households."

At six units, the proposed project is not required to provide a portion of its density as units meeting the above categories. The City's lower income housing fee for single-family development is approximately \$9,393.00 per unit. The applicants will be required to pay whatever the current fee at the time of building permit issuance.

California Government Code §65863, et seq.

California Government Code §65863 provides that Pleasanton cannot reduce the density of residential properties from their holding capacities identified in the City's Housing Element, unless the City finds that the reduction will not result in a net loss of density citywide and that the City can still identify "adequate sites" for development pursuant to the housing element.

The Yee property is not identified in the Housing Element. Therefore, the General Plan mid-point density of 13 dwelling units would be considered the site's holding capacity. There are four potential sites in Pleasanton not covered by an approved entitlement that

could accommodate the 7 units – the 13-unit holding capacity minus the 6 proposed units – that would be removed from the site by this proposal:

- The Staples Ranch property.
- The remaining vacant properties in the Hacienda Business Park, which would facilitate a transit-oriented development in close proximity to business park employment.
- The 45.77 acre Merritt property designated for Low Density Residential land uses with a maximum density of 92 units and a mid-point density of 46 units.
- The properties pending review under the future East Pleasanton Specific Plan. (Staff understands that conceptually, 250 units would be envisioned with this plan.)

Zoning

Planning Commission Work Session

Verify that the lot sizes meet the minimum standard of the West Foothill Road Corridor Overlay District and the lower portions of Lots 1 through 4 near Foothill Road should be left in rural open space in perpetuity.

West Foothill Road Corridor Overlay District

The West Foothill Road Corridor Overlay District, Chapter 18.78 of the Pleasanton Municipal Code, covers the subject property including the proposed modification of the approved development plan. An analysis of the project's implementation of the development standards of Sections 18.78.070 and 18.78.080 of the overlay district follow. Please note that the overlay district does provide flexibility in meeting the subdivision design standards.

Section 18.78.070, Regulations for Lots Adjoining Foothill Road.

WFRCOD: A. "The minimum lot size shall be 30,000 square feet."

Response: The proposed lot sizes vary from 3.22 acres for Lot 1 to 10.65 acres for Lot 4, with the average lot size at 4.97 acres. All lots, therefore, would exceed this minimum requirement of the overlay district.

WFRCOD: B. "A 150-foot building setback shall be provided from Foothill Road."

Response: At their closest points from Foothill Road, the proposed building envelope setbacks are Lot 1 – 340 feet, Lot 2 – 375 feet, Lot 3 – 460 feet, and Lot 4 – 260 feet.

WFRCOD: C. "Side yard setbacks shall be a minimum of 25 feet. Main structures with a building elevation facing Foothill Road of between 80 to 100 feet shall have side yard setbacks of a minimum 45 feet. Main structures wider than 100 feet shall have minimum side yard setbacks of 75 feet."

Response: The purpose of this WFRCOD standard is to provide building separations proportioned to the houses sizes, which would provide view corridors to Pleasanton Ridge from Foothill Road. However, staff does not consider this standard to be applicable to the proposed project – the large separations between the building envelopes of these lots and the lots in the area that adjoin the project site would preserve the views of Pleasanton Ridge.

WFRCOD: *D. “The maximum height for any structure shall be 30-feet, measured vertically from the structure’s lowest to highest points excluding chimneys, etc.”*

Response: The structures’ heights on the building envelopes lots will be measured from the lower building pad. This requirement of the overlay district will be reflected in the development standards of the lots and the custom lot/home design guidelines for the proposed project.

Sections 18.78.080, Subdivision Design.

WFRCOD: *A. “Lots created along Foothill Road, or any frontage road parallel to Foothill Road, shall be clustered such that natural open space a minimum of 200 feet in width shall separate the clusters. No more than three lots may exist in a cluster of lots.”*

Response: A total of six lots are proposed. The proposed building pad for Lot 1 is separated from adjoining development by 210 feet and the building pad for Lots 3 and 4 are separated from the adjoining Lemoine development by 430 and 210 feet, respectively.

The site’s existing topography does not lend itself to the creation of building clusters per sé without a relatively significant amount of grading needed to accommodate building pads, streets, parking, etc. In lieu of a lot cluster, the applicant would create relatively small building envelopes distributed across the project site with large separations of natural topography and vegetation between the building envelopes thereby separating the individual homes. Hence, the proposed site design makes the most sense given the site’s limitations in topography and natural features.

WFRCOD: *B. “Building sites within lots shall not be allowed if they are located on or near ridges, which do not have a background of Pleasanton or Main Ridges when viewed from Foothill Road. Landscaping in the form of mature trees may be allowable background for such ridgeline sites if the decision-making body finds that the landscaping will preclude the structure from dominating the skyline as viewed from Foothill Road.”*

Response: All six lots of the proposed project are located below the 590-foot to 600-foot elevation of the site. The height of Pleasanton Ridge due west of the

Yee property varies from 1,600 feet to 1,800 feet. As previously shown on Figures 4 through 6, the slopes on and behind the Yee property are predominantly tree covered.

WFRCOD: C. *“Use of individual driveways directly intersecting directly onto Foothill Road should be prohibited; combined, common-access driveways serving more than one lot shall be encouraged where topography, grading and similar considerations make such roadways feasible.”*

Response: Lots 1 through 6 will be accessed from the existing private street. All access rights to Foothill Road from the proposed lots will be abandoned upon recordation of the final subdivision map for the development.

WFRCOD: D. *“Mature, native trees within the district shall be retained to the maximum extent feasible. Where feasible, mature oak and other native species should be relocated to grassland areas planned for development in order to soften the effect of new development within the corridor. New development landscaping shall be predominantly native plant species in areas visible from Foothill Road, with lawn or turf areas in landscape schemes adjacent to Foothill Road either eliminated or hidden by native landscaping.”*

Response: Up to 168 existing trees fall within the building envelope areas. Of these trees, 81 trees including Heritage-size trees that are not considered to be suitable for preservation. The individual building sites will be subject to their own tree analysis submitted with the development application, and would be reviewed towards preserving trees. The proposed tree removal would be mitigated with the planting of suitable new species.

WFRCOD: E. *“Retaining walls visible from Foothill Road should be faced with materials compatible with the natural setting, such as natural stone or wood. Where feasible, retaining walls should be stepped. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall.”*

Response: Retaining wall design standards are covered in the building and landscape design guidelines.

WFRCOD: F. *“Open fencing shall be required, except that solid, privacy fencing may be allowed in areas of a lot not required yard areas if it is screened with landscaping.”*

Response: Fence design standards would be included in the landscape design guidelines. A design plan showing the fence locations for the building envelopes would be submitted with the tentative subdivision map for review by the Planning Commission. Privacy fencing within the envelope area would be submitted with the lot-specific design applications.

Traffic and Circulation

Planning Commission Work Session

The Planning Commission expressed its preference on the development's access to Foothill Road: reduce the number of entrances and exits onto Foothill Road by combining the Yee project's access road with the other proposals and by abandoning the current access from Equus Court to Foothill Road. The development's access to Foothill Road should avoid sensitive swales and should definitely minimize widening the right-of-way. A traffic safety analysis should be prepared for Foothill Road and several variations of the entrance design should be prepared and presented to the Planning Commission.

The Planning Commission believed the pre-existing gate to the Yee property should remain – for the reasons of security considerations, evidence of break-ins, and that this is a private road with a pre-existing gate – but that the gate should be moved to a higher location.

Traffic Analysis

The six homes would generate approximately 60 to 72 trips per day and from 6 to 7 trips during the a.m./p.m. peak commute hour. Staff anticipates that the low number of trips generated by the proposal would have a negligible effect upon Foothill Road levels-of-service and, therefore, would not aggravate the existing levels-of-service on this street and its intersections. The project developer would pay the City of Pleasanton and Tri-Valley Traffic Impact Fees and would reconstruct the development's access to Foothill Road to a 90° alignment. For these reasons, a traffic analysis was not required for the proposal.

Yee Property, Merritt property, and Equus Court Lots

Background

The angled driveway and gated access from the Yee property and the Fuller-Smathers properties was constructed by a previous owner when the subject property, with most of the area west of Foothill Road, was under Alameda County jurisdiction. With the previous PUD approval, the gate and access driveway were approved to remain as a gated Emergency Vehicle Access (EVA) route. The Equus Court lots (Tract 6275), public street, and cul-de-sac that were originally part of PUD-87-19 were partially constructed under Parcel Map 3692. The public improvements on Foothill Road required under Tract 6275 were not constructed and the subdivision agreement and improvement bonds have lapsed.

Stakeholders Meeting

After the Planning Commission's work session, staff held a stakeholders' meeting including Sam Tong (owner of the Tract 6275 lots), Dr. Yee, Ponderosa Homes, the proposed developer of the Merritt property, and their consultants – Fuller-Smathers did not attend the meeting – to discuss a coordinated design plan that would achieve the following criteria:

- Combine the entrances to their developments to reduce their number from three to two – one access to the Merritt property and one access to the Yee, Fuller-Smathers, and Tract 6275 properties.
- Maximize the distance between the locations of entrances to provide acceptable lines-of-sight to the northbound/southbound Foothill Road traffic for turning vehicles thereby alleviating the need for an additional traffic signal on Foothill Road.
- Ensure that the access driveways and the distance between driveways and public streets would provide acceptable lines-of-sight of northbound and southbound traffic for vehicles turning on/off the Merritt property and the Yee/Fuller-Smathers/Tract 6275 properties.
- Add the necessary right- and left-turn lanes, deceleration and merge lanes to/from these developments and Foothill Road.
- Minimize impacts to the existing trees, creeks, and swales that could result from widening Foothill Road.

The “*Preliminary Foothill Road/Equus Court Improvements*” is the consensus plan and is attached. Figure 10, below, is an excerpt from the plan.

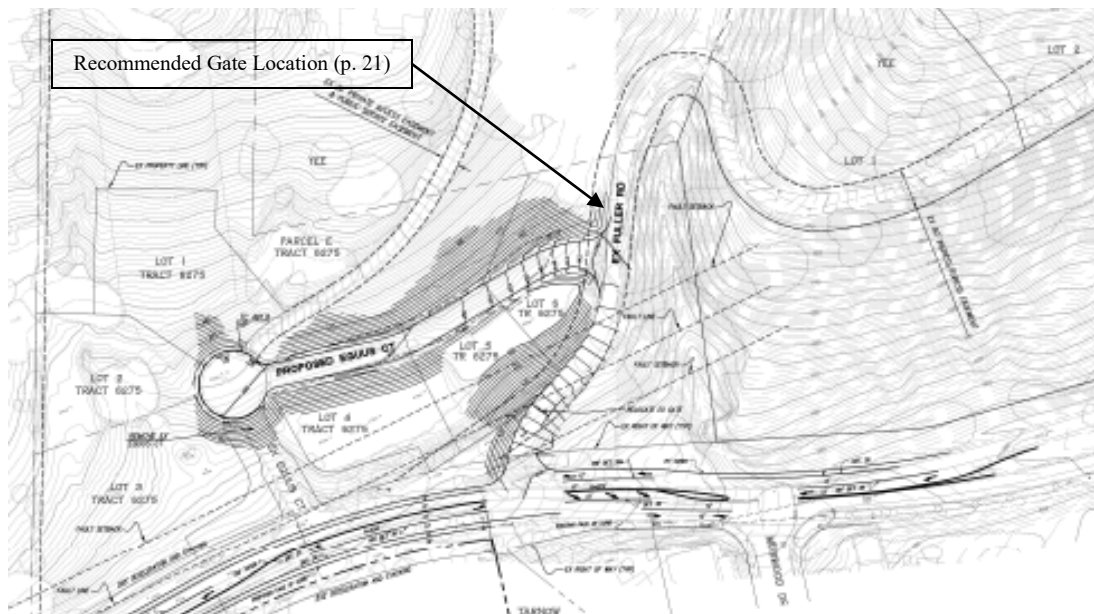


Figure 10: “*Preliminary Foothill Road/Equus Court Improvements*” plan.

The consensus plan includes the following:

- The cul-de-sac for Tract 6275 would remain and would be connected to the private street serving the Yee/Fuller-Smathers properties by a 28-foot wide private street across Lots 4, 5, and 6 of Tract 6275 located on the approximate 440-foot to the 460-foot elevation of Tract 6275.

- Equus Court would be abandoned from the cul-de-sac to Foothill Road with the Equus Court/Foothill Road street rights-of-way conveyed to Sam Tong, the owner the Tract 6275 lots. The existing public utilities in Equus Court would remain and would be retained in public service easements.
- Deceleration lanes, merge lanes, and a center, two-way left-turn lane would be constructed to serve the Merritt property and the Yee/Fuller-Smathers properties.
- A two- to five-foot tall retaining wall would be constructed along the west side of Foothill Road, in front of Lots 4 and 5 of Tract 6275, to accommodate the right-turn deceleration lane; a two- to four-foot high wall would be constructed along the southwesterly side of the private street to Yee.
- A bicycle lane will be installed along the west side of Foothill Road along the development's entire street frontage to the development's entrance where, following City practice, the bike lane would be combined with the deceleration lane to reduce the pavement width.
- Existing trees adjoining Foothill Road would be generally preserved. Fifteen trees in front of the Equus Court properties, however, would be removed to accommodate the proposed deceleration lane, merge lane, etc. The tree removal would be mitigated with the new landscaping and trees on the Yee property.

The Planning Commission requested staff provide the design options to the Commission for its review. Staff and the stakeholders conclude that the plan now presented to the Planning Commission is the best solution for the Yee, Fuller-Smathers, Merritt, and Equus Court properties. The plan represents the best solution to maximize safe ingress/egress between these sites and Foothill Road. Staff, therefore, recommends the consensus plan to the Planning Commission. Staff also believes that this plan constitutes the safety analysis requested by the Planning Commission.

The six lots of this proposal require the completion of the Foothill Road traffic improvements which, in turn, are predicated on the applicants executing ingress/egress and construction easements from Sam Tong, owner of Tract 6275, for the work that would take place on his lots. The easements have been executed. Consensus on cost sharing would be determined preliminarily at the tentative map stage. Note that if the applicants for the Yee development proceed first with the construction of their subdivision, they would be required to construct the improvements benefiting their development at their cost with a pro-rata reimbursement for any improvements benefiting the other properties.

Bike Lane on Foothill Road

Staff recommends the applicants install a bike lane on the approximately 1,400 linear feet of the project frontage of the proposed development from its northern boundary to its realigned entrance by Equus Court. The applicants concur with installing the bike lane.

Foothill Road is a designated bike route and is used by bicyclists especially on weekends. The speed and volume of Foothill Road traffic is such that bike lanes are necessary to safely accommodate bicyclists and vehicles. Completing the bike lane across the entire project frontage implements Policy 15 and Program 15.2 of the Pleasanton General Plan on bike lanes.

Policy 15: "Create and maintain a safe, convenient, and effective bicycle system which encourages increased bicycle use."

Program 15.2" "Integrate bicycle lanes or separate bikeways into street projects, wherever feasible."

It would contribute to the completion of the network of bicycle lanes in this area of the City providing a transportation link for the bicyclists of this development as well as the area to Foothill High School and to several public parks that are accessible from Foothill Road: Moller Park (5500 Pleasant Hill Road) a City park approximately 0.76 miles north of the site; Pleasanton Ridge Park (4549 Foothill Road) a regional park approximately 1.89 miles southwest of the site to the trailhead in the Golden Eagle Farms development; and, the Alviso Adobe City Park, under construction, approximately 0.46 miles south of the site. It implements the applicable policies and programs of the General Plan discussing bike lanes and would provide linkage between the area's public parks and well as between the proposed project and the area.

The bike lane on the west side of Foothill Road is incomplete. Portions of the bike lane have been constructed with the Lemoine, Moller, Golden Eagle Farms, and Laguna Creek developments. There remain sections of the west side of Foothill Road absent the bike lane because of topography, the proximity of creeks and trees, or because of the low likelihood that the property will be developed in the near future.

Installing the bike lane would require widening Foothill Road on its west side, installing a concrete curb between pavement and natural terrain, and would involve filling the existing creek swale adjoining Foothill Road and removing one existing tree. Figure 11, on the following page, is a photograph of this section of Foothill Road.



Figure 11: Section of Foothill Road where creek must be filled for bike lane.

Filling the creek swale would require review and likely permits from the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Game (CDFG). Securing these permits would be the applicants' responsibility prior to the installation of the improvements that will encroach into the creek. If a City project, the City would then be responsible for the agency permits and the cost of mitigation.

The bike lane's construction would be phased to accommodate its construction and the agencies' review as follows:

- Phase One
The applicants would widen Foothill Road to construct a south bound bike lane with curb and gutter from the northerly property line southerly to a point defined by the City Engineer where the creek adjoining Foothill Road makes it temporarily impractical to widen the road to install the bike lane.
- Phase Two
The applicants would widen the remaining portion of Foothill Road that encroaches into the creek. The applicants would receive permits from the regulating agencies prior to the second phase construction.

No more than three lots would be allowed to be submitted for design review and receive building permits before the Phase One improvements are completed and the Phase Two improvements are started.

Prior to the approval of the final subdivision map, the applicants would bond and enter into a three-year deferred improvement agreement for the Phase Two improvements

guaranteeing their installation. The amount of the bond would include construction costs, City staff costs if the City acquires the permits, the probable cost of providing mitigation as required by the regulating agencies for the impacts to the creek, and a three-year inflation factor. The amount of the bond would be determined with the final subdivision map by the City Engineer and the Director of Community Development.

The applicants question the requirement to bond for the probable staff costs for the agency permits and mitigation measures, in addition to being limited to the construction of only three lots. Bonding for the construction of public improvements is a standard City requirement of development. For this proposal, staff considers these requirements appropriate: they ensure that the responsibility to secure permits and provide mitigation is the applicants, not the City; they ensure that the improvements are completed before completion of the development; and they create a revenue stream – the sale of three lots – for the applicants that would help them pay for the development's improvements.

Existing Entrance Gate from Foothill Road

Figure 12, below, is a photograph of the existing access gate across the private street serving the Yee and Fuller-Smathers properties.



Figure 12: The existing access gate off Foothill Road to the Yee and Fuller properties.

As shown in Figure 10, the applicants propose to move the gate approximately 75 to 80 feet farther up the private street from its present location. Staff understands that the applicants and the Fuller-Smathers families want to retain the gated access for the reasons including peace and privacy, safety and security. The applicants have stated that they have been impacted by late-night partying, littering, and noise near their home, and have experienced trespassing on their property and a number of burglaries.

Program 5.3 of the Pleasanton General Plan states the following on gated communities:

Program 5.3: Discourage the development of further gated communities which inhibit the sense of greater community and make City utility and emergency services more difficult to provide.

Staff concurs with the applicants and recommends retaining the gate relocated to a point 25 feet above the future “T”-intersection to the Equus Court lots (refer to Figure 10). Staff based its position on the following:

- Staff believes that the six new lots for Yee plus the three existing Fuller-Smathers lots would not constitute a new gated community and, therefore, would not be precedent setting. (Note that the recommended location of the gate would exclude the Equus Court lots.)
- The gate’s new location would place it far enough away from Foothill Road to provide adequate “stacking” space for queued vehicles, and would provide a “hammerhead” turnaround for emergency service vehicles and motorists. The “hammerhead” would minimize grading and retaining walls, and the potential impact to existing trees.
- The applicants have been impacted by late-night partying, littering, and noise near their present home, and have experienced trespassing on their property and a number of burglaries. In the opinion of staff, this would constitute a special circumstance justifying the gate being maintained.

Conditions are stated in the draft recommendation addressing the design details of the gate. The applicants concur with the staff recommendation. The gate’s design would be shown with the tentative subdivision map application.

Private Streets, Driveways, and Parking

The applicants modified the proposed development plan to include four parallel parking spaces in two locations on the private street. The private streets would be maintained by the lot owners through a homeowners association or a maintenance association.

Lots 1 through 3 and 6 would be accessed from the existing 22-foot wide private street on the property. The width and grades of the private street can handle the expected traffic increase of this development in conjunction with the existing traffic from the Fuller-Smathers properties. The radius of the “switchback” curve by Lot 3 must be increased to Fire Department standards for its use by emergency service vehicles including fire trucks. The applicants are required to show this design with the tentative subdivision map.

Lots 4 and 5 would be accessed from a shared, 20-foot wide private driveway. A hammerhead turn-around would be installed on Lot 5 for fire vehicles. This driveway serving Lots 4 and 5 would be maintained by the lot owners.

Private Street Section

The applicants would be required to provide information determining the structural section of the existing private street serving this development. The City Engineer may, after reviewing the structural section, may require the existing street section to be rebuilt or the existing pavement overlaid with additional layers of asphalt to support the weight of emergency service vehicles or meet the minimum traffic index for the street. If reconstructed or overlaid, the private street shall retain its current width except at the first switchback by Lot 3 where the road would be widened to the Fire Department standards for turning radii.

Site Design

Planning Commission Work Session

The Planning Commission supported the overall site plan with no common open space area and without clustering so as to maintain the rural characteristics of the site. The Commission commented that:

- The proposed lot lines should be generally maintained except that the westerly lot lines of Lots 1 through 4 should be concurrent with the easterly side of the access road or easement.
- The open space areas of all lots should be privately owned, designated as open space to be designated in perpetuity or as permanent non-buildable area, and covered by strict landscape guidelines to achieve a seamless transition between properties.
- The Commission was divided on the proposed grape planting proposed on Lots 1 through 4 facing Foothill Road.

Overall Site Plan

The applicants deleted the proposed grape planting from the open space areas of Lots 1 through 4 facing Foothill Road – these areas would remain natural land – and has moved the east property lines of Lots 1 and 2 but not Lot 3 to be concurrent with the access easement or the fault zone limit line. Staff concurs with the proposed configuration of Lot 3. The easterly property line of this proposed lot corresponds to a natural opening in the tree canopy.

The entire property would be subdivided into six lots accessed from the existing private street. Factors determining the location of building envelopes on the lots include providing short driveways to the private street, minimizing grading due to the site's steep topography and minimizing impacts to existing trees, and avoiding the Calaveras fault zone. Except for Lot 4, the proposed building pads are located predominantly within the tree canopy areas to provide natural buffering and screening of the planned homes. Staff notes that the proposed locations of the building envelopes may result in some trees having to be removed for the individual lot developments. The impacts to trees for the individual building sites would be reviewed with the lot-specific design review applications.

The site design fulfills the applicable policies and standards of the Pleasanton General Plan and the West Foothill Road Corridor Overlay District for the following reasons:

- The proposed building pads are well-separated from the existing developments to the north and south, which maintains the sparsely developed character of the hillside area.
- Viewsheds of the Pleasanton Ridge and hillside areas from Foothill Road and the residential neighborhoods to the east of Foothill Road are maintained.

Open Space Area

The open space areas between the building envelopes and property lines would be privately owned. Staff has limited the open space areas to grazing activities – cattle, goats, and similar animals – as a wildland fire measure. No domestic landscaping structures including accessory structures would be allowed in the open space areas.

The means to preserve the open space areas as permanent open space in perpetuity would include a non-buildable easement on the open space area granted to the City, an open space conservation easement granted to the City or to an outside agency such as the Tri-Valley Conservancy, or a combination of these instruments. If a conservation easement is granted to an outside agency, the costs for monitoring the area would then have to be paid for by the homeowners.

The applicants are not comfortable with an outside third party because of the probable annual costs that the third party may require to administer the easement, e.g., periodic inspections of the properties to ensure that the easement language is being observed. Third party review of open space easements is a relatively standard practice that the City has used in the Vineyard Avenue Specific Plan Area, the Austin property by the Alviso Adobe, and in other areas of the City. Staff has conditioned the resolution of this question for the tentative subdivision map.

Design Guidelines

Planning Commission Work Session

The guidelines should recognize the uniqueness of each lot with each lot fitting into the development as a whole, and should be very specific in terms of house sizes, i.e., by specifying a maximum floor area ratio or a maximum square footage on each lot.

Building and Landscape Design Guidelines

Building designs for the private lots are addressed in the, “*Yee Property Estates, Draft Site Development and Architectural Review Guidelines*”, dated April 20, 2007, prepared by Joseph F. Gorny. Mr. Gorny will function as the subdivision architect peer reviewing the custom home designs. Landscape designs for the private lots and a portion of the open space area surrounding the private lots are addressed in the “*Landscape Design Guidelines for the Yee Property*”, dated April, 2007, prepared by PGAdesign, Inc.

The information contained in the design guidelines is a good first effort – for example, development standards are provided for grading, building massing, detailing, etc. – and would begin to provide the degree of detail needed to ensure the successful translation of guideline statements to physical designs. However, staff believes that the proposed

guidelines would benefit from further development, additional detail, and coordination with the other consultant reports including the tree preservation plan and wildland fire management plan. The applicants concur.

Staff has worked with the applicants to achieve comprehensive design guidelines following the Commission's directions. As conditioned, a tree preservation plan and a wildland fire management plan are required with the tentative subdivision map. Staff believes that the design guidelines should be completed in conjunction with the review of these reports and then combined with these plans and other plans applicable to the property into a single. Therefore, staff recommends revised guidelines submitted with the tentative subdivision map to the Planning Commission for its review and approval.

Review Procedures

The proposed guidelines state the design review procedures for these homes. The first review stage is peer review provided by the subdivision architect, Gorny & Associates. After this stage is completed and the subdivision architect has approved the design plans, formal application for design review approval by the Zoning Administrator would then be made to the Planning Department. With the notification of the Zoning Administrator's action sent to the Planning Commission, staff will provide the approval letter, conditions of approval, and the plan set including colored building perspectives and building elevations.

Development Standards

The proposed development standards for Lots 1 through 6 are stated in the building design guidelines. Given the large area of these lots, staff believes that the buildings on these lots can be located up to the building envelope lines given the proposed separations between building envelopes and property lines, and that the setbacks should be based on the separations from slope banks, swales/seeps, and the geotechnical building setback lines, i.e., the minimum building setback should not allow a house to encroach into these sensitive areas of the site. Therefore, staff recommends the following uses and site development standards for Lots 1 through 6:

- a. The permitted and conditional uses of the R-1 (One Family Residential) District as described under Chapter 18.32 of the Pleasanton Municipal Code.
- b. Development Standards for Primary Structures and Accessory Structures: The following building setback and height standards shall apply to the primary structures, additions to primary structures including second units, and accessory structures on these lots:
 - Building Setback – 25 feet from the edge of the driveway easement and/or 10 feet from the top-of-bank of a swale/seep or slope bank or 10 feet from the drip line of an existing tree to be preserved.
 - Maximum Height/Primary Structures – 30-feet to the ridge, 25 feet to the building wall.

- Maximum Floor Area Ratio (FAR) – 8,500 square feet, exclusive of 700 square feet of garage area, whichever is less. (Note: Garage floor area over 700 square feet will be added to the building floor area.)
- Maximum Height/Open and Enclosed Accessory Structures – 15 feet. The maximum height for any accessory structure shall be measured vertically from the lowest point of the structure to the highest point of the structure. (Note: The floor area for enclosed accessory structures shall be included in the sites' floor area ratios.)

Floor Area Ratios

The maximum building floor area is established as a maximum floor area, not as a maximum percentage of lot area. Figure 13, below, is a table illustrating the lot areas, building envelope areas, and corresponding building floor area ratios.

Figure 13: Building Floor Area Ratios Based On Lot and Building Envelope Area

Lot	Lot Area	Building Envelope Area	Lot Area FAR	Building Envelope FAR
1	2.22 acres (96,703.20 sq. ft.)	0.71 acres (30,927.60 sq. ft.)	8.88%	27.48%
2	3.11 acres (135,471.60 sq. ft.)	0.99 acres (43,124.4 sq. ft.)	6.27%	19.71%
3	2.68 acres (116,740.80 sq. ft.)	0.53 acres (23,086.80 sq. ft.)	7.28%	36.81%
4	13.45 acres (585,882.00 sq. ft.)	0.76 acres (33,105.60 sq. ft.)	1.45%	25.68%
5	4.78 acres (208,216.80 sq. ft.)	0.88 acres (38,332.80 sq. ft.)	4.08%	22.17%
6	3.58 acres (155,944.80 sq. ft.)	0.66 acres (28,749.60 sq. ft.)	5.45%	29.56%
Total	29.82 acres	4.51 acres	N/a	N/a

Staff notes that the City Council approved a maximum building size of 8,500 feet on the Austin property which were smaller lots, varying in size from 15,000 square feet to 20,000 square feet. The relatively small lot area FAR's affords the large separations between buildings.

Building Height

The applicant proposes a 30-foot maximum height to the building's ridge, measured from the existing grade contour of the site beneath the structure, and a maximum exterior wall height of 25 feet. The proposed building height matches the standards of the West Foothill Road Corridor Overlay District.

Green Building Measures

Planning Commission Work Session

The project should do more than meet the minimum required green building points, and that it would be appropriate to allow greater square footage if the green points were increased.

Green Building Measures

The minimum City standard for new single-family homes is 50 Leed points with a minimum of 10 points in each category (Resources, Energy, and IAQ/ Health). Staff has modified the green building condition with a goal of 100 green points for these custom building sites. As demonstrated with previous design applications, staff believes this number can be achieved. The green building program for these homes would be submitted with the design applications.

Staff evaluated the Commission's comment to allow greater square footage if the green points were increased. Given the site's visibility to Foothill Road, however, and the potential visibility of the individual building sites, staff believes the maximum building floor area should remain at 8,500 square feet.

View Analyses

Planning Commission Work Session

The Planning Commission supported the photographs supplied to the Planning Commission by staff and felt that these viewpoints should be used for the project's view analyses. The revised view analyses should include an additional view point from the Pleasanton Sports Park, reflect the actual building pad size and incorporate the tree line(s), and "mark out" the locations of the building pads. The Commissioners are interested in a condition stating that there be a lot-by-lot design with the actual house inserted in the photomontages.

View Analyses

View analyses are attached showing the before/after views of the project from various vantage points. The view analyses include:

- before/after views taken from the viewpoints supported by staff and the Planning Commission,
- an aerial perspective of the site, and
- conceptual design home designs based on the design guidelines.

Based upon the view analyses, Lots 1 through 4 of the proposed project will be visible from Foothill Road.

Staff believes that the view analyses provide an accurate modeling of the project. Where building designs will be governed by design guidelines, absent actual design plans, the preparation of accurate view studies is difficult. Staff, therefore, has

conditioned the proposed project to provide computer generated view studies with the lot-specific design plans, and that these visual analyses are to be peer reviewed reflecting the Commission's comment at the work session.

Fire Safety

Wildland Fire Management Plan

The preliminary "*Fuel Management Plan for the Yee Parcel, Planned Unit Development, 4100 Foothill Road, Pleasanton, California*", prepared by Wildland Resource Management is attached. This report constitutes the first phase of the Wildland Fire Management Plan for the Yee property and is referenced in the Draft Conditions of Approval. The preliminary plan creates four fuel management zones for the overall development:

- Non-Combustible Zone – 0 to 6 feet from all structures;
- Defensible Space/Landscape Zone – 6 to 100 feet from all structures;
- Roadside Fuel Management Zone; and,
- Foothill Road Fuel Management – 100 feet from Foothill Road.

The emphasis of the fire management plan is to control the potential ignition sources of wildland fires, prevent a "ladder fuel situation" where a fire can "climb" from grassland to scrub to trees to the home, maintain existing trees and tree groupings, and also allow new trees and tree groupings to buffer/screen the visibility of the new homes on these sites, if necessary.

Staff believes these goals can be achieved. The application of these standards may restrict the scope of the future proposed designs. It is for this reason that staff intends to incorporate the details and standards of the fire management plan with the building and landscape guidelines for a comprehensive integrated document. The revised plan would be submitted with the tentative subdivision map for review approval by the Planning Commission.

Residential Fire Sprinkler Systems

The proposed homes are required to be equipped with residential fire sprinkler systems. Adequate fire flow is present to serve the homes on these lots. The design of the fire sprinkler systems will be reviewed with the lot-specific design applications and building permit review. There is adequate water supply and pressure available to these sites for fire sprinkler systems without booster pumps or other special equipment.

Grading/Urban Stormwater Runoff

Planning Commission Work Session

The Planning Commission did not favor any flat pad grading.

Grading

The proposed guidelines state that the existing site grades would be retained, i.e., grading would be reduced to the minimum required to accommodate the house, driveways and parking areas, and a reasonably sized private yard area.

Urban Stormwater Runoff

The National Pollutant Discharge Elimination System (NPDES) was established in the Clean Water Act to regulate municipal discharges to the surface waters of the United States. The types of source discharges applicable to this development controlled by the NPDES program include stormwater discharge and the discharge caused by general construction activities.

The structures and paved areas on these sites would be designed to drain to bio-filter areas, swales, or comparable measures to pretreat the stormwater runoff. The stormwater would be dissipated on the lots themselves. The project will be required through the grading and building permit and construction processes to incorporate best management practices to control erosion and to prevent discharges into the City's storm drain system resulting from this development.

Based on the "Biological Site Assessment" prepared for the Yee property by WRA, Inc., the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Game (CDFG) may have jurisdiction over the intermittent and ephemeral watercourses on the property. Determination by the USACE and the RWQCB will require the preparation of a wetland delineation study that would be submitted to these bodies with the tentative subdivision map. Any impacts to a jurisdictional intermittent and/or ephemeral watercourse would likely require a 1602 Streambed Alteration permit from the CDFG.

Geotechnical/Alquist-Priolo Earthquake Fault Zone

The Alquist-Priolo Earthquake Fault Zone for the Calaveras fault traverses the lower portion of Lots 1 through 4. The site was analyzed by the applicants' consultant, Engeo, Inc., with their findings peer-reviewed by Cotton Shires and Associates under supervision by the City Engineer. The analyses determined that the site will support the proposed development in its proposed configuration with standard engineering practices, and established a geotechnical building setback line that is shown on the development plan. This setback line requires the locations of building pads and habitable structures outside this setback line, therefore, the fault zone.

The applicants are required to annex this entire development into the Lemoine Ranch Geologic Hazard Abatement District (GHAD). The project developer will prepare the necessary documentation to annex this development to the GHAD with the final subdivision map. The owners of these lots would be responsible for paying the future annual GHAD assessments for the development.

Flexible connections will be installed on the sanitary sewer and electrical lines where these utilities cross the fault zone. Water lines serving the site, however, come down from the Fuller-Smathers property and would not cross the fault zone. Additionally, all

structures on these sites, except for very small storage sheds, are required to secure a City-issued building permit utilizing the standards of the California Uniform Building Code. The California building code has been modified for California conditions with detailed regulations and requirements governing seismic building safety. The proposed project is required to comply with these codes and standards to provide earthquake resistant construction.

Construction Phasing

The proposed project would be constructed in two phases. The first phase would modify the private street on the Yee property to accommodate emergency service vehicles and to modify the ingress/egress to Foothill Road. The second phase would include the custom homes mass-developed by a single applicant or constructed lot-by-lot. Note that the two construction phases may overlap each other.

Growth Management Allocations

Development of this property would fall under the “First-Come-First-Serve” category of the City’s Growth Management program, which has an annual, non-transferable allocation of 100 units.

Construction Hours

All site improvements and house construction activities are 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. All construction equipment is required to meet Department of Motor Vehicles noise standards and be equipped with muffling devices. Construction equipment for the development of the individual lots is prohibited from parking on the private street.

The Planning Director may allow different construction hours – earlier “start-times” for specific construction activities, e.g., concrete-foundation/floor pouring, extended construction hours for interior work, etc. – if it can be demonstrated to the satisfaction of the Planning Director that the construction and construction traffic noise will not affect nearby residents. Such interior work would be considered only after the buildings’ shells are completed. If complaints are received regarding the extended construction hours, the Planning Director may modify or revoke them.

VII. PUBLIC COMMENT

Public notices were sent to all property owners within a 1,000-foot radius of the project site. As of the writing of this staff report, staff has not received any verbal or written comments from the public. All verbal/written comments pertaining to this proposal will be forwarded to the Planning Commission. The applicant has contacted the Lemoine homeowners by mail.

VIII. ENVIRONMENTAL ASSESSMENT

Environmental Review

Environmental review for the proposed project is covered by the attached Initial Study/Mitigated Negative Declaration (IS/MND). The biological analyses on that were conducted for the proposed development are attached, are part of the PUD development plan application, and include:

- *“Rare Plant Survey Report, dated August 22, 2005”*, prepared by WRA, Inc.
- *“Delineation of Potential Section 404 Jurisdictional Wetlands and ‘Other Waters’”*, dated October, 2006, prepared by WRA, Inc.
- *“Preliminary Tree Report, 4100 Foothill Road, Pleasanton, California”*, dated October, 2006, prepared by HortScience, Inc.
- *“Biological Site Assessment, William Yee Property, Pleasanton, Alameda County, California”*, dated June 24, 2005, prepared by WRA, Inc.

The reports determined that there are no known California State or Federal endangered, threatened, or rare species of flora or fauna known to inhabit the project site, nor is the site considered to be habitat area for said species. The reports did state that the fragrant fritillary and big tarplant plant species and animal species including nesting raptors and the San Francisco dusky-footed woodrat may inhabit some portions of the proposed building pad areas and recommended the preparation of further surveys. As conditioned, the building sites would be surveyed at least 30 days before the onset of construction to verify the presence of these species. If these species are identified as present on the property, the building site will be subject to a prepared mitigation plan designed to preserve and protect the affected species from construction-related impacts.

The six individual building sites will be subject to their own tree analysis with the applications for development for the purpose of locating the future homes to have minimal impact on existing tree stands. The removal of a Heritage tree will be mitigation with the planting of suitable species and will be subject to a tree removal permit subject to review by the City’s Landscape Architect.

Geotechnical and wildland fire management issues were discussed in the applicable sections of the staff report.

Staff believes that the project-related impacts are mitigated, with the mitigation measures incorporated in the project’s design or referenced with conditions of approval, and that there would be no significant or unmitigated environmental impact. Staff, therefore, believes that the Mitigated Negative Declaration can be issued in conformance with the standards of the California Environmental Quality Act (CEQA). If the Planning Commission concurs with this environmental assessment, it must make the finding that the Mitigated Negative Declaration is appropriate prior to recommending approval of the proposed project.

State Clearinghouse Review

The IS/MND and Notice of Completion (NOC) were sent to the State Clearinghouse of the Office of Planning and Research on July 28th for its CEQA review period. Where California State agencies are responsible agencies, the State Clearinghouse mandates a 30-day review period ending on August 27th, extending beyond the April 13th date of the Planning Commission's hearing. Comments have not been received from the Regional Water Quality Control Board (RWQCB) or from the California Department of Fish and Game (CDFG) resulting from the SCH referral to their agencies.

Staff notes that the project's plans and environmental reports were referred to these agencies and to the Army Corps of Engineers early-on in the process, before the SCH referral of the IS/MND, with no reply having been received to date. As conditioned, the applicants must receive all their agency permits before the City will issue its permits to allow construction to begin.

Staff notes that the environmental issues of this application have been evaluated by the applicant's consultants, the reports have been evaluated and accepted by staff, and have been addressed with the applicable conditions referenced in the staff report. Hence, staff considers the Mitigated Negative Declaration to be the appropriate environmental instrument for this applicant and that it can be issued in conformance to the California Environmental Quality Act.

The review period of the IS/MND by the State Clearinghouse will be completed before the City Council's action on the proposal. If subsequent information is conveyed to staff on the environmental status of this applicant, the information will be evaluated before the proposal goes to City Council and, if necessary, the Initial Study/Mitigated Negative Declaration will be re-circulated and the item brought back to the Planning Commission for review.

IX. 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 modification of the previous PUD development plan conforms to the purposes of the PUD District, before making its recommendation.

1. Whether the proposed development plan modification is in the best interests of the public health, safety, and general welfare:

The proposed project as designed and conditioned meets all applicable City standards concerning public health, safety, and welfare, e.g., vehicle access, and geologic hazards (new development not within a special studies zone). Public and private streets and utilities are present to serve the proposed lots on this site. Stormwater runoff will be treated on-site in bio-retention swales or comparable facilities and would not be discharged to City storm lines.

Permits will be secured from the applicable Federal and California State agencies before construction begins.

Staff, therefore, believes that this finding can be made.

2. Whether the proposed development plan modification is compatible with previously developed properties located in the vicinity of the plan:

- The proposed development plan incorporates numerous provisions – grading standards, limitations on building heights, setbacks, maximum floor area, etc., – to integrate the design of the planned buildings on these lots with the nearby single-family homes and surrounding area.
- The proposed private driveways are located in a manner which is consistent with City standards, and which provides adequate development access and emergency vehicle access.
- All house construction activities are limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

Staff, therefore, believes that this finding can be made.

3. Whether the proposed development plan modification is compatible with the natural, topographic features of the site:

- The proposed development plan is designed to reflect the site's existing topographic condition, to minimize impacts on adjoining properties, to be consistent with the requirements and geotechnical report recommendations that have been prepared for the proposed project, and to minimize grading.
- The location and configuration of the proposed lots and private driveways generally follow natural contours and respect existing trees and group.
- All private lots will be designed to drain to bio-retention areas designed to pretreat stormwater runoff.

Therefore, staff believes that this finding can be made.

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

- Requirements of the Uniform Building Code – implemented by the City at the Building Permit review – would ensure that building foundations and private street/on-site parking/driveway areas are constructed on satisfactorily compacted fill.

- Erosion control and dust suppression measures will be documented in the final subdivision map and will be administered by the City's Building and Public Works Departments.

Staff, therefore, believes that this finding can be made.

5. Whether adequate public safety measures have been incorporated into the design of the proposed development plan modification:

- Because the subject property is located in an Alquist-Priolo Special study zone for the Calaveras earthquake fault, a geotechnical analysis was conducted of the site that was peer reviewed and found to be complete by the City Engineer. The analysis identified geotechnical setback line for the property that is shown on the development plan will ensure that the future structures will be set an acceptable distance from the fault trace.
- All construction would be designed to meet the requirements of the Uniform Building Code, other applicable City codes, and State of California mandated noise, energy, and accessibility requirements.
- The project site adjoins existing public streets with adequate emergency vehicle access. All streets meet City standards and are adequate to handle anticipated traffic volumes.
- Adequate access is provided to all structures for police, fire, and other emergency vehicles.

Staff, therefore, believes that this finding can be made.

6. Whether the proposed development plan modification conforms to the purposes of the PUD District:

The proposed PUD Development Plan sets forth the parameters for the development of the subject property in a manner consistent with the Pleasanton General Plan, the West Foothill Corridor Overlay District, and with the surrounding area. The proposed PUD Development Plan implements the purposes of the City's PUD Ordinance by providing a combined development consisting of six single-family custom homes placed in designated building envelopes on very large lots. Through the proposed design augmented by the recommended conditions applied to the proposed PUD Development Plan, the project will substantially conform to the requirements for development specified in the Pleasanton General Plan and the West Foothill Corridor Overlay District.

Staff, therefore, believes that this finding can be made.

X. CONCLUSION

The proposal will reduce the density for the Yee property from 14 lots to six custom homes on large lots surrounded by permanent open space area. The proposed site

plan is designed in a manner that is sensitive and compatible with the site and nearby developments. Large, unobstructed view sheds of the Pleasanton Ridge are preserved. The proposed project implements the applicable policies and standards of the Pleasanton General Plan and the West Foothill Road Corridor Overlay District, includes comprehensive building and landscape design guidelines, and will implement the City's Green Building ordinance for residential structures. Staff, therefore, believes that the proposed development merits a favorable recommendation from the Planning Commission.

XI. STAFF RECOMMENDATION

Staff recommends the Planning Commission forward Case PUD-87-19-03M to the City Council with a recommendation of approval by taking the following actions:

1. Find that the proposed project will not have a significant environmental impact and that the Mitigated Negative Declaration is appropriate and adopt a resolution recommending approval of Exhibit C, the Draft Initial Study/Mitigated Negative Declaration;
2. Find that the proposed PUD Development Plan conforms to the applicable goals and policies of the Pleasanton General Plan; and,
3. Make the PUD Development Plan Findings 1 through 6 stated in the Planning Commission's staff report and adopt a resolution recommending approval of Case PUD-87-19-03M subject to Exhibit "B", Draft Conditions of Approval.

Staff Planner: Marion Pavan, (925) 931-5610, mpavan@ci.pleasanton.ca.us

PUD-87-19-03M
Exhibit “B”, Draft Conditions of Approval

Yee Development
4100 Foothill Road
August 13, 2008

Project Specific Conditions:

1. The six-unit subdivision including open space, public improvements, landscaping, buildings, etc., covered by this approval shall be constructed/installed substantially as shown on the development plans, Exhibit A, on file with the Planning Department, except as modified by the following conditions. Exhibit A for PUD-87-19-03M is comprised of the following:
 - a. Exhibit “A”, dated “Received August 6, 2008” including an “*Overall Site Plan*”, “*Focused Site Plan*”, “*Grading and Utility Plan*”, and “*Foothill Road Access*”.
 - b. Computer generated visual analyses.
 - c. “*Preliminary Foothill Road/Equus Court Improvements*”, dated December 6, 2007, prepared by Ruggeri, Jensen, Azar and Associates.
 - d. “*Stormwater Control Plan, Yee Property, Pleasanton, California*”, dated October 26, 2006, prepared by Engeo, Inc.
 - e. “*Rare Plant Survey Report, dated August 22, 2005*”, prepared by WRA, Inc.
 - f. “*Hydrograph Modification Management Plan, Yee Property, Pleasanton, California*”, dated August 21, 2007, prepared by Engeo, Inc.
 - g. “*Fuel Management Plan for the Yee Parcel, Planned Unit Development, 4100 Foothill Road, Pleasanton, California*”, dated April, 2007, prepared by Wildland Resource Management, Inc.
 - h. “*Preliminary Geotechnical Exploration, Yee Property, Pleasanton, California*”, dated October 20, 2005, prepared by Engeo, Inc.
 - i. “*Supplemental Geotechnical Exploration, Yee Property, Pleasanton, California*”, dated February 22, 2006, prepared by Engeo, Inc.
 - j. “*Delineation of Potential Section 404 Jurisdictional Wetlands and ‘Other Waters’*”, dated October, 2006, prepared by WRA, Inc.
 - k. “*Preliminary Tree Report, 4100 Foothill Road, Pleasanton, California*”, dated October, 2006, prepared by HortScience, Inc.
 - l. “*Biological Site Assessment, William Yee Property, Pleasanton, Alameda County, California*”, dated June 24, 2005, prepared by WRA, Inc.

- m. *“Yee Property Estates, Draft Site Development and Architectural Review Guidelines”*, dated April 20, 2007, prepared by Joseph F. Gorny.
- n. *“Landscape Design Guidelines for the Yee Property”*, dated April, 2007, prepared by PGAdesign, Inc.

Minor changes to the development plan may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits and in conformance to the CEQA determination.

- 2. The project developer shall obtain all agency environmental permits prior to the recordation of the first final subdivision map or prior to the issuance of a grading permit and shall obtain any other applicable City permits prior to the commencement of any construction, or as reviewed and approved by the Planning Division and City Engineer.
- 3. The project developer shall pay any and all fees to which the property covered by this PUD development plan approval is subject to as provided in these conditions of approval, the development agreement, or prior to issuance of any City construction permits. Owners of residential lots shall pay all applicable building permit fees for the individual lots at the time of issuance of building permit(s). The type and amount of the fees shall be those set forth in these conditions, in the development agreement, or in effect at the time the fees are otherwise paid.
- 4. All conditions of approval for this development plan shall be reprinted and included as a plan sheet(s) with the improvement plan check sets including grading, construction, and landscaping plans, which shall be kept on the project site at all times. The applicant may request these conditions of approval be attached to the plan set as a separate document which he/she is responsible for obtaining and ensuring the conditions are securely attached. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, etc. It is the responsibility of the project developer to ensure that the project contractors are aware of, and abide by, the approved plans and all conditions of approval. A modified form of this condition shall be incorporated in the design guidelines.
- 5. 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 subdivision map within two years of PUD approval.
- 6. Nothing shall prohibit the inclusion of other lot numbers not described above due to the development of engineered construction drawings.

Biological Mitigation Measures

7. The project developer shall perform the following:
 - a. If grading is scheduled to begin during raptor breeding season as defined by the California Department of Fish and Game, a qualified biologist shall conduct a pre-construction survey 30 days prior to the beginning of grading to verify the presence/absence of active raptor nests.
 - b. The project developer shall retain a qualified biologist to conduct a pre-construction survey 30 days prior to the beginning of site grading to verify the presence or absence of burrowing owl nesting sites.

Construction shall not take place if it is determined by the biologists that such construction would disturb an identified active raptor nest and/or burrowing owl nest or burrow. These statements shall be added to all site plans, grading plans, and/or improvement plans covering this development and/or the individual building sites. These same requirements shall apply to the individual home building sites and shall be added to the design guidelines covering this development.

CC&R and Disclosure Requirements

8. The project developer shall record CC&R's at the time of recordation of the final subdivision map, which shall create a Homeowners Association (HOA) or Management Association (MA) for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map.
9. The CC&R's for the project shall prohibit the parking of boats, campers, and trailers on Lots 1 through 6.
10. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include the following:
 - a. A disclosure indicating the presence of the subdrains and cleanouts and that it is the responsibility of the homeowner to relocate the subdrains if encountered during the excavation of a pool or other subsurface structure. Any relocated subdrains shall be mapped and submitted to the City for review and approval prior to relocation to determine the effect, if any, on site stability.
 - b. A disclosure indicating that the sanitary sewer gravity main, the sanitary force main, and pump stations, if required, serving Lots 4 and 5 are private utilities and shall be maintained by the individual property owners.

- c. A disclosure that the storm drain system and water lines not located within a public street is private and maintained by the HOA or MA, where applicable, by the private lot owner.
 - d. The following statement, to be included in the CC&R's and in the notice to prospective lot purchasers, that:

“You are hereby advised that this property is zoned for the day-time activity relating to the grazing of livestock to control native grassland and scrub. Some of the impacts associated with this use include, but are not limited to, noise, odor, dust, refuse, waste, unsightliness, use of equipment, and traffic. This activity conducted in accordance with good practice and maintenance is not deemed by the City of Pleasanton to be a nuisance.”
 - e. A disclosure stating that none of the properties of this development are covered by solar access easements for photovoltaic panels and/or similar equipment, and that the proposed location/existence of photovoltaic panels, etc., on adjacent properties shall not be factored into the City's review/approval of primary and accessory structures including height and location or new/existing landscaping including plant species, height, and location.
- 11. Wording for these disclosures and statements shall be submitted to the City Attorney for review and approval prior to final subdivision map approval by the City Council.
 - 12. The lot numbers shown on the face of this development plan shall be reflected on the subsequent tentative/final subdivision maps, improvement plans, engineered construction drawings, and building design applications.

Construction Mitigation Measures

- 13. All subdivision improvements and house 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 Community Development Director may allow different construction hours – earlier “start-times” for specific construction activities, e.g., concrete-foundation/floor pouring, extended construction hours for interior work, etc.) – if it can be demonstrated to the satisfaction of the Planning Division that the construction and construction traffic noise will not affect nearby residents. If complaints are received regarding the extended construction hours, the Planning Division may modify or revoke them. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.
- 14. If any prehistoric or historic artifacts, or other indications of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an

immediate evaluation of the find prior to resuming 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.

15. The project developer shall prepare a Construction Best Management Plan (CBMP) for the review and approval by the City before approval of the final subdivision map. The CBMP shall include, but is not limited, to the following:
 - a. No individual piece of construction equipment shall produce a noise level exceeding 83 dBA at a 25-foot distance from the Yee property boundary.
 - b. All internal combustion-engine driven equipment shall be equipped with exhaust mufflers maintained in good condition and appropriate for the equipment.
 - c. Stationary noise generating equipment shall be located as far as possible from sensitive receptors adjoining or located near the construction area.
 - d. Air compressors and other stationery noise sources shall be as quiet as the technology allows.
 - e. Except for security trailers staffed by licensed security personnel, 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. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
 - f. 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.

These above requirements shall apply to the individual building sites and shall be added to the design guidelines covering this development.

Development Standards

16. Lots 1 through 6 of the PUD Development Plan shall be subject to the following uses and site development standards:

- a. The permitted and conditional uses of the R-1 (One Family Residential) District as described under Chapter 18.32 of the Pleasanton Municipal Code.
 - b. Development Standards for Primary Structures and Accessory Structures: The following building setback and height standards shall apply to the primary structures, additions to primary structures including second units, and accessory structures on these lots:
 - Building Setback – 25 feet from the edge of the driveway easement and/or 10 feet from the top-of-bank of a swale/seep or slope bank or 10 feet from the drip line of an existing tree to be preserved.
 - Maximum Height/Primary Structures – 30-feet to the ridge, 25 feet to the building wall.
 - Maximum Floor Area Ratio (FAR) – 8,500 square feet, exclusive of 700 square feet of garage area, whichever is less. (Note: Garage floor area over 700 square feet will be added to the building floor area.)
 - Maximum Height/Open and Enclosed Accessory Structures – 15 feet. The maximum height for any accessory structure shall be measured vertically from the lowest point of the structure to the highest point of the structure. (Note: The floor area for enclosed accessory structures shall be included in the sites' floor area ratios.)
 - Trellis-covered arbors and/or porches up to a height of 15-feet supporting photovoltaic panels shall be exempt from the City's Administrative Design Review procedures. Design review at the Planning staff level and building/electrical permits would still be required.
17. Only the following structures, uses, and activities shall be allowed in the open space areas surrounding the building envelopes of Lots 1 through 6 of this development:
- a. The grazing of cattle, sheep, and goats. The grazing activity, animal density, and supervision shall be subject to a grazing management plan which shall be based on a combination of factors including, but not limited to, the type of animal, the age of the animals, etc. The grazing management plan shall be prepared by the applicant and shall be approved by the Planning Division before approval of the final subdivision map.
 - b. Wildland fire management conducted by the homeowner or by the Homeowners Association in the open space area and the public streets and private driveways serving the project.
 - c. Urban stormwater runoff and treatment areas if required by the Building Division and/or by the City Engineer.

Unless included in the above list, all other types of structures, uses, and activities shall be considered prohibited.

Design Guidelines

18. The project developer shall work with staff to further refine the guidelines for clear guidance to future owners regarding all aspects of the designs of these homes. The guidelines shall be coordinated with the Wildland Fire Management Plan, Tree Preservation Plan, and similar plans. The revised guidelines shall be submitted with the tentative subdivision map application and shall be subject to the review and approval by the Planning Commission with its action on the tentative subdivision map.
19. The building design guidelines shall be amended to include the requirements of the PUD development plan pertaining to individual lots and the following conditions of approval and statements:
 - a. Prior to any construction framing, the lot owner/contractor shall provide adequate fire protection facilities to the construction site(including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
 - b. The building developer shall submit a list of all green building measures used in the design and construction of the future homes on the lots covered by this approval to the Planning Division for review and approval with the building permit plans and application. The homes shall be designed and constructed to meet at a minimum 100 points using the currently adopted ACWMA's Green Points rating system (Resources, Energy, and IAQ/Health). The final green building measures shall be shown on one of the first two pages of the building permit plans submitted for issuance of a building permit. Each point identified shall have a notation showing which sheet the item can be found. 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.
 - c. The lot owner/contractor shall submit a waste management plan to the Building and Safety Division prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 50 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building and Safety Official prior to the issuance of a final building/occupancy permit. During demolition and construction, the lot owner/contractor shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The lot owner/contractor shall contact Pleasanton Garbage Service for the disposal of all waste (including all recycling materials) from the site.

- d. The height of the structure(s) on these lots shall be surveyed and verified as being in conformance to the approved building height, measured from lowest grade to the highest finished ridge and cap. Said verification is the building developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building Division.
 - e. Only natural gas burning fireplaces and/or USEPA-approved wood/pellet stoves shall be permitted in the proposed homes. This condition shall not apply to outdoor barbeque or outdoor fire pits.
 - f. Prior approval from the Planning Division must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
 - g. The approved building materials and colors for each home shall be stated on the building permit plans to the satisfaction of the Planning Division. Substitutions shall not be allowed unless otherwise approved by the Planning Division.
 - h. The electrical plans for these homes 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 permit plan set.
 - i. These conditions shall appear in the design guidelines and shall have the full force and effect of the PUD development plan and shall be implemented by the individual lot owner and their designees as conditions to the subject property.
20. The landscape design guidelines shall be amended to include the following:
- a. The lot owner/contractor shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten-feet in width, as determined necessary by the Planning Division at the time of review of the final landscape plans.
 - b. Within 1 year of occupancy, all rear area landscaping shall be installed.
- These conditions shall appear in the design guidelines and shall have the full force and effect of the PUD development plan and shall be implemented by the individual lot owner and their designees as conditions to the subject property.
21. The review and approval of the Yee Development homes shall conform to the design review procedures set forth by Section 18.20, Design Review, of the Pleasanton Municipal Code with the following exceptions:

- a. Computer generated and professionally rendered view analyses shall be submitted with the design application for the review and approval of the Zoning Administrator. The number and location of the views shall be determined by the Planning Division based on the site's location, surroundings, and terrain. At the discretion of the Planning Division, a full-size wire-frame model of the structure, installed on the site under the supervision of civil engineer or land surveyor, may be substituted for the view analyses.
 - b. With the notification of the Zoning Administrator's action sent to the Planning Commission, staff will provide to the Planning Commission copies of the Zoning Administrator's approval letter, conditions of approval, visual analyses of the proposed house, and reduced copies of the plan set of the proposed home including colored building perspectives and building elevations, floor plans, landscape plans, grading plans, and any other design details considered by the Zoning Administrator to be pertinent to the proposed design.
22. All residences in this development shall allow for the future installation of a Photo Voltaic (PV) system. Making the home photovoltaic ready shall require the following measures to be implemented with the design and 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 additional 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 "inverter" required to convert the direct current output from the photovoltaic panels to alternating current.
 - d. The home design and siting on the lot shall maximize the structure's solar exposure with broad sloping roof surfaces facing a southeast to southwest.

These measures shall be shown on the building permit plan set submitted to the Planning Director for review and approval before issuance of the 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 condition shall appear in the design guidelines.

23. Trellis-covered arbors and/or porches up to a height of 15 feet supporting photovoltaic panels shall be exempt from the City's Administrative Design Review procedures. Design review at the Planning Division level and building/electrical permits are still required. This condition shall appear in the design guidelines.

Engineering Requirements

24. The storm drainage from each lot shall be directed to the street or to an approved storm drain system in accordance with Sections 2907(b)(5) and 7012(d) of the 1988 Uniform Building Code unless otherwise approved by the Building Division and the and Safety Official and the City Engineer.
25. The design for any retaining wall or combination of retaining walls to be constructed with this development and with the private lots shall be first submitted to the Planning Division for review and approval. All retaining walls higher than four-feet from the top of the wall to the bottom of the footing shall be reviewed by a registered civil engineer. Once approved by the Planning Division, a detailed design/engineering plan and calculations prepared by a registered civil engineer for the retaining wall shall be submitted to the Building Division for review and approval before the issuance of a building permit. This statement shall be added to the design guidelines.
26. The project developer shall post with the City prior to approval of final subdivision map an adequate labor and materials performance bond and warranty bond for all subdivision improvements both public and private.
27. The project developer shall be responsible for the installation of a private street lighting system serving this development. The design and location of the streetlights shall be shown on the improvement plans to the satisfaction of the City Engineer and the Planning Division before recordation of the first final subdivision map. The streetlights shall be designed, located, and maintained to minimize their visibility from the adjoining developments and to minimize night-sky pollution to the greatest extent possible.
28. The project developer shall obtain all agency environmental permits prior to the issuance of a grading permit.
29. The applicant shall obtain the necessary off-site easements and/or agreements – worded to the satisfaction of the City Attorney, City Engineer, and Planning Division – on the lots covered by Tract 6275 and Parcel Map 7620 for any work on the adjoining properties, and shall submit these easements and/or agreements with the tentative subdivision map application before the application will be considered complete by the Planning Division. If the project developer is unsuccessful in securing these easements within the two-year time period of the PUD development plan approval, the tentative map will not be approved because it is incomplete and the development plan would then expire.
30. The project developer shall post with the City prior to approval of the final subdivision map, an additional performance bond for all subdivision improvements that are not to be accepted by the City of Pleasanton, i.e., private subdivision improvements.

31. The project developer shall construct any retaining walls along the private road serving the lots covered by this approval behind the Public Service Easement (PSE) subject to the review and approval of the City Engineer and/or the Building Division.

Grading

32. Except for the proposed slopes adjoining the private driveways of Lots 3 to 6 that match existing topography, all cut and fill slopes shall be graded at a 3:1 (horizontal-to-vertical) slope. If intended to match existing topography, slopes steeper than this maximum grade may be allowed by the City Engineer and the Planning Division with the documentation provided by a licensed geotechnical engineer stating that the slope will remain stable. A modified form of this requirement shall be reflected in the design guidelines.

Private Street Construction and/or Modification

33. The project developer shall relocate the existing entrance gate on the private street from Foothill Road to a point measured 25 feet from the west leg of the future street to Tract 6275. The design details shall be submitted with the tentative map application. The gate shall be equipped with a remote control mechanism to permit emergency activation from the communications console at the Police Department. This shall consist of direct connection hardware, radio control, or other mechanism approved by the Police Department.
34. The six lots of this development may be gated at their driveways. The locations and design standards for private gates of the lots' driveways shall be addressed with the revised design guidelines and/or shown with the tentative subdivision map to the satisfaction of the Planning Commission.
35. The project developer's engineer shall determine the structural section, including the "R" values of the existing subgrade, of the existing private road/driveway serving this development. This information shall be submitted with the tentative map. After reviewing the structural section and "R" values, the City Engineer may require the existing street section to be rebuilt or the existing pavement overlaid with additional layers of asphalt concrete by the applicant to support the weight of emergency service vehicles or meet the minimum traffic index for the street. The improvements for this private street shall comply with City Standards as determined by the City Engineer. If reconstructed or overlaid, the private street shall retain its current width except at the first switchback by Lot 3 where the road shall be constructed to meet the Fire Department standards for turning radii.

Public Street Construction and/or Modification

36. The project developer shall install all Foothill Road frontage improvements including the realigned entrance. The improvements shall include widening the

west side of Foothill Road to construct a south bound bike lane, curb and gutter. Said improvements shall extend from the northerly property line of the development, southerly to the realigned private street/driveway access to the applicant's six lots.

37. The project developer shall complete the improvement plans for the entire Foothill Road frontage including the portion on the adjoining property to the realigned entrance. The applicants may construct these improvements in two phases. The first phase may include the section from the northerly property line southerly to a point defined by the City Engineer where the creek running along the side Foothill Road makes it temporarily impractical to widen the road for the bike lane, and the portion of Foothill Road for the deceleration lane to realigned driveway entrance. The second phase shall include the section of Foothill Road along the creek.
38. The project developer shall apply for and receive permits from the regulating agencies prior to the installation of the second phase improvements that will encroach into the creek adjoining the west side of Foothill Road.
39. Prior to City Council approval of the final subdivision map, the project developer shall post bond and shall enter into a three-year deferred improvement agreement for the second phase improvements guaranteeing their installation. The amount of the bond shall include the construction costs, costs if the City is required to acquire the permits, the probable cost of providing mitigation as required by the regulating agencies for impacts to the creek, and a three-year inflation factor. The amount of the bond shall be determined by the City Engineer and the Director of Community Development after review of the estimates supplied by the applicant's consultants.
40. No more than three lots will be allowed to be submitted for design review and receive building permits before the Phase I improvements are completed and the Phase II improvements are started, as determined by the City Engineer.
41. The project developer shall construct the street improvements to Foothill Road shown on the alignment plans titles, "Associated Plan Fuller Road Alternate" prepared by Ruggeri, Jensen, and Azar, dated December 6, 2007. These improvements shall be shown on the improvement plans submitted with the tentative subdivision map to the satisfaction of the City Engineer.
42. The project developer shall provide the typical street section and the driveway sections of Lots 4 and 5 on the tentative subdivision map. The sections shall include the street widths, location of the existing sanitary sewer line, and the proposed location of the other utilities, i.e., storm drain line including drainage inlets, water main including fire hydrants, joint trench including light lights and utility boxes.

43. If the roadway of the private street is required to be reconstructed by the City Engineer, the street shall have subdrains installed at edge of pavement on the uphill side of the street unless otherwise approved by the City Engineer. The subdrains shall be shown on the improvement plans submitted with the final subdivision map for review and approval. The subdrains shall be connected to the storm drain system or shall be drained by other means determined to be acceptable to the City Engineer
44. Requests to install street lights on the private street serving these lots shall be subject to the review and approval of the City Engineer and the Planning Division. The street lights shall be low-level, full cut-off type fixtures designed, installed, and maintained so as not to be visible from Foothill Road. Maintenance of the fixtures shall be the responsibility of the Homeowners Association or Maintenance Association for this development.
45. The project developer shall construct City standard vertical concrete (P.C.C.) curbs and gutters within this development unless otherwise approved by the City Engineer.

Public/Private Utility Installation and/or Modification – Water

46. The project developer shall connect the water main for the lots of this development to the existing private water main serving the Fuller/Smathers properties. The applicant shall execute an agreement with the owner of the Fuller/Smathers water main consenting to the use of the Fuller/Smathers main and its extension thereof for the residents of this development. The extended water main shall be private and shall be maintained by a Homeowners Association or Maintenance Association including the Fuller/Smathers lots and the lots within this development. Evidence of the agreement shall be submitted to the satisfaction of the City Engineer and the Planning Division before the tentative map application can be determined complete.
47. The project development shall install a water meter at each lot of this development, including the Fuller/Smathers properties, and shall install a master water meter on the Fuller/Smathers water line where it connects to the City's water main. The City will read the master meter and the meters of the individual water meters of the Fuller/Smathers lots and the lots of this development and will bill the Homeowners Association (HOA) the cost of the total water usage based upon the reading of the master meter. It will then be the responsibility of the HOA to bill the individual lot owners for the differences between the City's master meter and the individual private water meters.
48. The master meter that the applicant is responsible for furnishing and installing shall be a "Fireline" type meter installed in an appropriately sized vault with acceptable lid, each to be approved by the City Engineer. The sizing and manufacturer of said meter will be determined by the City Engineer but will take into consideration the need to accurately measure all domestic, irrigation and fire

flows that are anticipated within the Yee development and any existing or new homes within the Fuller/Smathers development or property. In addition, applicant will be responsible for furnishing and installing an “excess flow” type valve on the Fuller/Smathers private water system pipeline at a location and type acceptable to the City Engineer. The project developer shall be responsible for the cost of any additional telemetry equipment, wiring or SCADA improvements necessary to connect and properly monitor the aforementioned equipment within the City’s existing SCADA system.

49. A maintenance agreement for the water main shall be submitted for review and approval of the City Attorney and the City Engineer prior to the approval of the final subdivision map. The agreement shall include the provision, if the City of Pleasanton is contacted by the residents or the Homeowners Association regarding the maintenance and/or repair of the private water line and the City water crews are called out to investigate the problem, if it is determined that the City’s public water supply is not responsible for the problem, the HOA shall be responsible for the cost of City water crews on a time and materials basis.
50. The water main shall be designed, installed and inspected in accordance with City Standards including the installation of pressure reducing stations as determined by the City Engineer to reduce and maintain the water main pressure at or below 120 psi. The specifications for the water main shall be submitted with the Improvement Plans submitted with the Final Subdivision Map for approval of the City Engineer.
51. Unless otherwise approved by the City Engineer, the water mains for this development shall be constructed of welded steel pipe or of ductile iron pipe with T.R.-flex fittings. The project developer shall retain a certified inspection firm to inspect the pipe installation and to certify the pipe welds or the flex fittings to the satisfaction of the City Engineer before closing the trench. The entire water main system shall be protected from corrosion with a Cathodic Protection System (CPS), designed and inspected by a corrosion engineer registered in the State of California to the satisfaction of the City Engineer. The project developer shall provide copies of the inspection reports to the City Engineer before closing the trench.
52. The project developer shall design and install the water main for this development to provide for the extension of a private water main to the lots of Tract 6275 to the south. The details shall be shown on the improvement Plans submitted with the final subdivision map for the review and approval by the City Engineer and the Planning Division. The agreement for the maintenance of the water main with the Fuller/Smathers owners shall allow for the annexation of Tract 6275 owners into the water agreement.
53. A minimum, two-inch diameter water main with a pressure reducing valve shall be provided to each lot, unless otherwise approved by the City Engineer. The water meter box on the water lateral shall be located by the side of the private

street off the pavement. The approved locations for the laterals and boxes shall be shown on the Improvement Plans submitted with the Final Subdivision Map to the satisfaction of the City Engineer and the Planning Division.

Public/Private Utility Installation and/or Modification – Sewer

54. The project developer shall revise the sanitary sewer lateral to Lots 4 and 5 to include individual force mains and grinder pumps for each of the homes on these lots. The sanitary sewer pumps and force mains shall be private and shall be maintained by the individual property owners. A permanent disclosure of this fact shall be recorded over these lots with the recordation of the final subdivision map. Wording for the disclosure shall be submitted to the City Attorney and the City Engineer prior to recordation of the final subdivision map.
55. The existing sanitary sewer main shall remain private and shall be maintained by the Homeowners Association (HOA) created for this purpose including the four Fuller/Smathers properties directly to the west of this development. Prior to submittal of the tentative map application to the Planning Division, the project developer shall execute a written agreement with the Fuller/Smathers stating their consent of the use of this sanitary sewer main by the residents of this development, and Fuller/Smathers participation in the HOA. Evidence of the agreement shall be submitted to the satisfaction of the City Engineer and the Planning Division before the tentative map application can be determined complete.
56. The project developer shall install a two-way cleanout on the sanitary sewer lateral to each lot.

Public/Private Utility Installation and/or Modification – Electrical

57. The project developer shall underground the existing electrical lines traversing the project site along its northerly boundary line as part of the development.
58. All utility boxes, transformers, capacitor banks, and/or switches for this development shall be installed underground in conduit. Their locations and design details shall be shown on the improvement plans submitted with the final subdivision map for review and approval. The capacitor banks or switches may be installed above ground, if properly screened subject to the review and approval of the Planning Division.

Subdrains

59. Where an existing drainage swale will be filled, the project developer shall provide subdrains unless otherwise recommended by the Developer's Soils Engineer and approved by the City Engineer. The subdrains shall have a cleanout installed at the beginning of the pipe, and the bottom of the pipe shall terminate in a storm drain or other storm drain outfall subject to the approval of

the City Engineer. The project developer's engineer shall submit a final subdrain location map to the City Engineer prior to acceptance of the public improvements for this development. It shall be the responsibility of the owner(s) of these lots to relocate the subdrains, if the subdrains are encountered during the excavation of a pool or other subsurface structure.

60. The perimeter of all building foundations shall be designed with subdrains. The subdrains shall have a cleanout installed at the beginning of the pipe, and the bottom of the pipe shall terminate in a storm drain or other storm drain outfall subject to the approval of the City Engineer. It shall be the responsibility of the owner(s) to relocate the subdrains, if the subdrains are encountered during the excavation of a pool or other subsurface structure.

Existing Trees

61. To mitigate the potential significant impacts on trees from the site preparation and development activities, the project developer shall prepare and submit the following to the Planning Division for review and approval before the City Council's action on the final subdivision map:
 - a. An updated tree analysis based on the "*Preliminary Tree Report, 4100 Foothill Road, Pleasanton, California*", dated October, 2006, prepared by HortScience, Inc., shall implement the applicable provisions specified in the City of Pleasanton's Tree Preservation Ordinance, and shall include, but is not limited to, the following:
 - A map based upon the final subdivision design showing the tree locations superimposed over the lotting plan and grading plan including all cut/fill areas showing the trees to remain, to be removed, and the trees that may be impacted by grading.
 - A listing of every tree covered in the above-stated map stating its species, caliper, health, significance, and valuation.
 - The 10-foot grading setback lines from the canopy areas of the trees to be preserved and the trees that may be impacted from development that will also function as the location for fence lines to protect these trees.
 - The type of fencing that will be used to fence the trees.
 - g. The following statements addressing tree protection:
 - Prior to the commencement of construction including any alteration of existing topography, a sturdy chain-link fence shall be installed a minimum of 10 feet beyond the tree driplines shown on the HTMP. No material storage, vehicle parking, etc., may occur inside the fence. The dripline shall not be altered in any way so as to increase the encroachment for construction.

- No excavation, grading, drainage, and leveling shall occur within the dripline of any preserved tree unless approved by the Planning Director, the City Engineer, and the consulting arborist.
- No disposal or depositing of oil, gasoline, chemicals, or other harmful materials is allowed within the root protection zone of the preserved trees or in drainage channels, swales, or areas that may lead to the dripline.
- No wires, signs, or ropes may be attached to any tree that is part of this development including the permanent open space area.

The CC&Rs and the design guidelines covering Lots 1 through 6 shall include the above statements in their wording.

62. The project developer shall post cash, letter of credit, or other security satisfactory to the Planning Division in the amount of the valuation of each tree identified in the plan should any work, utilities or otherwise, be conducted within an area in which potential impacts may be anticipated. This cash bond or security shall be retained for two years following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. In the event any trees are destroyed or substantially damaged, an arborists' assessment, at the developer's expense, shall be required to determine the value of the damage or loss and the resultant sum paid to the City's Urban Forestry Fund or used for the suitable mitigation by planting specimen trees on-site, as determined by the Planning Division.
63. To compensate for the habitat values lost from the removal of blue oak woodland, heritage-size, and non-heritage size trees due to the development, the project developer shall replace these trees removed with development, with a combination of 15-gallon and 24-inch box-size native specimen trees at a replacement ratio and locations to be determined by the Planning Director and the City Landscape Architect. The trees shall be shown on the construction drawings to the satisfaction of the Planning Division.
64. Utility services and irrigation lines shall be located outside of the root protection zones of the trees to be preserved.
65. The project developer shall retain the services of a certified consulting arborist to monitor the project site and the health of the trees to be preserved during construction and grading activity. A modified form of this condition applicable to the developer of individual lots shall appear in the design guidelines.
66. The Planning Director and the City Engineer shall be notified by the consulting arborist on-site of any damage that occurs to an existing tree designated to be preserved during construction so that proper treatment and/or replacement may be administered. Replacement shall be based on the trees' valuation and shall be administered as replacement trees or payment of funds to the City's Urban

Forestry Fund, or both. A modified form of this condition shall appear in the design guidelines to address the existing trees on private lots.

Fire Safety and Mitigation Measures

67. The Yee development is located in the “Special Fire Protection Area” noted in the Pleasanton General Plan; is located outside the five-minute response time standard; and is located in a high wildland fire hazard area. For this reason, the project developer and/or future lot owner/contractors shall be subject to the following requirements as reviewed and approved by the Fire Marshall:

- a. All residential structures, detached garages, cabanas, secondary dwelling units, etc., on the development covered by this and future approvals shall be equipped with automatic fire sprinkler protection. Plans and specifications for the automatic fire sprinkler system(s) including the alarm system, waterflow and valve tamper, etc., shall be submitted to the Building and Safety Division for distribution to the Livermore-Pleasanton Fire Department for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).
- b. The project developer shall submit an Urban/Wildland Interface Fire Management Plan (UWIFMP) including a wildland/urban interface risk assessment prepared by a qualified forester covering the private lot landscape and building designs for review and approval by the Fire Marshall. The UWIFMP shall include the following:
 - Define on a lot by lot basis the construction methodology to protect the exposure on all sides of a home that would be exposed to a wildland fire including, but not limited to, fire-safe exterior building and roof materials, buffer setbacks from natural grass areas, and the measures adopted under the City’s Wildland/Urban Interface Ordinance.
 - Define the landscaping types, non-combustible deck construction and/or limitations on combustible deck construction, and other unique requirements that will enhance the fire protection and defensible space around the home.

The measures covering private lot development shall be incorporated into the development’s design guidelines. The measures covering the open space area will be incorporated into the City’s management/maintenance plan of the open space area.

- e. The existing private street and the emergency vehicle access within the building envelopes shall be designed with turning radii that conform to City standards where it is connected to the private road.
- f. Emergency vehicle turnarounds shall be provided at every lot. The turnarounds can be provided as part of the driveway aprons for these lots. A

single turnaround can be provided with the overall road layout in lieu of the separate turnarounds.

These items will be shown on the preliminary improvement plans submitted with the tentative subdivision map application and/or with the individual building designs for these lots.

68. Except for the private driveway aprons, all public and private roads/driveways shall be designed to carry a minimum H-20 road load rating under all weather conditions.
69. All public/private streets 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 the towing of vehicles illegally parked on the fire lanes. Fire lane curbs shall be painted red with "No Parking, Fire Lane, Tow Away Zone" or "No Parking, Fire Lane, Tow Away Zone" signs shall be installed as required by the Vehicle Code.
70. The building(s) on the lots covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted to the Pleasanton Building Department for review and approval prior to installation. The fire alarm system, including waterflow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).
71. The Fire Marshall and the Building Division shall approve the number, type, and location of all public fire hydrants.
72. The private street, if designated a fire lane by the Fire Marshall, shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code, which permits towing vehicles illegally parked on the fire lanes. Fire lane curbs shall be painted red with "No Parking, Fire Lane, Tow Away Zone" or "No Parking, Fire Lane, Tow Away Zone" signs shall be installed as required by the Vehicle Code.

Geotechnical Requirements and Mitigations

73. To mitigate the potential effects of seismically induced ground shaking at the project site, the design and construction of all structures on the lots covered by this approval shall conform to the current standards defined in the most recently adopted California Building Code and shall implement the recommendations of the preliminary geotechnical investigation report and the design-level geotechnical report to be submitted with the improvement plans. This statement shall appear in the residential design guidelines.

74. The project developer shall arrange and pay for a geotechnical engineer to inspect and approve all subdivision improvements including, but not limited to, retaining walls, drainage improvements, NPDES measures, geotechnical mitigations, etc., during construction to ensure that the recommendations have been properly incorporated into the development. The geotechnical engineer shall be on-site to monitor all grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be inspected and certified in writing by the geotechnical engineer for conformance to the approved plans and geotechnical report and shall be submitted to the City Engineer for review and approval prior to the issuance of the first building permit for a home.
75. The lot owner/contractor for each custom home site shall arrange and pay for a geotechnical engineer to inspect and approve all building site improvements including, but not limited to, foundations, retaining walls, drainage improvements, NPDES measures to the extent practical, geotechnical mitigations, etc., during construction to ensure that the recommendations have been properly incorporated into the development. The geotechnical engineer or his/her designee shall be on call and shall monitor grading, excavation, and home construction operations. The results of the inspections and the as-built conditions of the project shall be inspected and certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and shall be submitted to the Building Division for review and approval prior to final inspection. This statement shall appear in the design guidelines.
76. With the recordation of the final subdivision map, the project developer shall annex this development to the Lemoine Ranch Geologic Hazard Abatement District (GHAD). The project developer shall be responsible for preparing all necessary documentation including any expenses of the City's geotechnical engineer for the GHAD. The project developer shall be responsible for paying a "catch-up" payment to the GHAD assessments and any expenses of the City's geotechnical engineer prior to the approval of the final subdivision map. The GHAD engineer shall also determine if there should be a different assessment for these new lots. The project developer and/or lot owners shall be responsible for paying the future annual GHAD assessments for the development.
77. The project developer shall comply with the recommendations of the following geotechnical reports:
 - a. *"Preliminary Geotechnical Exploration, Yee Property, Pleasanton, California"*, dated October 20, 2005, prepared by Engeo, Inc.
 - b. *"Supplemental Geotechnical Exploration, Yee Property, Pleasanton, California"*, dated February 22, 2006, prepared by Engeo, Inc.
78. The project developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the

plans or as otherwise acceptable to the Building Division that the final development plan is in conformance with the geotechnical report approved with the project.

79. Where the water main crosses the Alquist-Priolo fault zone, the project developer shall install flex couplings and valves on both sides of the fault zone to isolate the water line. The details shall be shown on the improvement plans submitted with the final subdivision map for the review and approval by the City Engineer and the Planning Division.
80. The developed project site shall be maintained through an ongoing Slope Management Program (SMP) and a Plan of Control (POC), administered by the Geologic Hazard Abatement District (GHAD). The project developer shall submit the SMP and POC, prepared by an approved geotechnical consulting firm with budgets and assessments funding the GHAD to the City Engineer for review and approval prior to approval of the final subdivision map for this development.

Urban Stormwater Design Requirements

81. The project shall comply with the Alameda Countywide NPDES Permit #CA50029831, a copy of which is available at the City offices. In addition to the Standard Urban Stormwater Runoff Requirements for compliance with the Alameda County NPDES Permit, the project shall also comply with the Permit's Hydro Modification requirements as approved by the Regional Water Quality Control Board for Alameda County.
82. 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-retention swales and areas shall be designed 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-retention 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 the first grading permit for the development covered by this approval.
 - b. The project developer shall submit sizing designs criteria to treat stormwater runoff at the time of the grading plan submittal.
 - c. Public and private 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.
 - Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that

are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required.

- Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.

The CC&Rs and the design guidelines covering Lots 1 through 6 shall include the above statements in their wording.

- d. Bulk construction materials stored outdoors that may contribute to the pollution of storm water runoff shall be covered as deemed appropriate by the City Engineer and/or the Building Division. The CC&Rs and the design guidelines covering Lots 1 through 6 shall include this statement in their wording.
- 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. The CC&Rs covering Lots 1 through 6 shall include this statement in their wording.
- f. Unless otherwise approved by the City Engineer, there shall be no direct roof leaders connected to the storm drain system. The CC&Rs and the design guidelines covering Lots 1 through 6 shall include this statement in their wording.

Urban Stormwater Construction Requirements

- 83. The project developer 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.
- 84. The project developer and then the homeowner after building occupancy is responsible for implementing the following measures during all construction phases of the project and the lots covered by this approval:
 - a. The project developer and/or the homeowner shall include erosion control/storm water quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to,

hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer and/or the Building Division as applicable. The project developer is responsible for ensuring that their contractors and sub-contractors are aware of and implement these measures.

- b. All graded lots shall be revegetated and stabilized after completion of grading, but in no case later than October 15th. The hydroseed mixture shall consist of the following species and rate-of-cover: crimson clover (20.0 lbs/acre), California poppy (3.0 lbs/acre), valley lupine (5.0 lbs/acre), farewell-to-spring (2.0 lbs/acre), and African daisy (2.0 lbs/acre). The hydroseed mixture shall be specified on the subdivision's grading plans and the building permit plans for review and approval by the Planning Director.

The hydroseeding shall be accomplished before September 15th and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15th. No grading shall occur between October 15th and April 15th unless approved erosion control/storm water quality measures are in place, subject to the approval of City Engineer and/or the Building Division as applicable. Such measures shall be maintained until such time as building construction begins.

- 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.

The CC&Rs and the design guidelines covering Lots 1 through 6 shall include the above statements in their wording.

Urban Stormwater Operation Requirements

85. Unless otherwise determined by the City Engineer and/or by the Building Division, the project developer and/or the individual owners of Lots 1 through 6 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. The property owner shall be responsible for maintaining the bio-swales on their lots and any other stormwater treatment measures determined to be required by the City Engineer. The 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. All storm drain inlets, if provided, shall be clearly marked and maintained with the words "No Dumping – Drains to Bay."
 - c. Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
 - d. The CC&Rs covering Lots 1 through 6 shall include the statement, "No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinsewater from cleaning tools, equipment or parts into the private, on-site storm drains.
 - e. The CC&Rs covering Lots 1 through 6 shall include the statement, "All private on-site storm drains shall be cleaned by the property owner at least twice a year with one cleaning immediately prior to the rainy season."
 - f. The vegetated bio-retention swales on Lots 1 through 6 shall be mowed and the clippings removed on a regular basis by the Property Owner.

The CC&Rs and the design guidelines covering Lots 1 through 6 shall include the above statements in their wording.

Tentative Map

86. With the tentative subdivision map, the project developer shall set forth the maintenance areas and responsibilities of the proposed development. The project developer shall record CC&R's at the time of recordation of the final subdivision map, which shall create a Homeowners Association (HOA) for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The HOA shall be responsible for the maintenance of all private utilities, wildland fire and buffer areas, and other common areas/facilities on the site. The City shall be granted the rights

and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.

87. The project developer shall show with the tentative subdivision map application the building envelopes superimposed on the lots.
88. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include the following:
 - a. The following statement, signed by the future homeowner stating, that:

“You are hereby advised that this property is surrounded by land zoned and/or used for the day and night-time activity relating to livestock grazing and the keeping of livestock. Some of the impacts associated with this use include, but are not limited to, noise, odor, dust, chemicals, refuse, waste, unsightliness, use of agricultural equipment, and traffic. Permitted agricultural pursuits conducted in accordance with good practice and maintenance are not deemed by the City of Pleasanton to be a nuisance.”

Wording for these clauses and/or disclosures shall be submitted to the City Attorney for review and approval before City Council approval of the first final subdivision map for this development and shall be recorded over the project site by separate instrument.

89. With recordation of the final map, the project developer shall abandon access rights to Foothill Road.

Standard Conditions:

90. Conditions 92 through 114 shall be copied to the building and landscape design guidelines to the satisfaction of the Planning Director before their approval.

Subdivision Sales/Model Home Complex

91. A subdivision sales office/model home complex shall be allowed. The location shall be such that it will minimize the impact on adjoining occupied dwellings, and shall not be located closer to the westerly project boundary line than Lot 1 of the subdivision. The sales office shall be required to provide either a paved or all weather surface as reviewed and approved by the Planning Director and the City Engineer. Parking shall be provided on site if there is inadequate street parking available. In all cases, provision for a paved handicap space shall be required in accordance with all federal and local ADA requirements. The design plan shall be reviewed and approved by the Planning Director before installation. The sales office/model home shall provide utilities, irrigation, and landscaping.

Building Conditions

92. The owner/contractor shall obtain a building permit from the Building Division and any other applicable City permits for the lot development prior to the commencement of any construction including grading.
93. The owner/contractor shall pay any and all fees to which the property may be subject prior to issuance of a building permit. The type and amount of the fees shall be those in effect at the time the building permit is issued.
94. The building permit plan check materials for the individual homes will be accepted for submittal only after the design review approval for the residence becomes effective, unless the owner/contractor submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design is significantly changed. In no case will a building permit be issued prior to the effective date of the ordinance.
95. All structures covered by this approval shall be constructed to:
 - Meet Title 24 state energy requirements, and
 - Comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
96. The owner/contractor shall submit two copies of the site soils report to the Building Division for third party peer review and shall pay for such review at the time specified by the Building Division, but in all cases before the issuance of a grading permit.
97. Prior to final building permit inspection and occupancy, a final inspection and approval by the Planning Division is required in order to confirm that all conditions of approval prior to occupancy have been satisfied.
98. Prior to the first framing inspection, the height of the primary structure shall be surveyed and verified as being in conformance to the approved building heights shown on the building permit plan sets. Said verification is the owner's/contractor's responsibility and shall:
 - Be performed by a licensed land surveyor or civil engineer.
 - Be completed and provided to the Planning Division.
 - Reviewed and determined to be correct by the Planning Division.

Fire Department Requirements

99. The project developer and the owner/contractor of the individual lots shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24) and this PUD approval for the subdivision/lots.

100. The owner/contractor shall keep the construction site free of fire hazards from the start of lumber construction until the final inspection.
101. All curbs located with a seven-foot, six-inch radius of a public/private fire hydrant shall be painted red, unless, modified by the Fire Chief. Blue street "hydrant markers" shall be installed for all fire hydrants per City of Pleasanton Standard Specifications.

Engineering Requirements

102. All utilities required to serve the development covered by this approval shall be installed underground.
103. The paving sections for the private drive areas shall be designed on the basis of an R-Value test and a traffic index to carry the anticipated traffic loads.
104. The project developer and/or owner/contractor shall submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering permit. The amount of this bond will be determined by the City Engineer.
105. The project developer shall dedicate to the City or have dedicated to the for street right-of-way purposes those parcels of land intended to be public streets.
106. The project developer shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer or other easements, which may be designated by the City Engineer.
107. The haul route for all materials to and from this development and the individual lots shall be approved by the City Engineer prior to the issuance of an encroachment permit.
108. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by an HOA or MA to the satisfaction of the City.
109. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
110. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer and Zone 7, where applicable. The storm drainage system shall connect to an approved point of discharge and shall meet any and all applicable requirements of the Alameda County Flood Control District – Zone 7, and the requirements of this development.

111. Electric power distribution, gas distribution, communication service, cable television, and any required alarm systems shall be installed in conduit, underground in a joint utility trench approved by the City Engineer.
112. Any damage to existing public street improvements during construction on the subject property including the individual lots 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. This condition shall not be applicable to the private street accessing Lots 1 through 6. This condition shall appear in the design guidelines.
113. The project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.

< End >