EXHIBIT F

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, ALAMEDA

ORDINANCE NO. 1832

AN ORDINANCE APPROVING THE APPLICATION OF CENTEX HOMES FOR PUD DEVELOPMENT PLAN APPROVAL AS FILED UNDER CASE PUD-05

WHEREAS, Centex Homes has applied for PUD development plan approval to allow: the construction of 19 single-family, detached homes within a 14.9-acre "low density residential" portion of the site; up to four second units constructed above detached garages on one model; relocation of the caretaker unit to the "open space" designated area of the Berlogar lot; and creation of the "hillside residential" regulations for the Chrisman and Berlogar existing home sites located at 1944 and 2190 Vineyard Avenue; and

WHEREAS, zoning for the property is PUD District; and

WHEREAS, this action is covered by the Environmental Impact Report prepared for the Vineyard Avenue Corridor Specific Plan; and

WHEREAS, at its meeting of May 9, 2001, the Planning Commission recommended approval of the proposed project; and

WHEREAS, a duly noticed public hearing was held on June 5, 2001; and

WHEREAS, the City Council finds that the PUD development plan meets all applicable requirements of the Pleasanton Municipal Code, the Vineyard Corridor Specific Plan, and the General Plan.

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Approves Case PUD-05, the application of Centex Homes for PUD development plan approval to allow the construction of 19 single-family, detached homes within a 14.9-acre "low density residential" portion of the site; up to four second units constructed above detached garages on one model; relocation of the caretaker unit to the "open space" designated area of the Berlogar lot; and creation of the "hillside residential" regulations for the Chrisman and Berlogar existing home sites located at 1944 and 2190 Vineyard Avenue, subject to the conditions shown on "Exhibit B," attached hereto and by this reference incorporated herein.

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

Section 3: This ordinance shall be effective thirty (30) days after the date of its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of City of Pleasanton on June 5, 2001,

ADOPTED at a regular meeting of the City Council of City of Pleasanton on June 19, 2001 by the following vote:

AYES:	Councilmembers – Ayala, Campbell, Dennis, Michelotti, and Mayor Pico
NOES:	None
ABSENT:	None
ABSTAIN:	None

Tom Pico

TOM PICO, MAYOR

ATTEST:

Marsha B. Schmiegel

for Peggy L. Ezidro, City Clerk

APPROVED AS TO FORM:

Michael H. Roush

Michael H. Roush, City Attorney

Exhibit "B"
Conditions of Approval for PUD-5, Centex Homes' Apperson Ridge
City Council
June 5, 2001

Development Plan Approval

1. The development plan shall be as shown on the "Apperson Ridge, PUD-5 Submittal," dated "Received, May 4, 2001" and other exhibits listed below, collectively described as Exhibit "A," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to this development plan.

   a. Conceptual Street Scene
   b. Sheet 1, Preliminary Development Plan, Apperson Ridge
   c. Sheet 1, PUD and Preliminary Grading Plan
   d. Sheet 1, Trail Exhibit for Lot 22
   e. Sheet 1, Caretaker Home Relocation – Utility and Development Area Exhibit – Berlogar Property
   f. Sheet 1, Chrisman Property Exhibit for Utilities, Fire Access, and Development Area
   g. Sheet L.1, Apperson Ridge, Street Tree Plan
   h. Sheet L.2, Apperson Ridge, Model Home, Lot 16 and Section "A"
   i. Sheet L.3, Fence and Wall Details
   j. Sheet L.4, Planting Details
   k. Sheet T.1, Apperson Ridge, Tree Replacement Plan
   l. Exhibit a, Apperson Ridge, HOA Landscape Management Plan
   m. Vineyard Corridor Lots 19, 21, 22, and 23 – Tree Removal and Replacement Plan Table, updated April 19, 2001
   n. Apperson Ridge (LDR) Architectural Building/Floor Plans and Elevations, dated July 28, 2000.
   o. Centex Homes Green Building Proposal, updated March 9, 2001
   p. Excerpt from the October 26, 2000 Letter from Turnbull Griffin & Haesloop Architects with Recommendations for Apperson Ridge, Vineyard Avenue (PUD-05)
   q. Color and Materials Board, dated July 31, 2000

Uses

2. The uses of the various parcels within the project shall be as follows:

   a. The LDR-designated portion of the project (Lots 1-19) shall be subject to the following uses:
      (1) Permitted Uses:
         (a) single-family detached housing
         (b) household pets
         (c) accessory structures and uses
         (d) small family day care home
      (2) Conditional Uses:
         (a) nursing home for not more than six patients
         (b) home occupation
         (c) large-family day care home
         (d) second unit
      (3) The above-listed uses shall have the meaning as defined and/or interpreted for uses in the R-1 districts of the Pleasanton Municipal Code. Other uses listed in the R-1 districts of the Pleasanton Municipal Code may be either permitted or conditionally permitted if the Planning Director finds that such uses do not conflict with the requirements of the Vineyard Avenue Corridor Specific Plan.

   b. The "designated development areas" of the Chrisman and Berlogar remainder parcels shall be classified "Hillside Residential" and shall be subject to the following uses:
      (1) All those permitted and conditional uses of the LDR-designated lots as shown in subsection (a) above.
      (2) All those permitted and conditional uses of the "Open Space" areas as shown in subdivision (c) below when a lot includes both open space and hillside residential designations.

   c. The "Open Space" designation shall apply to all parts of the Berlogar and Chrisman remainder parcels which are not designated "Hillside Residential" and shall be subject to the following uses:

      (1) Permitted Uses:
         (a) livestock grazing
         (b) vineyards, orchards, and other row crops
         (c) horticulture
         (d) the keeping of animals, as follows:

(i) for lots of at least five acres of open space, one swine per 2.5 acres; maximum of eight animals

(ii) for lots of at least five acres of open space, one large fowl (goose, turkey) per acre; maximum of ten animals

(iii) for lots with at least 1.5 acres of open space,
- fifty small fowl (chickens, duck, Guinea fowl) or rabbits per acre;
- one head of cattle, horse, or donkey per 1.5 acres;
- one sheep or goat per 0.75 acre;
- any other farm animal subject to the type and quantity approved by the Planning Commission

(2) Conditional Uses:

(a) winery and wine-tasting facility

(b) stable, pen, or similar facility for the keeping of farm animals by community agricultural clubs

(3) Notwithstanding the above, the Berlogar remainder parcel shall be allowed one head of cattle and/or horse per 1.5 acres or 20 head, whichever is greater; the Chrisman remainder parcel shall be allowed one head of cattle and/or horse per 1.5 acres or 15 head, whichever is greater.

d. Until such time as subdivision construction begins on the property, agricultural uses as specified in Section IV.C.(1)(a)(1h and i) of the Vineyard Avenue Corridor Specific Plan shall be allowed on LDR-designated sites.

Development Standards

3. Development standards for the LDR lots shall be as follows:

a. Specific regulations governing this PUD are as follows:

Standard	LDR
Front yard	30 feet
Side yard	15 feet
Street side yard	20 feet
Rear yard	30 feet
Primary building height	30 feet

Where the PUD development plan specifies a setback less than that shown above, the development plan setback is allowed; however, any future addition or accessory structure shall meet the above-listed standard.

b. Unless otherwise specified in subsection (a) above, all site development standards shall be those of the R-1-10,000 District.

c. Building height shall be measured from the lowest elevation of the structure to the highest elevation of the structure. Exceptions for chimneys and similar roof features shall be those of the R-1-10,000 District.

d. Trellis-covered arbors and/or porches up to a height of fifteen feet (15' 0") 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 shall be required.

e. Lots 1-5, 11-16, and 19 shall have single-story homes. No second story additions shall be allowed on these lots.

f. No accessory structure and no re-grading shall occur within the natural slope portion of Lot 17 located southerly of the house.

g. No accessory structure, play equipment, or other above-ground facility shall be placed on, and no re-grading shall occur on, the sloping portion of the rear yards of Lots 1-5; this areas shall be maintained as landscaped open space consistent with the landscape plan.

4. Development standards for the Hillside Residential/Open Space Lots shall be as follows:

a. Site development standards shall be those of the R-1-40,000 district for structures within the "designated development area." For the open space portions of the lot, the site development standards shall be those of the A district. Setbacks for both shall be measured from actual lot lines, not the "designated development area" boundary.

b. New structures within the hillside residential areas shall be limited to 25-foot high, single-story units and should be sited to be screened from off-site views.

c. The standard City design review process shall be followed for structures/improvements, following those of the R-1-40,000 District for hillside residential area structures/improvements and those of the A District for those in open space designated areas.

Specific Development Plan Modifications

5. The development plan shall be modified as follows:

a. Lot Layout

The following modifications shall be shown on the tentative map for City review and approval:

(1) Eliminate the "bulb" at Lot 11 and move this house as close to the reconfigured "A" Street as feasible.

(2) Modify Lot 5 by grading it to an approximately 458-foot pad grade, lengthen the lot (to about the 445-foot contour), and reconfigure the "J" ditch to drain from a high point at a point midway behind Lot 4 to "A" Street to the north at about the 445-foot elevation. Lot 5 should be graded to drain to "A" Street at its northeast corner.

(3) Place the area generally between the 420-foot contour and "B" Street into a separate, HOA-owned parcel. This is to be landscaped as a wildlife corridor and overland storm drainage release corridor.

(4) Create separate parcels for HOA-maintained areas behind Lots 11-16, 6-10, and along Lot 6 and the southerly side of "A" Street southerly of Lot 6. This area shall be sufficient to serve both as a tree-planted open space buffer and fire management buffer. Final determination of the width of these buffer areas shall be subject to review and approval by the Planning Division prior to approval of the final map.

(5) Incorporate a flat, minimum five-foot wide shoulder along the loop street between the Vineyard trail and Lot 6 which can accommodate horse traffic.

(6) Include as street right-of-way the area between the loop street and the Brozosky property line from the Vineyard trail upslope for about 100 feet.

b. Street Configurations

The following modifications shall be shown on the tentative map for City review and approval:

(1) Eliminate the large "bulb" at the Lot 11 curve of the loop road; some widening for turning purposes is allowed.

(2) The Chrisman private road shall include either widening or turn-outs, as deemed necessary by the Planning Director after consultation with the Fire Department, from the end of the new road to the house.

(3) The Berlogar private road, including the caretaker's unit driveway, shall be widened to allow intermittent turn-outs where feasible, as deemed necessary by the Planning Director after consultation with the Fire Department. A satisfactory turn-around shall be included at the end of the road. The intersection of the caretaker driveway and Berlogar driveway shall be modified to improve sight distance and maneuverability. This entire roadway shall be paved and may be extended along the dirt road to the "flat" located beyond the caretaker's unit site.

(4) The road serving Lot 17 shall be graded/paved across its frontage, with the final slope to be determined in conjunction with the final map.

(5) The loop road ("A" Street) in front of Lots 12-16 and southerly of Lots 1 and 6 shall be 28 feet wide, curb-to-curb, with parking on one side only.

(6) "B" Street shall be widened to 28 feet, curb-to-curb, with parking allowed on only one side, and shall be a City street (not a private street).

(7) There shall be a "hammerhead" turnaround at the end of "B" Street satisfactory to provide fire truck turnarounds; a gate shall be allowed on the Berlogar remainder parcel access road at a location which does not interfere with this turnaround.

(8) "A" Street shall have a monolithic sidewalk, built to City standards along its westerly side for its full length. If feasible, rolled curbs shall be used in conjunction with this sidewalk.

c. Preliminary Grading Plan

(1) Lot 5 shall have a pad height of approximately 458 feet and shall be graded to drain to its northeast corner. (The house proposed on this lot may be reconfigured to provide garage access from the "side street" along its northerly border.)

(2) Lot 17 shall be filled to a height which equals the oak tree trunk-ground elevation along the rear of the lot; the retaining wall shown to protect the tree's root system may be retained if recommended by the arborist.

(3) A swale shall be installed between Lot 16's new boundary and the private road, using 3:1 side slopes; this swale shall incorporate an overflow drain connecting the creek near the headwall area under the new Berlogar driveway to the swale. The swale at the creek should be low enough to prevent flooding of the Berlogar driveway (about elevation 415 feet)

in the event the storm drain capacity is exceeded or is reduced due to blockage.

(4) "J ditches" shall be installed as determined necessary by the City Engineer; these shall generally be located at the locations shown at the rear property lines of Lots 1-5 and above the rear property lines of Lots 6-10, Additional "J-ditches" shall be installed as recommended by the project's geotechnical report and/or the City Engineer, typically to minimize surface flows from descending more than 30 feet uninterrupted over reconstructed cut or fill slopes. "J-ditches" shall be designed to have no ditch running vertically downslope. Sub-surface drains, coupled with overload releases to open space swales, shall be used where "J-ditches" cannot feasibly end at streets. Erosion control measures, including replacement of topsoil on cut/fill slopes, artificial erosion control (mats and other fabric matting, etc.), and hydroseeding appropriate for the future landscape plan, shall be used to minimize the "J-ditches" required.

(5) Lot 19 shall have its house set back from the Vineyard trail sufficiently to not require reconstruction of the slope bank along this lot-trail boundary.

(6) All open space area graded slopes shall undulate and vary in slope and contour so as to appear natural.

(7) The grading scheme just southerly of Lot 6 shall be modified to grade cross-slope to daylight near the existing swale, minimizing the 460-foot to 450-foot northerly trending graded slope shown in the exhibit.

d. Landscape Plan

The proposed landscape plan shall be modified as follows:

(1) The number of trees along the Vineyard trail shall be substantially reduced, instead planting several clusters of native oaks; final plans shall be a part of the Vineyard Trail landscape plan and installed by others.

(2) The final grading plan shall strive to save those oak trees along the Vineyard trail which are located at the toe of slope; an arborist's recommendation should be sought given the final grading plan configuration.

(3) The number of native trees at the fence line of Lots 1-5 and alongside the eastern edge of "A" Street opposite Lots 12-16 shall be increased in order to create a more informal, undulating edge condition. The number of 36-inch box size trees shall be increased to a minimum of two per lot frontage.

Trees selected to be compatible with back yard use and of an installed height of 12-15 feet shall be planted along the hinge point of the graded rear yard areas of Lots 1-5 and in the front yards of Lots 12-16, the goal to provide significant, immediate defusing of views of the one-story homes from locations to the east (new Vineyard Avenue, Stanley Boulevard).

(4) Trees shall be planted behind Lots 6-10 in the common area, along the lower, westerly side of the Chrisman driveway, and behind homes on Lots 11 and 13-16 with a goal of providing immediate backdrops to these houses.

(5) Large trees shall also be planted between the houses on Lots 1-5 and 12-16 to soften the house edge effect; these shall be located so as to minimally interfere with future homeowner use of side yard areas with the intent being to have these trees remain long term.

(6) Shrubs and trees shall be planted within the wildlife corridor created opposite Lots 17-19 which are appropriate to large and small animal passage.

(7) Shrubs within the 3:1 regraded areas shall be minimized, installed generally only within the wildlife corridor and to soften/screen retaining walls visible from "A" Street and at project entries.

(8) All landscaping designed to have a screening function shall be subject to final review and approval by the Planning Director. Modifications to the final landscape plan may be required by the Planning Director at the time of actual planting in order to ensure that the trees as delivered and planted achieve the screening function desired.

(9) The deer cages installed around the initial planting shall be modified to a minimum height of six feet.

(10) The shrub, groundcover, and vine species shall be modified to include several native deer-resistant varieties.

(11) The final landscape plan shall include additional trees within the homeowners' association buffer zone lying southerly of Lot 6.

(12) The wire fence between the Chrisman remainder parcel and the homeowners' association parcel located behind Lots 6-10 shall be extended northerly across the Chrisman driveway and extend downslope to intersect the existing fence along the Berlogar driveway, the final location of which shall be reviewed and approved by the Planning Director.

e. Building Architecture

(1) The proposed buildings shall be modified to incorporate the recommendations included in the excerpt from the October 26, 2000 letter from Turnbull Griffin & Haesloop Architects. Final review and approval shall be made by the Planning Director prior to issuance of building permits.

(2) Painted surfaces of the primary wall areas of the buildings shall be a minimum of 40 percent on the gray scale.

(3) Garage doors should be painted predominantly in the same wall color unless the garage doors are not visible from off-site. Trim on garage doors is acceptable.

Caretaker's Unit

6. The caretaker's unit site shall be as shown on the development plan. Prior to its development, the site shall be determined to be acceptable as a result of a focused geotechnical study of the site and access road. The unit shall be subject to design review by the Planning Commission. When sited, it shall provide room for a 20' access road to pass it in order to connect the planned EVA to the Konig property. Landscaping appropriate to its setting shall be included.

Second Units

7. This PUD Development Plan approval shall function as a conditional use permit for the second units which may be constructed at the time of initial construction, as shown on the Apperson LDR house plotting plan. The following requirements shall apply:

a. Only one (1) residential unit on the subject property may be rented. The other unit shall be owner-occupied. The dwelling's owner shall be signatory to any lease for the second unit. The second unit shall be occupied by no more than two (2) adults, although there shall be no limit on the number of children. The project developer shall prepare a deed restriction to this effect for these lots and shall submit it to the City Attorney for review and approval prior to recordation of the first final subdivision map.

b. In no case shall the second unit be sold, subdivided, or held under different legal ownership from the primary residence.

c. One (1) off-street parking space shall be made continuously available to the occupant(s) of the second unit for parking. In the event that the occupant(s) of the second unit own and operate more than one (1) auto, all vehicles shall be accommodated on-site.

d. The project developer shall install address signs that are visible from the street, clearly indicating that two (2) separate units exist on the parcel. The project developer shall obtain the new street address for the second unit from the Planning Department.

The second units for these lots shown on the house plotting plan shall constitute the only second units approved with this PUD Development Plan. Any future second unit located on another lot covered by this PUD Development Plan approval shall be required to secure a Conditional Use Permit following the applicable review/approval procedures specified in the Pleasanton Municipal Code.

Hillside Residential/Open Space Lots

8. The "designated development area" for the Chrisman and Berlogar lots shall be the area delineated by the dashed lines on their respective "Development Area" exhibits.

9. An agricultural/open space easement covering the non-designated development areas of the Chrisman lot in favor of the City, as grantee, and the South Livermore Valley Agricultural Land Trust, as third party beneficiary, shall be recorded with the first final map for this project. Final approval of the easement language shall be required by the City Attorney prior to recordation of the final map.

10. A site-specific Open Space Management Plan shall be prepared for the Chrisman and Berlogar lots prior to the approval of the tentative map. The plan shall address agricultural operations, open space maintenance, and wildlife and vegetation preservation needs. The plan shall also include a Wildland Fire Protection Plan component. These shall be reviewed and approved by the Planning Commission prior to approval of the tentative map. Those areas of the Berlogar property outside the LDR area and the HOA parcels may be omitted from this plan at this time.

11. City water and sewer service shall be required for the Chrisman, Berlogar, and caretaker's units. Existing wells may be maintained for irrigation and animal husbandry purposes. Irrigated agriculture, such as vineyards, shall use well water exclusively unless the City agrees to allow City water to be used for that purpose. All water use, whether City water or well water, shall be conserved. No well water from existing wells shall be used within LDR-designated lots or homeowners' association-maintained open space.

12. To improve emergency access, reciprocal access easements shall be granted for EVA purposes over the Chrisman and Berlogar access roads, and a connecting road from the unimproved road above the Berlogar vineyard to the Chrisman driveway shall be constructed in conjunction with the reconstruction of the Chrisman driveway. This EVA may be gated so long as the Fire Department has satisfactory access. The location, width, and surface of this road shall be generally shown on the tentative map, the intention being to provide an all-weather, non-paved, surface capable of providing interim emergency access. In addition, the Chrisman parcel shall grant on the final map an offer of EVA access over the connecting roadway to the Brozosky driveway, to be perfected at such time as the Brozosky property subdivides and grants the Chrisman's a reciprocal EVA access over the Brozosky driveway. This access shall also be shown on the tentative map.

Project Phasing

13. Any proposed phasing of this development shall be depicted on the tentative map and shall include a narrative explaining any proposed phasing. Unless a phasing plan for improvements is approved by the Planning Director, the applicant shall complete all of the on-site improvements at one time.

14. The preliminary design plans for the planned Old Vineyard Avenue public trail shall be approved by the City Council before issuance of the first building permit for this project.

15. All off-site infrastructure improvements required by the Vineyard Avenue Corridor Specific Plan for development of the project site shall be designed and included in an approved improvement agreement prior to approval of the in-tract final map. In addition, an improvement agreement for the construction of the full loop road around the school site must also be in place, whether as part of the project's improvement plans or in separate agreements, prior to approval of the final map.

Local Worker Purchasing Incentive

16. When the project developer is ready to sell the first phase of residential units, the project developer shall undertake a marketing campaign targeted at persons who work within the City of Pleasanton. This campaign may include, but is not limited to:

a. working in conjunction with the Pleasanton Chamber of Commerce, Downtown Association, and other business group(s) to disseminate information regarding the availability of residential units;
b. contacting large employers (100+ employees) located within the City and working with their Human Resources Department to provide information about the availability of the residential units; and
c. holding for persons who work in the City of Pleasanton pre-sale open houses.

17. During the course of selling the residential units in each phase of the subject project, the project developer may become aware that there a more qualified, potential buyers than residential units available for sale. The surplus of buyers may be manifested in that the number of persons who have signed interest cards, placed deposits on future units, or have written names on waiting lists exceeds the number of units to be released for sale. When such a "surplus of buyers" situation occurs, the developer shall grant preferences, to the extent legally permitted, to those qualified, potential buyers who are employed within the City of Pleasanton. Such preferences may include, but are not limited to:

    a. higher priority on waiting lists; and
    b. pre-release open houses.

Disclosures

18. A statement disclosing the RMC Lonestar facility as a noise source shall be prominently displayed in the tract sales office for this development.

19. The recorded deed of sale for all lots covered by this PUD Development Plan approval shall include the following:

    a. A clause which states that the property is in an area subject to noise, dust, and vibration levels from gravel harvesting and processing and that the City of Pleasanton is not liable for possible damages due to such impacts.
    b. The recorded deed of sale shall include a noise/dust/vibration easement.
    c. A disclosure statement shall be provided to prospective purchasers and tenants by lot owners, developers, and future successors in interest providing full disclosure of the potential future mining operations within the Specific Plan Area.

d. The recorded deed of sale for all lots shall include a disclosure statement indicating the close proximity of the Vineyard Avenue Corridor Specific Plan area to the Livermore Municipal Airport and of possible impacts to homes due to aircraft overflights.

e. A disclosure statement describing the planned use and construction of the Old Vineyard Road right-of-way for public trail uses.

f. A disclosure stating that the East Bay Regional Park District operates Shadow Cliffs Regional Recreation Area, a regional recreation facility, and that the buyer recognizes that the activities that take place in the "Regional Recreation Area" may result in noise, odors, dust, traffic or other conditions that may affect the lots covered by this PUD Development Plan.

g. A disclosure on all lots regarding the possible installation of an underground, 230 kilovolt electrical transmission line in the right-of-way of old or new Vineyard Avenue.

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.

20. On Lots 1-19, the recorded deed of sale for all these lots shall include the following statement to be signed by the future homeowner stating that:

"You are hereby advised that this property is located near land zoned and/or used for agricultural purposes. Agricultural use is defined as including, but not limited to, day and night-time activity relating to livestock grazing, the keeping of livestock, the growing and processing of agricultural crops, and any commercial agricultural practices performed as incidental to or in conjunction with such operations. Some of the impacts associated with agricultural use include, but are not limited to, noise, odor, dust, chemicals, refuse, waste, unsightliness, 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."

Building and Site Design Requirements

21. The project developer shall implement the "green building measures" listed under the "Centex Homes Green Home Building Proposal," updated March 9, 2001, with the design and construction of all of the homes covered by this approval. The project developer may modify these measures, e.g., add

new measures, or change existing measures if there are other, more effective measures, which can feasibly be done. Additionally, the project developer shall work with City staff to prepare a summary report of the effectiveness of implementing the selected components, including, as feasible, the costs and benefits of each component. This report shall be prepared following construction of seventy-five percent (75%) of the project units, with actual energy use data from occupied units, if possible, which shall be forwarded to the Planning Commission for its review.

22. The project developer shall provide to the buyers of the houses covered by this approval, photovoltaic systems as an option. With the building permit plan set, the project developer shall show the installations for each of the buildings covered by this approval, to the satisfaction of the Planning Director, before issuance of a building permit.

23. The project developer shall implement the following measures with the construction of the structures covered by this approval so that the owners can install roof-mounted photovoltaic systems in the future:

    a. Electrical conduit and cable shall be installed from the roof/attic areas to the buildings' main electrical panels.
    b. Roof trusses shall be "engineered" to handle an additional load of five pounds (5 lbs.) per sq. ft. beyond that anticipated for roofing.
    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. A bi-directional electrical meter shall be installed.
    e. The roof shall be designed with built-in attachment points and/or other methods, as determined by the Planning Director, to best allow a simple retrofit of solar panels after the initial construction.

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

24. The project developer shall work with the Planning staff and with representatives of the Sacramento Municipal Utility District to develop a program for the bulk purchase of photovoltaic panels/equipment for this project. This information shall be brought back to the Planning Commission for its review with the tentative subdivision map.

25. Private yard lighting shall be designed, installed, and controlled so as not to be conspicuous to off-site locations. No bright lights illuminating yard areas for nighttime activities shall be allowed. These restrictions shall be incorporated into the project CC&Rs.

26. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.

27. Approved building materials and colors shall be stated on the plans submitted for issuance of building permits.

28. The homes covered by this approval shall be constructed to encourage telecommuting by providing as an option telecommunications infrastructure consistent with state-of-the-art methods, e.g., cabling for DSL service, wiring for total room access, etc. The project developer shall submit with the first building permit application those measures included in the home construction for review and approval by the Planning Director before issuance of the first building permit.

29. Only natural gas burning fireplaces or USEPA-approved wood/pellet burning stoves shall be permitted in the proposed houses.

Existing Trees

30. No trees shall be removed other than those specifically designated for removal in the "Tree Replacement Plan." The project developer shall post cash, letter of credit, or other security satisfactory to the Planning Director in the amount of five thousand dollars ($5,000) for each tree required to be preserved, up to a maximum of twenty-five thousand dollars ($25,000). This cash bond or security shall be retained for one (1) year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.

31. Construction of the proposed project could result in the disturbance of active raptor nests, which are protected under California State Fish and Game (CSFG) Code Section Code Section 3503.5. If grading is to begin during the raptor nesting season (February 1 to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist during the nesting season. The survey shall be conducted no less than fourteen (14) days, and no more than thirty (30) days, prior to the beginning of grading and/or tree removal. If nesting raptors are found during the focused survey, no grading or tree removal shall occur within five hundred feet (500' 0") of an active nest until the young have fledged – as determined by a qualified biologist – or until the project developer receives written permission from CSFG personnel to proceed. The written findings of the biologist shall be provided to the Planning Director within thirty (30) days of the start of grading.

32. The project developer shall submit the improvement plans, tract grading plans, and building permit construction plans to Ralph Osterling Consultants, Inc. for review in order to determine that site-specific measures required to preserve the existing trees designated for preservation during construction are being implemented with the plans. The consultant's comments shall be submitted to the Planning Director and to the City's Landscape Architect and shall be incorporated onto the final site plans, grading plans, improvement plans, etc., prior to issuance of a grading, on-site, and/or building permits. No tree-trimming and/or pruning would occur unless supervised by a horticultural consultant.

33. The project developer shall arrange for the consultant to conduct a field inspection of the construction site(s) prior to issuance of grading permits to ensure that all pre-construction recommendations have been properly implemented. The consultant shall then certify in writing to the Planning Director that the recommendations have been followed prior to start of construction.

34. For the existing trees that would be located on private lots, the project developer shall record a disclosure/deed restriction on the lot stating that the existing trees on these lots are to be preserved and maintained by the homeowner. The disclosure/deed restriction shall state the measures to be employed by the homeowner to preserve these trees, e.g., not planting turf beneath the drip line/canopy of an existing oak tree. The disclosures/deed restriction shall also describe the permit procedures for removing any existing tree. The

disclosures/deed restrictions shall be submitted to the City Attorney and to the Planning Director for review and approval before recordation.

35. At the tentative map stage, the value of the heritage trees to be removed, not including orchard trees, shall be appraised and shall be paid to the City's Urban Forestry Fund at the time of recordation of the Final Subdivision Map.

Landscaping and Irrigation System Design and Operation

36. The project developer shall provide root control barriers and four inch (4") perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet (10' 0") in width, as determined necessary by the Planning Director at the time of review of the final landscape plans.

37. Tree size used in the project shall vary from five (5)-gallon size to 48-inch box or larger trees. Larger trees shall be supplemented by faster growing small-sized trees. Any tree smaller than 24-inch box size shall be planted with a deer protection mechanism approved by the project landscape architect. The final number of trees of each size shall be stated on the final landscape plan and shall at a minimum meet the Specific Plan's tree replacement requirements.

38. The project developer shall submit detailed landscape and irrigation plans, subject to the review and approval of the Planning Director and City Landscape Architect, as part of the improvement plans. These plans shall include a street tree planting plan and landscape plans for all street rights-of-way, landscape trails and berm areas, open space areas, and landscape screening. The irrigation plan shall provide for automatic controls. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing.

39. Restrictions minimizing the use of herbicides for the future landscaping in the proposed development shall be submitted for the review and approval of the City Landscape Architect prior to the approval of the final improvement plans. These restrictions shall be listed in the project CC&Rs. Additionally, the homeowners association shall be responsible for ensuring that these restrictions are followed for the maintenance of the open space areas and association-maintained areas.

40. Any retaining wall visible from a street or off-site shall be finished with a stone facing consistent with other project architectural features.

41. A final fencing plan conforming to the conceptual fencing plan shall be submitted for review and approval by the Planning Director with the subdivision improvement plans.

Project-Related Fees

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

43. With recordation of the first final map covering the project, the project developer shall pay to the City of Pleasanton fees for City distribution to the South Livermore Valley Agricultural Land Trust. The fees shall be calculated based on a one-to-one (1:1) ratio between the cost per acre for agricultural easements to the Land Trust and the net acreage of potentially cultivable soils located on lands having less than a twenty-five percent (25%) slope grade being developed, in accordance with the methodology established in the South Livermore Specific Plan.

44. The project shall be subject to the fees associated with the Vineyard Avenue Corridor Specific Plan Financing Program. The project developer shall be entitled to credit, and reimbursement (if entitled), for common infrastructure installed as specified in the Financing Program.

45. The project developer shall work with the Pleasanton Unified School District and the City Planning Director to develop a program, in addition to the school impact fees required by State law and local ordinance, to off-set this project's long-term effect on school facility needs in Pleasanton. This program shall conform to the "Principles of Agreement" signed by the City, Pleasanton Unified School District (PUSD), and developer. The final, signed agreement shall be in place prior to approval of the final map. In no event shall construction commence unless the above final agreement has been approved by the developer and PUSD.

46. Prior to issuance of a building permit, the project developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the project

developer shall pay any applicable Dublin San Ramon Services District (DSRSD) sewer permit fee.

47. This project is subject to its fair share of the cost of Fire Station No. 4 (Ruby Hill) and reimbursement shall be made as specified in the adopted Reimbursement Agreement between Signature Homes and the City of Pleasanton

Miscellaneous Environmental Requirements

48. Prior to the demolition of any existing structure located on the subject properties, the project developer shall have the structures examined for the presence of bats; if found, the developer shall prepare an appropriate mitigation plan for review and approval by the Planning Director prior to any demolition work.

49. Prior to the demolition of any existing structure located on the subject properties, the project developer shall have the structures examined for the presence of lead, lead-based paint, and/or asbestos by a qualified environmental professional. If lead and/or asbestos are found to be present, demolition of these structures shall be conducted in accordance with the applicable requirements of the California Department of Industrial Relations (Cal-OSHA) for lead, and Cal OSHA and the Bay Area Air Quality Management Board (BAAQMD) for asbestos. The project developer shall provide to the Planning Director a follow-up report within thirty (30) days after demolition of the structures is completed.

50. The project developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the project developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.

51. This approval does not guarantee the availability of sufficient water to serve the project. The City shall withhold building permits for the project if at the time building permits are applied for, mandatory water rationing is in effect, unless the City has adopted a water offset program and unless the project developer is participating in the program. Notwithstanding the project developer's participation in such a program, the City may withhold building permits if the City determines that sufficient water is not available at the time of application of building permits.

52. To the extent the requirements of the Vineyard Avenue Corridor Specific Plan and adopted mitigation measures of its Final Environmental Impact Report are not specifically addressed in the development plan and these conditions, they shall be incorporated herein by this reference and shall be implemented as the project develops.

Private Improvements and Maintenance

53. The HOA "Landscape Management Plan" shall be modified to provide for a mechanism for property owner maintenance of the following:

    a. The landscaping lying within the owners' association land surrounding Lots 1-16, including the wildlife corridor.
    b. Street trees within the "A" Street right-of-way.
    c. All landscaping up to the Vineyard trail hardscape, including that within the existing right-of-way.
    d. Fencing located along rear property lines and at the Chrisman-owners' association buffer boundary and Berlogar-owners' association buffer boundary.
    e. The "J-ditches," overflow swale by Lot 16, and any other private storm drainage facility.

    The LDR properties (Lots 1-19) shall comprise the owners' association responsible for this maintenance. The Chrisman and Berlogar remainder lots shall not be included.

54. A maintenance agreement or other instrument satisfactory to the City Attorney shall be prepared to ensure that the Berlogar-Chrisman EVA will be adequately maintained. The contribution of these lots towards maintenance of this EVA shall be established, with the concurrence of the Planning Director, prior to filing the final map.

55. The Berlogar and Chrisman private roads shall be maintained by their respective property owners in a paved condition satisfactory to the Fire Marshall at all times. In the event gates are desired on these roads, they shall be designed and maintained to afford ready Fire Department access, as determined by the Fire Marshall. Final approval of any gate design/location shall be made by the Planning Director prior to installation.

56. The project developer shall provide a bond to the City guaranteeing the installation of all common open space and recreational improvements, private streets, street trees, and all common infrastructure improvements shown on the approved development plan or otherwise required as part of

this development. The project developer shall provide an itemized cost estimate of said improvements, to be submitted with the bond, for the review and approval the Planning Director prior to approval of the final map. The bond shall be returned to the project developer upon acceptance of said improvements by the Planning Director.

57. With the final subdivision map, the project developer shall set forth the common open space/ maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the final map which shall create a property owners association 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 property owners association shall be responsible for the maintenance of all private utilities, and other common areas and facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association or other vehicle created to provide such maintenance.

Building Permit Review

58. All dwelling units in the development shall be constructed to meet Title 24 state energy conservation requirements.

59. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Department will issue permits.

60. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Director of Building Inspection prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities. Specific items to be indicated on the site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.

61. All retaining walls higher than four feet (4' 0") from the top of the wall to the bottom of the footway shall be constructed of reinforced

concrete or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.

62. The project developer shall submit plot plans for each of the residential lots showing building setbacks and a topographic plan showing grading and drainage. Pad elevations, finish floor elevations, retaining walls, easements, maximum height of the highest structure, and the front, rear, and side yards are to be indicated on the plan. Plans for custom lots are to be signed by a registered civil engineer. All residential plot plans shall show compliance with Sections 2907(d) and 70012(d) of the Uniform Building Code.

63. The project developer shall submit two (2) copies of the site soils report to the Director of Building Inspection for third party peer review and shall pay for such review at the time specified by the Director, but in all cases before the issuance of a grading permit.

64. The project developer shall submit record tract grading plans showing:

    a. the elevation of all four (4) corners of the lot as well as the center of the lot;
    b. all top and toe of slope elevations, and
    c. the top and toe of all retaining wall elevations.

65. The record grading plan is to be submitted to the Director of Building Inspection before the first house final.

66. The soils engineer shall certify the pad compactions of all lots containing fill to the satisfaction of the Director of Building Inspection prior to the issuance of building permits.

67. Building and situs plans are to be submitted to the Building Department on computer disk in a format approved by the Director. Digitized information shall be submitted before requesting a final inspection and should reflect as-built situs and architectural information as approved by the Director.

68. All initial site improvements and house construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. All construction equipment must meet Department of Motor

Vehicles (DMV) noise standards and shall be equipped with muffling devices.

69. 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 work day.

70. Final inspection by the Planning Department is required prior to occupancy.

71. If archeological materials are uncovered during grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required in Appendix "K" of the California Environmental Quality Act (CEQA). A similar note shall appear on the improvement plans.

72. 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.

73. Except as otherwise specifically addressed in these conditions, the construction stage mitigation measures included in Section IV.F. of the Specific Plan (pp 48-56) shall be incorporated herein and shall be followed as the project develops.

Police Department Requirements

74. The area of the development shall be tested for strength and clarity of signal to and from the area for City emergency services communications including, but not limited to, City eight-hundred megahertz (800 mgh) trunked radio, Livermore-Pleasanton Fire Services radio, Alameda County eight-hundred megahertz (800 mgh) trunked radio, CLEMAR/ Police Dispatch, and the current police mobile data system, unless waived by the Police Department, City of Pleasanton. Expert opinions may be required in anticipation of communications difficulties inside or around large structures. If less than acceptable communications are found or are projected, the project developer shall submit a mitigation program to the satisfaction of the Police Department prior to approval of the final

map, and shall complete the approved mitigation at its expense as part of the project's initial phase.

Fire Department Requirements

75. The project developer shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).

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

77. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to surface roads, fire hydrants, and a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire. When alternate methods of fire protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternative methods of fire protection shall be submitted in writing to the Fire Chief prior to any framing construction. Work on the alternative fire protection methods shall not begin until approved by the Fire Chief.

78. The Fire Chief and the City Engineer shall approve the number, type, and location of all public fire hydrants.

79. All new houses (Lots 1-19 and the caretaker's unit) shall be equipped with an automatic sprinkler system meeting the specifications of the Fire Marshall. For houses using water booster pumps, a satisfactory method of providing fire low when the pump is inoperative (e.g., on-site water tanks) shall be included in the project.

80. All curbs located within a seven foot, six inch (7' 6") radius of a public/private fire hydrant shall be painted red, unless modified by the Fire Chief. Blue street "hydrant markers" shall be installed for all fire hydrants per City of Pleasanton Standard Specifications.

81. All public and private driveways designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code, which permits towing vehicles illegally parked on the fire lanes. 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.

82. At the time of sale, the developer shall give homeowners notice of the availability of the City's Fire Safety Inspection Program and shall encourage their participation in this program.

Engineering Requirements

83. The typical street sections shall be revised to include an eight foot (8' 0") wide Public Service Easements (PSE). In areas where there is no sidewalk, the eight foot (8' 0") easement shall be measured from the back of curb. Unless otherwise approved by the City Engineer the first five feet (5' 0") of the easement shall be graded at a two-percent (2%) grade towards the street. This change shall be shown on the tentative subdivision map submitted for review and approval by the Planning Commission.

84. The water and gravity sanitary sewer mains shall be public and maintained by the City. There shall be individual sanitary sewer and water laterals to each dwelling unit. There shall be a two-way clean-out on the gravity sanitary sewer lateral located at the back of the Public Service Easement. The lines to the Chrisman house shall be private laterals. The lines to the Berlogar house and caretaker's unit shall be private unless the City Engineer agrees to public facilities up to the anticipated location of the two additional hillside residential lots (near the proposed water booster pump location).

85. All streets designed to have no parking on one or more sides shall be posted in accordance with State law to advise of the "no parking" restrictions.

86. The curb returns shall be as follows:
    a. In-tract, face-of-curb returns shall be 25-foot minimum.
    b. Notwithstanding the above, all turns (including those into the two private roads) shall be designed and constructed to allow the safe maneuvering of fire trucks, moving vans, etc.

87. All roof leaders shall be connected to the street gutter unless otherwise approved by the City Engineer.

88. The existing septic tank and leach field used by the existing houses located on the property shall be abandoned per Alameda County Health Department regulations.

89. Unless used for landscape/vineyard irrigation, the existing wells located on the property shall be abandoned per Zone 7 standards.

90. All subdrains shall have clean-out installed at the beginning of the pipe. The bottom of the pipe shall terminate in a storm drain or other storm drain outfall, subject the approval of the City Engineer. The project developer's engineer shall submit a final subdrain location map to the City Engineer prior to the City's acceptance of the Public Improvements. It shall be the responsibility of the homeowner to relocate the subdrains if, during the excavation of a pool or other subsurface structure, the subdrains are encountered. All lots covered by this PUD Development Plan shall have disclosures identifying the locations of the subdrains to the future homeowners. The disclosure shall be recorded over the lots by separate instrument with recordation of the final subdivision maps. The disclosure shall be reviewed by the City Attorney before recordation.

91. The perimeter of all building foundations and all retaining walls shall be designed with subdrains. Said drains shall be connected to the street gutter or other means determined to be acceptable to the City Engineer.

92. The project developer shall obtain all necessary State and Federal agency environmental permits before approval of the final subdivision map or, at the discretion of the City Engineer and Planning Director, the issuance of a grading permit.

93. 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 Director of Building Inspection and the City Engineer.

94. Unless otherwise approved by the City Engineer, all fill and cut slopes shall be 3:1, horizontal to vertical; short cut slopes located between lots may be 2:1, horizontal to vertical if approved by the City Engineer and the project's Engineering Geologist.

95. With recordation of the final subdivision map, the project developer shall abandon all access rights to Old Vineyard Avenue. In addition, the trail shown traversing the Berlogar lot shall be offered for

dedication, contingent upon completion of trail links upslope and downslope, and a bond or other satisfactory mechanism to fund its construction shall be submitted for City review and approval prior to approval of the final map.

96. If required, the project developer shall construct transit shelters with trash receptacles at locations determined by the Planning Director and the City Engineer. The shelter and trash receptacle design shall be approved by the Planning Director prior to issuance of project building permits. An encroachment permit shall be obtained prior to installation. Lighting shall be provided if determined necessary by the City Engineer.

97. All utilities required to serve any existing or proposed development on-site shall be installed underground, unless otherwise determined by the City Engineer. Existing overhead lines serving existing houses shall also be placed underground unless otherwise approved by the City Engineer.

98. The project developer shall comply with the recommendations of the geotechnical report titled: "Design Level Geotechnical Report for Centex Homes, Vineyard Avenue," and the "Response to Peer Review" report, prepared by Berlogar Geotechnical Consultants, and all peer review recommendations. The project developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the plans or as otherwise acceptable to the Director of Building Inspection that the final development plan is in conformance with the geotechnical report approved with the project.

99. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer and Director of Building Inspection for review and approval prior to occupancy.

100. The project developer shall install street frontage improvements per Chapter 19.40.010 of the Pleasanton Municipal Code and to the satisfaction of the City Engineer. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, water facilities, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems.

101. The project developer shall submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building Department permit. The amount of this bond will be determined by the City Engineer.

102. The project developer shall dedicate to the City for street right-of-way purposes those parcels of land intended to be public streets.

103. 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.

104. The design for the line, grade, and structural sections for the streets serving this development shall be subject to final review and approval by the City Engineer.

105. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.

106. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of an encroachment permit.

107. The project developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the Building Department.

Such measures shall be maintained until such time as permanent landscaping is in place.

108. The project developer shall submit a dust control plan or procedure as part of the improvement plans.

109. Storm drainage swales, gutters, inlets, outfalls, and channels not located within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners or through an association approved by the City.

110. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.

111. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer and Zone 7, as applicable, to determine that the system is adequate, connects to an approved point of discharge, meets any and all applicable requirements of the Alameda County Flood Control District - Zone 7, meets any and all applicable requirements of the Federal Emergency Management Flood Hazard Program, the California Department of Fish and Game, and meets the immediate and long-range requirements of this development and all upstream areas intended to be drained through this development.

112. Electric power distribution, gas distribution, communication service, Cable television, and any required alarm systems shall be installed underground in a joint utility trench.

113. The project developer shall be responsible for the installation of the street lighting system serving the development. The street lights shall be located only where necessary for public safety and shall be designed to minimize light and glare when viewed from off-site. The light pole design shall be submitted with the Tentative Subdivision Map application for review and approval by the Planning Commission. Approval for the number, and location of the poles shall be subject to the review and approval of the City Engineer.

114. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include

slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

115. The project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.

Urban Stormwater Runoff Requirements

116. The project developer shall install a structural control(s), such as oil/water separator(s), sand filter(s), or approved equal(s) on the site to intercept and pretreat storm water prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Director of Building Inspection for review and approval prior to issuance of building permits. The structural control shall be cleaned at least twice a year: once immediately prior to October 15 and once in January. The project developer shall enter into a maintenance agreement for the oil/water separator.

117. Bulk construction materials stored outdoors that may contribute to the pollution of storm water runoff shall be covered as required by the City Engineer and/or the Director of Building Inspection.

118. The project developer shall label all on-site storm drain inlets with the wording, "No Dumping -- Drains to Bay" using City-approved methods and materials. On-site storm drain facilities shall be cleaned a minimum of twice a year as follows: immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection.

119. Prior to the commencement of any clearing, grading, or excavation, the project developer shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit.

120. All cut and fill slopes shall be revegetated and stabilized after completion of grading before October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/storm water quality measures are

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

121. The project developer shall submit a construction Best Management Practices (BMP's) program for review and approval by the Planning Director prior to issuance of building and/or grading permits. These BMP's shall be implemented by the general contractor and all subcontractors and suppliers of materials and equipment. Construction site cleanup and control of construction debris shall also be addressed. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a stop work order.

122. The project developer is responsible for implementing the following measures during all construction phases of the project:

    a. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.
    b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
    c. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    d. Create a contained and covered area on the site for the storage of bags, cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
    e. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.

f. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

Development Plan Lapsing

123. 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 map within two (2) years of this PUD Development Plan approval. Portions of the development plan not covered by a final map within two (2) years will have the development plan lapse as to that portion of the project.

Use of Joint Well

124. The Chrismans' use of the joint Brozosky-Chrisman well shall not generally interfere with the Brozoskys' ability to use the well water for domestic purposes; the parameters for establishing when the Chrisman use shall be curtailed shall be established by the Planning Commission at its review of the tentative map.

125. No well water from the joint well shall be used for dust control or other construction-related activities.