

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE APPLICATION OF BRE PROPERTIES, INC., FOR PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT PLAN APPROVAL TO CONSTRUCT A MIXED-USE HIGH-DENSITY RESIDENTIAL/COMMERCIAL DEVELOPMENT CONTAINING 251 RESIDENTIAL UNITS, 4 LIVE/WORK UNITS, AND APPROXIMATELY 5,700 SQUARE FEET OF RETAIL SPACE AT THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF OWENS DRIVE AND WILLOW ROAD, AS FILED UNDER CASE NO. PUD-85-08-12D**

**WHEREAS**, BRE Properties, Inc. has applied for Planned Unit Development (PUD) plan approval to construct a mixed-use high-density residential/commercial development containing 251 residential units, 4 live/work units, and approximately 5,700 square feet of retail space at the property located at the southeast corner of Owens Drive and Willow Road; and

**WHEREAS**, based on the Initial Environmental Study, a Mitigated Negative Declaration was adopted by the City Council on April 3, 2012; and

**WHEREAS**, at its meeting of April 3, 2012, the City Council received the Planning Commission's recommendations for approval of the PUD development plan; and

**WHEREAS**, a duly noticed public hearing was held on April 3, 2012; and

**WHEREAS**, the City Council finds that the PUD development plan is consistent with the General Plan, and the purposes of the PUD ordinance; and that the exceptions from the Hacienda TOD Standards and Design Guidelines are approved because they preserve more open space and live/work building depth and otherwise meet the intent of the Guidelines.

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

**SECTION 1.** Approves Case No. PUD-85-08-12D, the application of BRE Properties, Inc. for Planned Unit Development (PUD) development plan approval to construct a mixed-use high-density residential/commercial development containing 251 residential units, 4 live/work units, and approximately 5,700 square feet of retail space at the property located at the southeast corner of Owens Drive and Willow Road, subject to the conditions of approval shown on Exhibit A-1, attached hereto and incorporated herein by this reference.

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

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on April 3, 2012 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

And adopted at a regular meeting of the City Council of the City of Pleasanton on May 15, 2012, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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Jennifer Hosterman, Mayor

ATTEST:

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Karen Diaz, City Clerk

APPROVED AS TO FORM:

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Jonathan Lowell, City Attorney

**EXHIBIT A-1  
DRAFT CONDITIONS OF APPROVAL**

**PUD-85-08-12D and P11-0856 / Site 1, BRE Properties, Inc.  
Mixed Use Development Project**

**April 3, 2012**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. Revised plans related to depth of live/work spaces, dated "Received, March 27, 2012," on file with the Planning Division, shall be further revised to reflect a live/work depth of 38-feet for "Building H1" and 40-feet for building "Building G4." The setback for "Building H1" shall be a minimum of 16-feet from the curb on Owens Drive. The applicant shall submit elevations and exhibits to the satisfaction of the Director of Community Development demonstrating how the extended first floor spaces integrate with overall architectural design. These revisions shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
2. The subject property is zoned Planned Unit Development – Mixed Use (PUD-MU) District. The permitted and conditionally permitted uses on the subject property shall be those listed on page 13 of the Hacienda TOD Standards and Design Guidelines.
3. The development plan (Case No. PUD-85-08-12D) and the Phase I and Phase II Development Agreement Amendments (Case No. P11-0856) shall expire five years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued.
4. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structures.
5. The applicant shall construct 8-foot of paved area and 2-foot of landscaping for the proposed trail along the east side of Site 1. These improvements shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance. The design of the trail improvements shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
6. The landscape and irrigation plans shall be revised to reflect the installation of shrubs in the median strip that separates Owens Drive from the diagonal parking

with the species, size, and location of the shrubs noted on the plans. The revised plans shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.

7. The applicant/project developer shall work with staff to increase the amount of building caps visible from the interior of the project.
8. The final design of the patio walls and balcony materials shall be subject to the review and approval of the Planning Division prior to building permit issuance.
9. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand.
10. The developer shall pay any and all fees to which the property may be subject to 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.
11. Prior to issuance of a building permit, the applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the developer shall pay any applicable DSRSD sewer permit fee.
12. The project shall be subject to the terms of the Affordable Housing Agreement approved by the Housing Commission at its October 17, 2011, hearing, and any subsequent changes to the program approved by the City Council.
13. The applicant shall pay applicable Park in-lieu fees. These fees will be pro-rated to reflect the land dedication of the public park and trail areas. The acreage of the dedication will be calculated as a percentage of the land dedication requirement. The remaining percentage of the land dedication requirement will be the percentage of per unit fees paid.
14. The parking/storing of boats, campers, recreational vehicles, and trailers on site or in any parking space shall be prohibited. In addition, the storage of materials in the parking spaces shall be prohibited. The applicant/property manager shall be responsible for enforcing these restrictions, which shall be stated clearly in all leases.
15. All parking spaces shall be striped. Wheel stops shall be provided for the surface parking spaces unless the spaces are fronted by concrete curbs, in which case

sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.

16. Prior to issuance of a building permit, the applicant shall pay the applicable City and Tri-Valley traffic impact fees for the project.
17. The applicant/property owner shall work with LAVTA on the removal and/or relocation of the bus stop located on the south side of Owens Drive, north of the subject site. Should LAVTA wish to retain the bus stop, the applicant/property owner shall submit plans showing the location of where LAVTA wishes to relocate the bus stop to the satisfaction of the Director of Community Development. The bus stop relocation shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
18. Window specifications and typical installation details shall be included with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
19. Should the applicant, project developer, residents, employees, and/or tenants wish to have a designated area to wash vehicles on-site, the applicant and/or responsible party shall submit improvement and design plans of the wash area to the Planning Division for review and approval prior to designating, constructing, and/or allowing vehicles to be washed on-site.
20. The project developer shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
21. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
22. The applicant shall submit an exterior lighting plan for the buildings and site, including drawings and/or manufacturer's specification sheets showing the size and type of light fixtures proposed. All exterior lighting shall be directed downward and designed or shielded so as to not shine on neighboring properties or streets and to have the lowest luminosity while still meeting the City's Security Ordinance. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.

23. All trash and refuse shall be contained completely within the approved trash enclosures. Trash containers shall be stored within the trash enclosures at all times, except when being unloaded. Elevation drawings and plan details, including color and material of the enclosures noted, shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
24. The location of any pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates. All transformers shall be shown on the plans submitted for issuance of building permits.
25. Unless a phasing occupancy plan for improvements is approved by the Director of Community Development, the developer shall complete all of the on-site improvements at one time.
26. The applicant shall not install hose bibs at the project site which could be used by residents to wash vehicles.
27. No speed bumps shall be placed within the drive aisles of the project site unless otherwise approved by the Director of Community Development and Fire Chief.
28. The applicant and/or project developer shall adhere to the recommended noise attenuation measures in the Environmental Noise Assessment, prepared for BRE Properties, Inc., by Erika A. Frederick with Charles M. Salter Associates, Inc., dated November 4, 2011, on file with the Planning Division. All noise attenuation measures shall be incorporated into and/or noted on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the Director of Community Development.
29. The applicant shall install a pedestrian-scale, lighted complex directory sign near the driveway showing the location of apartment building clusters, addresses, units, parking areas, etc. Prior to the installation, the developer shall submit the design and location of the directory sign to the Director of Community Development for review and approval.
30. Prior to installation of any tenant or project identification signs, a comprehensive sign program shall be submitted for review approval by the Director of Community Development.
31. The applicant shall install at least two trash receptacles within the sidewalk area along the retail storefronts. The trash receptacle design and locations shall be shown on the plans submitted for issuance of building permits and shall be

subject to review and approval by the Director of Community Development prior to issuance of building permits for the project.

32. Prior to installation of any outdoor dining furniture and/or display for the retail and/or live/work uses, the applicant or tenant shall obtain an outdoor dining and/or display permit from the City. Plans showing the location and design of the outdoor dining furniture and/or display shall be included with the outdoor dining and/or display permit application.
33. Only modular newspaper dispensers accommodating more than one newspaper dispenser shall be allowed outside of the buildings within the development. The design of these dispensers shall be approved by the Director of Community Development. Dispensers within the public right-of-way shall require an encroachment permit by the Engineering Division.
34. Restaurant/food service tenants with cooking facilities shall be equipped at all times with filtering devices to minimize odors and fumes. Details of said devices shall be shown on the tenant improvement plans submitted for issuance of building permits and shall be subject to review and approval by the Director of Community Development and Chief Building Official prior to issuance of building permits for the tenant improvements.
35. Restaurant/food service tenants shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by DSRSD, or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control such as a sand filter or oil/water separator shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Chief Building Official. The restaurant/food service owner shall instruct employees to conduct all washing activities in this area.
36. If a restaurant/food preparation facility occupies any of the buildings within this development the private sanitary sewer lateral from the building shall have grease interceptor installed on the building lateral.
37. There shall be no truck deliveries, parking lot sweeping, or leaf blowing between the hours of 10:00 p.m. and 6:00 am.
38. The site plan shall be revised to separate internal sidewalks from curbs wherever feasible as determined by the Director of Community Development.
39. The site plan shall be revised to add paving enhancements (a) between the Owens Drive Plaza and the project club house, and (b) at the end of the

east/west open space corridor connecting to the project trail along the east side of the site, to improve pedestrian experience crossing the internal alley.

40. The elevations of the buildings along Owens Drive shall be revised to lower the window sills in the work spaces by 12 inches.
41. The applicant shall work with the Planning staff to identify a suitable enhancement to the cap elements on top of entry/stairwell locations.
42. The landscape plans shall clearly demonstrate landscaping enhancements along garage openings.

#### Climate Action Plan

43. The applicant shall separate fee-based parking from home rents/purchase prices or office leases to increase affordability for those without a vehicle(s).
44. The applicant and/or project developer shall provide electric and plug-in hybrid vehicle infrastructure charging stations in both on street and off-street parking locations for public and private use. The locations of the charging stations shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the Director of Community Development. The location of the stations shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
45. The applicant/project developer shall work with staff on locations for providing light-colored paving material for internal streets and parking areas. The color and location of the paving shall be shown on the plans submitted to the Building and Safety Division and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
46. The applicant and/or project developer shall incorporate solar tubes, skylights, and/or other daylighting systems, subject to the satisfaction of the Director of Community Development, within the design of the leasing building and club/fitness building. The method used and plan details shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
47. The applicant and/or project developer shall development a program for grey water systems for the subject site to the satisfaction of the Director of Community Development. The program shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
48. Rain gutters shall discharge into landscaping planter areas where feasible. These details shall be shown on the plans submitted to the Building and Safety Division



for plan check and are subject to the review and approval of the Director of Community Development prior to building permit issuance.

### **Engineering Division**

49. The typical street sections shall be revised to indicate the street or streets represented by the street-section. The sections with the bioretention swales adjacent to the street shall be modified to show the swales and how storm water will enter the swale from the street. Additionally, the street section with the trail shall be modified to show the location of the trail relative to the street section.
50. The streets within the development, including the driving isles leading to the parking along Owens Drive and Willow Road, shall be private and maintained by the owner. As such, the owner shall dedicate to the City an emergency vehicle access easement over these private streets and drive isles.
51. The on-site utilities shall be private and maintained by the owner. As such the Public Service Easement (PSE), Waterline Easement (WE), Sanitary Sewer Easement (SE), and Storm Drain Easement (SD) shall be removed from the plans.
52. The entrance into the proposed angled parking on Owens Drive shall be adjusted to allow drivers to maneuver into the driving isle more easily as determined by the City Traffic Engineer. Additionally, the exit onto Owens Drive shall be re-configured such that vehicles exiting onto Owens Drive are more perpendicular to the street to allow for better visibility.
53. The proposed entrance off Owens Drive shall be increased to 26-feet unless otherwise approved by the City Engineer.
54. Any proposed driveways, street lights, street signs or sidewalks along Owens Drive and Willow Road shall be privately maintained and meet Hacienda Business Park guidelines.
55. The applicants' engineer/surveyor shall prepare all plots and descriptions' for the City to abandon portion of the City street right of way and Public Service Easements. Said plots and descriptions' shall be submitted to the City before a grading permit is issued for the site.
56. The sidewalks at the entrance street of Owens Drive and Willow Road shall be redesigned such that the ramp for the handicapped intersects the midpoint of the curb return unless otherwise approved by the City Engineer.
57. The trail along the project's easterly boundary shall be granted in fee to the City of Pleasanton by separate instrument before the first building permit is issued for the site unless otherwise approved by the City Engineer.

58. The design of the on-site sanitary sewer system shall be modified such that that the size and slope of the private sanitary sewer main maintain a minimum velocity of 2 feet per second unless otherwise approved by the Chief Building Official.
59. The sanitary sewer mains connecting to the City main sewer shall have a sampling manhole unless otherwise approved by the City Engineer.
60. The proposed median between the angled parking and Owens Drive shall be planted with variety tree that reduced the likelihood that tree root will intrude into the existing 12 inch sanitary sewer in Owens Drive. The type of tree shall be submitted to the City's Landscape Architect for review and approval.
61. The applicant shall enter into a private maintenance agreement with the adjacent property owner that conveys storm water through this site or the storm drain system for the adjacent property shall be keep separate from this development. If an agreement is necessary it shall be reviewed and approved by the City Attorney's office before an on-site permit is issued for the site. Said agreement shall be recorded before the project is finaled.
62. A maintenance agreement shall be entered into with the adjacent property owners that convey storm water through this site. This agreement shall be reviewed and approved by the City Attorney's office before a grading permit is issued for the site.
63. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria, storm drain treatment calculations, and hydromodification worksheets, etc., shall be submitted with the Phase I improvements. The calculations shall demonstrate to the satisfaction of the City Engineer that there is sufficient capacity within the proposed detention system to allow for both hydromodification and storm water treatment for this development. With the first plan check, the applicant's engineer shall submit the hydromodification calculations and storm drain drawings to the City.
64. The site plan layout is conceptually acceptable at this time; the applicant shall provide calculations to show the stormwater treatment facilities are in conformance with the California Regional Water Quality Control Board, San Francisco Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009. Said treatment facilities shall include the provisions for trash removal device(s) within the storm drain system.
65. The fire protection water main shall be private beyond the backflow prevention devise. There shall be a fire (water) sprinkler line connection to Owens Drive and Willow Road to create a loop fire protection system. The private onsite fire water system will be approved by the Fire Marshall after reviewing the layout and calculations that are to be submitted with the improvement plans.

66. The existing storm drain, water or sanitary sewer laterals stubbed to the property on Owens Drive and Willow Road shall be abandoned per City standard requirements unless otherwise approved by the City Engineer.
67. The applicant shall be responsible for paying applicable Zone 7 drainage fees.
68. Portions of the existing street right of way and public service easements (PSE) along Owens Drive and Willow Road shall be abandoned and new PSE easements granted to the City. The new right of way shall be located along the back of the new curb. The new PSE easement shall be wide enough to accommodate existing utilities along the roadways. The exact width of the PSE shall be determined by the City Engineer after reviewing the improvement plans for frontage improvements. The applicant shall be responsible for preparing all necessary deeds and plots to abandoning portions of the existing street right of way and PSE and dedicating the new PSE.

### **Traffic Division**

69. If Site 2 (filed under Case No. PUD-81-30-86D) is not approved and/or constructed; the applicant shall be responsible for only those traffic improvements applicable to Site 1 as determined by the Director of Community Development and the City's Traffic Engineer. Condition of approval Nos. 60 through 74, noted hereafter, shall be completed prior to final building occupancy as determined by the City Traffic Engineer and Director of Community Development.
70. Owens Drive at Willow Road – The applicant and/or project developer shall restripe the eastbound approach at the intersection to create an eastbound right turn trap lane onto Willow Road, thereby creating a single eastbound through lane and two eastbound left turn lanes. The applicant and/or project developers' contractor shall be responsible for modifying the traffic signal equipment on all approaches at the intersection to account for the striping changes and the necessary bicycle detection required with roadway improvements. These improvements and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
71. The applicant and/or project developer shall be responsible for constructing all changes on northbound Willow Road to reduce travel lanes and provide parking in addition to being responsible for providing bike lanes on both sides of Willow Road. This shall include intersection and intersection approach pavement striping, signage, and detection equipment at signalized intersections. Unless otherwise determined by the City Engineer and the City's Traffic Engineer, the applicant and/or project developer will not be required to install signage and/or pave the west side of Willow Road, or any other perimeter streets. These improvements and plan notes shall be shown on the plans submitted to the

Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.

72. The applicant and/or project developer shall construct 180-foot northbound and southbound left turn pockets on Willow Road at Gibraltar Drive and replace the left turn on green ball signs on signal mast arms. These improvements shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
73. The applicant and/or project developer shall make striping modifications to northbound Willow Road, south of Gibraltar Drive north, to allow single a northbound through lane. The applicant and/or project developer shall ensure that the left turn trap lane striping begins a minimum of 500-feet south of the intersection and install appropriate signage. These improvements and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
74. The applicant and/or project developer shall construct all improvements on Gibraltar Drive to facilitate a single eastbound and westbound travel lane. This shall include removal of the center median. The improvements, including the proposed street “patch work” of the removed center median, shall be shown on the plans submitted to the Building and Safety Division and shall be subject to the review and approval of the City’s Traffic Engineer and Director of Community prior to building permit issuance.
75. The applicant and/or project developer shall install protected left turn phasing at Gibraltar Drive at Hacienda Drive in the eastbound and westbound direction. This improvement and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
76. The applicant and/or project developer shall modify the westbound intersection approach striping on Gibraltar Drive (east of Hacienda Drive) to facilitate a single westbound travel lane. This improvement shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
77. The applicant/project developer shall modify the eastbound intersection approach striping on Gibraltar Drive (west of Willow Road) to facilitate single eastbound travel lane. This improvement shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic

Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.

78. The applicant and/or project developer shall install all signage, pavement striping, and traffic signal equipment needed to change Owens Drive (eastbound), Willow Road, and Gibraltar Drive from its current design to the reduced lane geometry. This includes all vehicular, bicycle, and pedestrian signage necessary. These improvements and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Traffic Engineer and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
79. The applicant and/or project developer shall bring all pedestrian ramps up to current American with Disability Act (ADA) standards. This includes all ramps at Owens Drive at Willow Road, Willow Road at Gibraltar Drive, and Gibraltar Drive at Hacienda Drive as well as ramps adjacent to the project sites (i.e., Sites 1 and 2). These improvements and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Engineer and City Traffic Engineer and shall be subject to the review and approval of the City Engineer prior to building permit issuance.
80. The applicant and/or project developer shall work with the adjacent property owners (i.e., Shaklee and Kaiser sites) regarding the construction of an ADA compliant trail from Hacienda Drive to Owens Drive along the northern and eastern property line that will provide ADA access from all properties.
81. The applicant and/or project developer shall restripe eastbound Owens Drive east of Chabot Drive to provide a continuous Class II bike lane from Chabot Drive to Willow Road. This improvement will link project bike lanes with bike lanes west of Chabot Drive (scheduled for installation in summer 2012). The proposed striping changes shall conform to striping modifications previously identified in these conditions of approval. These improvements and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Engineer and City Traffic Engineer and shall be subject to the review and approval of the City Engineer prior to building permit issuance.
82. The applicant and/or project developer shall improve striping along Willow Road between Owens Drive and Gibraltar Drive (north) and along Gibraltar Drive (north) between Willow Road and Hacienda Drive to conform to these conditions of approval and the Hacienda TOD Standards and Design Guidelines. The striping changes are required to ensure that the project does not create discontinuous and/or disjointed striping along sections of these roads. These improvements and plan notes shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Engineer and City Traffic Engineer and shall be subject to the review and approval of the City Engineer prior to building permit issuance.

83. The applicant and/or project developer shall include provisions for a Class II bike lane on Willow Road to link existing bike lanes south of Gibraltar Drive (North). Striping improvements and lane geometries shall be approved by the City Traffic Engineer. This improvement shall be shown on the plans submitted to the Building and Safety Division for plan check.
84. The applicant and/or project developer shall not design roadway improvements on eastbound Owens Drive that impact or compromise ingress and egress to the Kaiser property driveway, adjoining the west side of the trail on Site 1. The roadway improvements on eastbound Owens Drive shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the City Engineer and City Traffic Engineer. The eastbound Owens Drive improvements shall be subject to the review and approval of the City Engineer and City Traffic Engineer prior to building permit issuance.

### **Building and Safety Division**

85. The principles of Universal Design shall be incorporated into the design whenever possible. Unless otherwise determined by the Chief Building Official, all required adaptable dwelling units shall, at a minimum, provide the following features:
  - a. Audible & visual doorbell within unit.
  - b. Balcony/patio at same floor level as unit.
  - c. Windows for viewing shall have a 36" maximum sill height.
  - d. 44" minimum hallway width and 32" minimum clear door opening width for all doorways within units.
  - e. Lever type handles on all doors.
  - f. An 18" minimum clear floor space beside door on pull side at latch jamb.
  - g. All receptacle or other outlets, 18" minimum height above finished floor.
  - h. Rocker type light switches 44"- 48" above finish floor, and thermostats 48" maximum height.
  - i. Variable height (28"- 42") work surfaces such as countertops, sinks, and/or cooktops.
  - j. Loop handle pulls on drawers and cabinet doors or touch hardware - no knobs.
  - k. Full-extension, pull-out drawers, shelves and racks in base cabinets.

- l. Full height pantry storage with easy access pull-out and/or adjustable height shelves.
  - m. Front-mounted controls on all appliances.
  - n. Adjustable height closet rods and shelves.
  - o. Single-lever water controls at all plumbing fixtures and faucets.
  - p. Hand-held adjustable shower head.
  - q. Blocking in walls around toilet, tub, and shower for future placement and relocation of grab bars.
86. All ground-floor dwelling units and all dwelling units served by an elevator shall be adaptable and on an accessible route, as defined by the California Building Code Chapter 11A.

## **STANDARD CONDITIONS**

### **Planning Division**

87. Development shall be substantially as shown on the development plans, color/material board, and related materials such as the noise analysis and greenhouse gas analysis, dated "Received March 27, 2011" Exhibit B-1, on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
88. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
89. Residential and live/work dwelling units: The applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to offset this project's long term effect on school facility needs in Pleasanton in addition to the school impact fees required by State law. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities. The method and manner for the

provision of these funds and/or facilities shall be approved by the PUSD and in place prior to building permit issuance. Written proof of compliance with this condition shall be provided by Applicant to the City, on a form generated by the PUSD, prior to building permit issuance.

Retail Building: Prior to issuance of a building permit, the Applicant shall pay the required commercial development school impact fee as prescribed by State law and as adopted by the Pleasanton Unified School District.

90. Prior to building permit submittal, a list of the green building measures used in the design of the buildings, covered by this approval, shall be provided to the Planning Division for the review and approval by the Director of Community Development. The buildings covered by this approval shall be designed to achieve a “certified rating” of a minimum of 77 total points, achieving at least the minimum points in each category, using BuildItGreen’s **current** GreenPoints rating system for new Multifamily development.

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

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

91. All HVAC condensing units shall be shown on the plans and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
92. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed.
93. The applicant shall provide garage door design and material details to the satisfaction of the Director of Community Development. The garage door details shall be included in the plans submitted to the Building and Safety Division for plan check. The garage doors shall be subject to the review and approval of the Director of Community Development prior to the issuance of a building permit.
94. The developer shall include within the building project design a fully screened location for future satellite dish antennas satisfactory to the Director of Community



Development or shall provide underground cable facilities to serve all users of the site. The developer shall indicate on the building permit plan check set whether underground cable will be provided and shall indicate the potential location of any future satellite dishes, as applicable.

95. All conditions of approval shall be attached to all building permit plan check sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, house design, house colors or materials, green building measures, landscape material, etc.
96. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior to issuance of a building permit. The irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.
97. Before project final, all landscaping shall be installed, review, and approved by the Planning Division.
98. Prior to building occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
99. The developer and/or property management are encouraged to use reclaimed gray water, rain water, etc., for landscape irrigation. If used, the details shall be shown on the permit plan set to the satisfaction of the Director of Community Development before issuance of a building permit.
100. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
101. The height of the structures shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit B or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.

102. The project developer shall comply with the recommendations of the tree report prepared for BRE Properties, Inc. by John Leffingwell, dated January 2012. No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
103. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.
104. The approved building colors and materials shall be indicated on the final building permit plans. Any proposed revisions to these approved colors or materials must be submitted for review and approval by the Director of Community Development prior to building permit issuance and/or painting/installation.
105. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier “start times” or later “stop times” for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
106. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
107. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
108. 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.

### **Landscaping**

109. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas

included in this project will be maintained at all times in a manner consistent with the approved landscape plan for this development. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.

110. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
111. The project developer 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 Director of Community Development at the time of review of the final landscape plans.
112. For purposes of erosion control, the applicant/developer shall plant a hydroseed mixture that has been designed by the project Landscape Architect. The hydroseed mixture shall be specified on the building permit plans for review and approval by the Director of Community Development and shall be maintained by the applicant/developer.

#### *Tree Requirements*

113. The following statements shall be printed on to the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
  - a. No existing tree may be trimmed or pruned without prior approval by the Community Development Director.
  - b. No equipment may be stored within or beneath the driplines of the existing trees.
  - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
  - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.
114. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) outside of the existing tree drip lines, as shown on the plans. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a "stop work order."

## **Bicycle Parking**

115. Bicycle racks shall:
- a. Be visible and accessible.
  - b. Support the frame of the bicycle and not just one wheel.
  - c. Allow the frame and one wheel to be locked to the rack.
  - d. Allow the use of either a cable or U-shaped lock.
  - e. Be securely anchored.
  - f. Be usable by bikes with no kickstand, and
  - g. Be usable by a wide variety of sizes and types of bicycles.

## **Building and Safety Division**

116. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
117. At the time of building permit plan submittal, 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 to prevent stormwater runoff onto adjoining properties.
118. Prior to issuance of building permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

## **Engineering Division**

119. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.

120. The project developer shall comply with the recommendations of the project's geotechnical consultant. 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 City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
121. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining 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 for review and approval prior to occupancy.
122. 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.
123. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit.
124. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
125. 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.
126. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
127. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
128. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
129. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures,

including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit.

130. 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 re-vegetated and stabilized as soon as possible after completion of grading. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place. The applicant shall post with the City a cash bond for hazard control and erosion control, this bond will not be release until the permanent landscaping is in place.
131. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
132. The applicant shall post with the City, prior to approval of the subdivision map, a separate performance bond for the full value of all improvements that are not to be accepted by the City of Pleasanton.
133. All retaining walls/monument signs along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
134. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.

### **Engineering Division**

135. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
136. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
137. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system. The project developer shall construct transit shelters with trash receptacles at locations determined by the Community Development Director and the City Engineer. The shelter and trash receptacle design shall be approved by the Director of Community Development 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.

138. All commercial, live/work, and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company U.L. certificate. Fire alarm control panel and remote annunciation shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device and annunciated by device type and point.
139. Provide a Hazardous Materials Declaration for this tenant and/or use. Form shall be signed by owner/manager of company occupying the suite/space/building. No building permit will be issued until the Hazardous Materials Declaration is provided. The form is available through the permit center or from the LPFD Fire Prevention Bureau.
140. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPFD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.
141. The proposed building(s) may have additional Fire Department requirements that can only be addressed by knowing the details of occupancy. These occupancy details shall be submitted to the Fire Department prior to submittal of construction plans to the Building and Safety Division. Details shall include but not be limited to the following:
  - a. Type of storage.
  - b. Height of storage.
  - c. Aisle spacing.
  - d. Rack of bulk storage.
  - e. Palletized storage.
  - f. Type of occupancies within areas of the building(s) Based on the information received, there may be additional requirements such as: smoke and heat venting, in-rack sprinklers, increases in sprinkler design criteria, draft curtains, etc. 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.

142. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:

- Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.
- Backflow prevention or connections to the public water mains.

143. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.

144. In commercial developments, fire hydrants shall be installed at spacing not greater than 300 feet. In residential development(s) hydrant spacing shall be at 400 feet.

145. On-site access ways and internal drives shall be designated as fire lanes and identified as such by red curb striping and posted with signs at locations approved by the Fire Department. Signs shall be according to state standards and read "No Parking - Fire Lane" and must be shown on the plans. The following schedule shall apply:

<u>Width</u>	<u>Requirements</u>
36 Feet or Greater	No Requirements
Between 28 and 36 Feet	Post one side
Between 20 and 28 feet	Post both sides
Less than 20 feet	Not permitted

<u>Aerial Ops - Width</u>	<u>Requirements</u>
42 Feet or Greater	No Requirements
Between 34 and 42 Feet	Post one side
Between 26 and 34 feet	Post both sides
Less than 26 feet	Not permitted

Where Fire Department vehicle access through or around a site involves changes in direction or curves, minimum-turning radius shall be as follows. Inside radius of 45 feet and outside radius of 55 feet shall be provided to facilitate fire truck turning radius for entry and exit from the site.

146. Dead-end access ways and internal drives shall not exceed 300 feet in length and shall terminate in turnaround no less than 100 feet in diameter or hammer-head (tee). Standards and options are available through the Fire Prevention Bureau.



147. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. If building is located greater than 50 feet from street frontage, character size shall be 16" high by 1 ½" stroke minimum. Where multiple access is provided, address or tenant space number shall be provided on each access door and character size shall be no less than 4" high by ¾" stroke. In all cases address numerals shall be of contrasting background and clearly visible in accordance with the Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping or other obstructions. A conditions of approval checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.

*Applicable Specifically to New Residential Construction*

148. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.
- a. Emergency vehicle access will be required to be provided to the site, including the area where construction is occurring.
  - b. Multi-family residential developments: Projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
  - c. Emergency vehicle access shall be a minimum of 20 feet in clear width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) is required. This clearance shall be a minimum of 13 feet-6 inches. Inside turning radius of 45 feet and outside turning radius of 55 feet shall be provided.
  - d. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.
  - e. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
  - f. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).

- g. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.

### **Community Development Department**

- 149. The project applicant/developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
- 150. The project developer shall submit a written dust control plan or procedure as part of the improvement plans.
- 151. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer 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 permit be issued prior to the effective date of the ordinance.
- 152. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
- 153. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of Appendix K of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.
- 154. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations. Wells shall be destroyed in accordance with the procedures outlined on the permit obtained from Zone 7. Zone 7 may request the developer/subdivider to retain specific wells for monitoring the ground water. The developer/subdivider

shall notify the City of Zone 7 desire to retain any well and make provisions to save the well. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.

## **CODE CONDITIONS**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

### **Planning Division**

155. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
156. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060 K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

### **Building and Safety Division**

157. 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 Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
158. The project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
159. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
160. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
161. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

## **Fire Department**

162. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
163. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies NFPA 13D for residential occupancies and NFPA 13R for multifamily residential occupancies.
164. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.
165. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
166. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection."
  - The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department, Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type, license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
  - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
  - All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.

- 167. Dead-end fire service water mains shall not exceed 500 feet in length and/or have more than five Fire Department appliances\* shall be looped around the site or building and have a minimum of two points of water supply or street connection. Zone valves shall be installed as recommended under NFPA, Pamphlet 24 and the Fire Marshal.  
  
\*Note: Fire Department appliances are classified as fire sprinkler system risers, fire hydrants and/or standpipes.
- 168. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
- 169. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame- producing devices, asphalt/tar kettles, etc.
- 170. The building (s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

**URBAN STORMWATER CONDITIONS**

- 171. The project shall comply with the current California Regional Water Quality Control Board, San Francisco Bay Region, and Municipal Regional Stormwater NPDES Permit.
- 172. Until November 30, 2014, the current Municipal Regional Stormwater NPDES Permit No. is #CAS612008 which was adopted on October 14, 2009. This permit was amended on November 28, 2011 by California Regional Water Quality Control Board, San Francisco Bay Region. The project shall also comply with the current NPDES General Permit by the State Water Resources Control Board for Storm Water Discharges Associated with Construction and Land Disturbance Activities until September 2, 2014 the current NPDES General Permit no is CAS000002, Order No. 2009-0009-DWQ.

A copy of the above mentioned current NPDES permits are available at the City of Pleasanton’s Engineering Division and Building and Safety Division; Alameda County Clean Water Program and at the State Water Board website.

## ***Design Requirements***

173. The Permit design requirements include, but are not limited to, the following:

- a. Source control, site design measures, and design and implementation of stormwater treatment with Low Impact Development treatment (LID) measures, Industrial and Commercial Site Control, Pesticides Toxicity Control, Trash Load Reduction, Mercury Controls, PCB (Polychlorinated Biphenyls) Controls, Copper Controls, etc.
- b. Hydro-modification standards are required when a new development or redevelopment project creates and replaces (total) impervious area of one acre or more.
- c. The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
- d. The Permit requires complying with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.

174. The following requirements shall be incorporated into the project:

- a. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the stormwater running off the paved surface that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any grading or building permits.
- b. In addition to natural controls the project developer may be required to install a structural control, such as an oil/water separator, sand filter, and devices for trash capture. These trash capture devices shall be certified for trash capture by the San Francisco Bay Water Board. All structural controls shall intercept and pre-treat stormwater prior to reaching the public storm drain. The design, locations, and a schedule for maintaining the structural controls shall be submitted to the City Engineer/Chief Building Official 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.
- c. The project developer shall submit sizing design criteria to treat stormwater runoff and hydromodification; additional updated detailed copies of calculations maybe required with subsequent plan check submittals.

- d. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
  - Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required by the State amended Municipal Regional Stormwater NPDES permit dated November 28, 2011.
  - 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.
- e. Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin-San Ramon Services District (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Division.
- f. All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building Official and as required by the State Water Board.
- g. All metal roofs, if used, shall be finished with rust-inhibitive paint.

- h. Roof drains shall discharge and drain away from the building foundation. A minimum of ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

**Construction Requirements**

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

The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) as per requirements in NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Section XIV of the Order 2009-0009-DWQ for review by the City Engineer/Chief Building Official prior to issuance of any building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.

- 176. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
- 177. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the Project Qualified SWPPP Developer (QSD).
  - a. The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, rocked construction entrance, hydroseeding, hay bales, sandbags, straw wattles, etc. and are subject to the review and approval of the project Qualified SWPPP Developer. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review by the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures under direct supervision of the project QSD or Qualified SWPPP Practitioner (QSP).
  - b. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 or



when rain is in the forecast unless approved erosion control/stormwater quality measures are in place, subject to the approval of the project QSD or QSP. Such measures shall be maintained until such time as permanent landscaping and post construction storm water treatment measures are in place.

- c. Gather all sorted construction debris on a regular basis and place it in the appropriate container for recycling; to be emptied at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
- 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 cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system by wind or a material spill.
- g. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, soil/dirt or storm drain.
- h. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, unprotected soil or storm drains.
- i. Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- j. Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit with impermeable liner large

enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly. Remove dried concrete on a regular basis (so liner below the wash area will not split and allow wash water to mix with soil). Use self cleaning concrete trucks where available.

- k. Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures. In case of spill contact project QSD or QSP and follow the procedure required in State NPDES General Permit.

### ***Operation Requirements***

178. The Permit's operation and maintenance requirements include but are not limited to the following:

The operation and maintenance of treatment measures including but not limited to bio-swales, lawns, landscaped areas with deep-rooted plants, oil/water separator, Filterra units, etc., (requires completing, signing and recording an agreement with Alameda County recorder's office in a format approved by the State and Alameda County).

179. All projects, unless otherwise determined by the City Engineer or Chief Building Official, The owner shall enter into a recorded Stormwater Treatment Measures Operation Inspection and Maintenance Agreement (Stormwater O&M Agreement) for on-going maintenance and reporting of required post construction stormwater treatment measures. These measures may include, but are not limited to:
  - a. A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, (which is attached to the Stormwater Treatment Measures Operation, Inspection and Maintenance Agreement). This document shall be reviewed by the City Attorney's Office and recorded with Final map or Parcel Map in conjunction with an subdivision or before the City releases erosion control and construction hazard cash bond for commercial developments.
  - b. On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."

- c. Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
- d. Ensure non storm water discharges including but not limited to wastewater from vehicle and equipment washing operations are not discharged to the storm drain system.
- e. Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains or soil/dirt.
- f. Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
- g. Regularly (but not less than once a month) and before rain is expected, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain system or soil/dirt.
- h. Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

{end}

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE APPLICATION OF BRE PROPERTIES, INC., FOR PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT PLAN APPROVAL TO CONSTRUCT A MIXED-USE HIGH-DENSITY RESIDENTIAL/COMMERCIAL DEVELOPMENT CONTAINING 247 RESIDENTIAL UNITS, 4 LIVE/WORK UNITS, AND A .55-ACRE PUBLIC PARK AT THE PROPERTY LOCATED AT THE NORTHERN CORNER OF GIBRALTAR DRIVE AND HACIENDA DRIVE, AS FILED UNDER CASE NO. PUD-81-30-86D**

**WHEREAS**, BRE Properties, Inc. has applied for Planned Unit Development (PUD) plan approval to construct a mixed-use high-density residential/commercial development containing 247 residential units, 4 live/work units, and a .55-acre public park at the property located at the northern corner of Gibraltar Drive and Hacienda Drive; and

**WHEREAS**, based on the Initial Environmental Study, a Mitigated Negative Declaration was adopted by the City Council on April 3, 2012; and

**WHEREAS**, at its meeting of April 3, 2012, the City Council received the Planning Commission's positive recommendations for approval of the PUD development plan; and

**WHEREAS**, a duly noticed public hearing was held on April 3, 2012; and

**WHEREAS**, the City Council finds that the PUD development plan is consistent with the General Plan, and the purposes of the PUD ordinance; and that the exceptions from the Hacienda TOD Standards and Design Guidelines are approved because they preserve more open space and live/work building depth and otherwise meet the intent of the Guidelines.

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

**SECTION 1.** Approves Case No. PUD-81-30-86D, the application of BRE Properties, Inc. for Planned Unit Development (PUD) development plan approval to construct a mixed-use high-density residential/commercial development containing 247 residential units, 4 live/work units, and a .55-acre public park at the property located at the northern corner of Gibraltar Drive and Hacienda Drive, subject to the conditions of approval shown on Exhibit A-2, attached hereto and incorporated herein by this reference.

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

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on April 3, 2012 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

And adopted at a regular meeting of the City Council of the City of Pleasanton on May 15, 2012, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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Jennifer Hosterman, Mayor

ATTEST:

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Karen Diaz, City Clerk

APPROVED AS TO FORM:

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Jonathan Lowell, City Attorney

**EXHIBIT A-2  
DRAFT CONDITIONS OF APPROVAL**

**PUD-81-30-86D and P11-0856 / Site 2, BRE Properties  
Mixed Use Development Project**

**April 3, 2012**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. Revised plans related to depth of live/work spaces, dated "Received, March 27, 2012," on file with the Planning Division, shall be further revised to reflect a live/work depth of 38-feet for "Garden Building 4." The setback for building "Garden Building 4" shall be a minimum of 30-feet from the curb on Gibraltar Drive. The applicant shall submit elevations and exhibits to the satisfaction of the Director of Community Development demonstrating how the extended first floor spaces integrate with overall architectural design. These revisions shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
2. The subject property is zoned Planned Unit Development – Mixed Use (PUD-MU) District. The permitted and conditionally permitted uses on the subject property shall be those listed on page 13 of the Hacienda TOD Standards and Design Guidelines.
3. The development plan (Case No. PUD-81-30-86D) and the Phase I and Phase II Development Agreement Amendments (Case No. P11-0856) shall expire five years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued.
4. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structures.
5. The applicant/project developer shall work with staff to increase the amount of building caps visible from the interior of the project.
6. The final design of the patio walls and balcony materials shall be subject to the review and approval of the Planning Division prior to building permit issuance.
7. The applicant shall construct 8-foot of paved area and 2-foot of landscaping for the proposed trail along the northwest and east sides of Site 2. These improvements shall be shown on the plans submitted to the Building and Safety

Division for plan check and permit issuance. The design of the trail improvements shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.

8. The plan shall be revised to reflect internal residential pedestrian access to the trail for Site 2. This revision shall be subject to the review and approval of the Director of Community Development and shall be incorporated into the plans submitted to the Building and Safety Division for permit issuance.
9. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand.
10. The developer shall pay any and all fees to which the property may be subject to 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.
11. Prior to issuance of a building permit, the applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters. Additionally, the developer shall pay any applicable DSRSD sewer permit fee.
12. The project shall be subject to the terms of the Affordable Housing Agreement approved by the Housing Commission at its October 17, 2011, hearing, and any subsequent changes to the program approved by the City Council.
13. The applicant shall pay applicable Park in-lieu fees. These fees will be pro-rated to reflect the land dedication of the public park and trail areas. The acreage of the dedication will be calculated as a percentage of the land dedication requirement. The remaining percentage of the land dedication requirement will be the percentage of per unit fees paid.
14. The parking/storing of boats, campers, recreational vehicles, and trailers on site or in any parking space shall be prohibited. In addition, the storage of materials in the parking spaces shall be prohibited. The applicant/property manager shall be responsible for enforcing these restrictions, which shall be stated clearly in all leases.
15. All parking spaces shall be striped. Wheel stops shall be provided for the surface parking spaces unless the spaces are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.

16. Prior to issuance of a building permit, the applicant shall pay the applicable City and Tri-Valley traffic impact fees for the project.
17. Window specifications and typical installation details shall be included with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
18. Should the applicant, project developer, residents, employees, and/or tenants wish to have a designated area to wash vehicles on-site, the applicant and/or responsible party shall submit improvement and design plans of the wash area to the Planning Division for review and approval prior to designating, constructing, and/or allowing vehicles to be washed on-site.
19. The project developer shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
20. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
21. The applicant shall submit an exterior lighting plan for the buildings and site, including drawings and/or manufacturer's specification sheets showing the size and type of light fixtures proposed. All exterior lighting shall be directed downward and designed or shielded so as to not shine on neighboring properties or streets and to have the lowest luminosity while still meeting the City's Security Ordinance. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
22. All trash and refuse shall be contained completely within the approved trash enclosures. Trash containers shall be stored within the trash enclosures at all times, except when being unloaded. Elevation drawings and plan details of the enclosures, including color and material of the enclosures noted, shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
23. The location of any pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building



and Safety Division. Such transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates. All transformers shall be shown on the plans submitted for issuance of building permits.

24. Unless a phasing occupancy plan for improvements is approved by the Director of Community Development, the developer shall complete all of the on-site improvements at one time.
25. The applicant shall not install hose bibs at the project site which could be used by residents to wash vehicles.
26. No speed bumps shall be placed within the drive aisles of the project site unless otherwise approved by the Director of Community Development and Fire Chief.
27. The applicant and/or project developer shall adhere to the recommended noise attenuation measures in the Environmental Noise Assessment, prepared for BRE Properties, Inc., by Erika A. Frederick with Charles M. Salter Associates, Inc., dated November 4, 2011, on file with the Planning Division. All noise attenuation measures shall be incorporated into and/or noted on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the Director of Community Development.
28. The applicant shall install a pedestrian-scale, lighted complex directory sign near the driveway showing the location of apartment building clusters, addresses, units, parking areas, etc. Prior to the installation, the developer shall submit the design and location of the directory sign to the Director of Community Development for review and approval.
29. Prior to installation of any tenant or project identification signs, a comprehensive sign program shall be submitted for review approval by the Director of Community Development.
30. The applicant shall install at least two trash receptacles within the sidewalk area along the live/work storefronts. The trash receptacle design and locations shall be shown on the plans submitted for issuance of building permits and shall be subject to review and approval by the Director of Community Development prior to issuance of building permits for the project.
31. Prior to installation of any outdoor dining furniture and/or display for the retail and/or live/work uses, the applicant or tenant shall obtain an outdoor dining and/or display permit from the City. Plans showing the location and design of the outdoor dining furniture and/or display shall be included with the outdoor dining and/or display permit application.

32. Only modular newspaper dispensers accommodating more than one newspaper dispenser shall be allowed outside of the buildings within the development. The design of these dispensers shall be approved by the Director of Community Development. Dispensers within the public right-of-way shall require an encroachment permit by the Engineering Division.
33. Restaurant/food service tenants with cooking facilities shall be equipped at all times with filtering devices to minimize odors and fumes. Details of said devices shall be shown on the tenant improvement plans submitted for issuance of building permits and shall be subject to review and approval by the Director of Community Development and Chief Building Official prior to issuance of building permits for the tenant improvements.
34. Restaurant/food service tenants shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by DSRSD, or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control such as a sand filter or oil/water separator shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Chief Building Official. The restaurant/food service owner shall instruct employees to conduct all washing activities in this area.
35. There shall be no truck deliveries, parking lot sweeping, or leaf blowing between the hours of 10:00 p.m. and 6:00 am.
36. The site plan shall be revised to separate internal sidewalks from curbs wherever feasible as determined by the Director of Community Development.
37. The site plan shall be revised to add paving enhancements (a) at the Gibraltar Drive project entry, and (b) between the southernmost internal plaza and the central open space area (near the fitness center) to improve the pedestrian experience crossing the internal alley.
38. The applicant shall work with the Planning staff to identify a suitable enhancement to the cap elements on top of entry/stairwell locations.
39. The landscape plans shall clearly demonstrate landscaping enhancements along garage openings.

#### Climate Action Plan

40. The applicant shall separate fee-based parking from home rents/purchase prices or office leases to increase affordability for those without a vehicle(s).

41. The applicant and/or project developer shall provide electric and plug-in hybrid vehicle infrastructure charging stations in both on street and off-street parking locations for public and private use. The locations of the charging stations shall be shown on the plans submitted to the Building and Safety Division for plan check to the satisfaction of the Director of Community Development. The location of the stations shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
42. The applicant/project developer shall work with staff on locations for providing light-colored paving material for internal streets and parking areas. The color and location of the paving shall be shown on the plans submitted to the Building and Safety Division and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
43. The applicant and/or project developer shall incorporate solar tubes, skylights, and/or other daylighting systems, subject to the satisfaction of the Director of Community Development, within the design of the leasing building and club/fitness building. The method used and plan details shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
44. The applicant and/or project developer shall development a program for grey water systems for the subject site to the satisfaction of the Director of Community Development. The program shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
45. Rain gutters shall discharge into landscaping planter areas where feasible. These details shall be shown on the plans submitted to the Building and Safety Division for plan check and are subject to the review and approval of the Director of Community Development prior to building permit issuance.

### **Engineering Division**

46. The typical street sections shall be revised to indicate the street or streets represented by the street-section. The sections with the bioretention swales adjacent to the street shall be modified to show the swales and how storm water will enter the swale from the street. Additionally, the street section with the trail shall be modified to show the location of the trail relative to the street section.
47. The streets within the development shall be private and maintained by the owner. As such, the owner shall dedicate to the City an emergency vehicle access easement over these private streets.
48. The on-site utilities shall be private and maintained by the owner. As such, the Public Service Easement (PSE) Waterline Easement (WE), Sanitary Sewer Easement (SE) Storm Drain Easement (SD) shall be removed from the plans.

49. The proposed entrance off Hacienda Drive shall be increased to 26-feet unless otherwise approved by the City Engineer.
50. Any proposed driveways, street lights, street signs or sidewalks along Gibraltar Drive or Hacienda Drive shall be privately maintained and meet Hacienda Business Park guidelines.
51. The applicants' engineer/surveyor shall prepare all plots and descriptions' for the City to abandon portion of the City street right of way and/or Public Service Easements. Said plots and descriptions' shall be submitted to the City before a grading permit is issued for the site.
52. The sidewalks at the entrance street of Gibraltar Drive or Hacienda Drive shall be redesigned such that the ramp for the handicapped intersects the mid point of the curb return unless otherwise approved by the City Engineer.
53. The trail along the project's northerly boundary shall be offered to the City of Pleasanton before a grading permit is issued for the site unless otherwise approved by the City Engineer. The fee title for the trail shall be dedicated either on a subdivision map or be recorded by separate instrument.
54. The design of the on-site sanitary sewer system shall be modified such that that the size and slope of the private sanitary sewer main maintain a minimum velocity of 2 feet per second unless otherwise approved by the City Engineer. The sanitary sewer mains connecting to the City main sewer shall have a sampling manhole unless otherwise approved by the City Engineer.
55. If a restaurant/food preparation facility occupies any of the buildings within this development the private sanitary sewer lateral from the building shall have grease interceptor installed on the building lateral.
56. A maintenance agreement shall be entered into with the adjacent property owners that convey storm water through this site. This agreement shall be reviewed and approved by the City Attorney's office before a grading permit is issued for the site.
57. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria, storm drain treatment calculations, and hydromodification worksheets, etc., shall be submitted with the Phase I improvements. The calculations shall demonstrate to the satisfaction of the City Engineer that there is sufficient capacity within the proposed detention system to allow for both hydromodification and storm water treatment for this development. With the first plan check, the applicant's engineer shall submit the hydromodification calculations and storm drain drawings to the City.

58. The site plan layout is conceptually acceptable at this time; the applicant shall provide calculations to show the stormwater treatment facilities are in conformance with the California Regional Water Quality Control Board, San Francisco Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009. Said treatment facilities shall include the provisions for trash removal device(s) within the storm drain system.
59. The fire protection water main shall be private beyond the backflow prevention device. There shall be a fire (water) sprinkler line connection to Gibraltar Drive or Hacienda Drive to create a loop fire protection system. The private onsite fire water system will be approved by the Fire Marshall after reviewing the layout and calculations that are to be submitted with the improvement plans.
60. The existing storm drain, water or sanitary sewer laterals stubbed to the property on Gibraltar Drive or Hacienda Drive shall be abandoned per City standard requirements unless otherwise approved by the City Engineer.
61. The applicant shall be responsible for paying applicable Zone 7 drainage fees.
62. Any proposed public art shall be located in a location so it does not impact sight distance for vehicles exiting this development. The exact location of the public art shall be approved by the City Traffic Engineer.

### **Traffic Division**

63. If Site 1 (filed under Case No. PUD-85-08-12D) is not approved and/or constructed; the applicant shall be responsible for only those traffic improvements applicable to Site 2 as determined by the Director of Community Development and the City's Traffic Engineer. Condition of approval Nos. 55 through 65, noted hereafter, shall be completed prior to final building occupancy as determined by the City Traffic Engineer and Director of Community Development.
64. The applicant and/or project developer shall construct 180-foot northbound and southbound left turn pockets on Willow Road at Gibraltar Drive and replace the left turn on green ball signs on signal mast arms. These improvements and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
65. The applicant and/or project developer shall make striping modifications to northbound Willow Road, south of Gibraltar Drive north, to allow single a northbound through lane. The applicant and/or project developer shall ensure that the left turn trap lane striping begins a minimum of 500-feet south of the intersection and install appropriate signage. These improvements and related plan notes shall be incorporated into the plans submitted to the Building and

Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.

66. The applicant and/or project developer shall construct all improvements on Gibraltar Drive to facilitate a single eastbound and westbound travel lane. This shall include removal of the center median. These improvements and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
67. The applicant and/or project developer shall install protected left turn phasing at Gibraltar Drive at Hacienda Drive in the eastbound and westbound direction. This improvement and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
68. The applicant and/or project developer shall modify the westbound intersection approach striping on Gibraltar Drive (east of Hacienda Drive) to facilitate a single westbound travel lane. This improvement and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
69. The applicant/project developer shall modify the eastbound intersection approach striping on Gibraltar Drive (west of Willow Road) to facilitate single eastbound travel lane. This improvement and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
70. The applicant and/or project developer shall install all signage, pavement striping, and traffic signal equipment needed to change Owens Drive (eastbound), Willow Road, and Gibraltar Drive from its current design to the reduced lane geometry. This includes all vehicular, bicycle, and pedestrian signage necessary. These improvements and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
71. The applicant and/or project developer shall bring all pedestrian ramps up to current American with Disability Act (ADA) standards. This includes all ramps at Owens Drive at Willow Road, Willow Road at Gibraltar Drive, and Gibraltar Drive at Hacienda Drive as well as ramps adjacent to the project sites (i.e., Sites 1 and 2). These improvements and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be

subject to the review and approval of the City Engineer and City Traffic Engineer prior to building permit issuance.

72. The applicant and/or project developer shall work with the adjacent property owners (i.e., Shaklee and Kaiser sites) regarding the construction of an ADA compliant trail from Hacienda Drive to Owens Drive along the northern and eastern property line that will provide ADA access from all properties.
73. The applicant and/or project developer shall improve striping along Willow Road between Owens Drive and Gibraltar Drive (north) and along Gibraltar Drive (north) between Willow Road and Hacienda Drive to conform to these conditions of approval and the Hacienda TOD Standards and Design Guidelines. The striping changes are required to ensure that the project does not create discontinuous and/or disjointed striping along sections of these roads. These improvements and related plan notes shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the City Traffic Engineer prior to building permit issuance.
74. The applicant and/or project developer shall include provisions for a Class II bike lane on Willow Road to link existing bike lanes south of Gibraltar Drive (North). Striping improvements and lane geometries shall be approved by the City Traffic Engineer. This improvement shall be incorporated into the plans submitted to the Building and Safety Division for plan check.

### **Building and Safety Division**

75. The principles of Universal Design shall be incorporated into the design whenever possible. Unless otherwise determined by the Chief Building Official, all required adaptable dwelling units shall, at a minimum, provide the following features:
  - a. Audible & visual doorbell within unit.
  - b. Balcony/patio at same floor level as unit.
  - c. Windows for viewing shall have a 36" maximum sill height.
  - d. 44" minimum hallway width and 32" minimum clear door opening width for all doorways within units.
  - e. Lever type handles on all doors.
  - f. An 18" minimum clear floor space beside door on pull side at latch jamb.
  - g. All receptacle or other outlets, 18" minimum height above finished floor.
  - h. Rocker type light switches 44"- 48" above finish floor, and thermostats 48" maximum height.

- i. Variable height (28"- 42") work surfaces such as countertops, sinks, and/or cooktops.
  - j. Loop handle pulls on drawers and cabinet doors or touch hardware - no knobs.
  - k. Full-extension, pull-out drawers, shelves and racks in base cabinets.
  - l. Full height pantry storage with easy access pull-out and/or adjustable height shelves.
  - m. Front-mounted controls on all appliances.
  - n. Adjustable height closet rods and shelves.
  - o. Single-lever water controls at all plumbing fixtures and faucets.
  - p. Hand-held adjustable shower head.
  - q. Blocking in walls around toilet, tub, and shower for future placement and relocation of grab bars.
76. All ground-floor dwelling units and all dwelling units served by an elevator shall be adaptable and on an accessible route, as defined by the California Building Code Chapter 11A.

## **STANDARD CONDITIONS**

### **Planning Division**

77. Development shall be substantially as shown on the development plans, color/material board, and related materials such as the noise analysis and greenhouse gas analysis, dated "Received March 27, 2011" Exhibit B-2, on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
78. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees



and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

79. Residential and live/work dwelling units: The applicant shall work with the Pleasanton Unified School District (PUSD) to develop a program to offset this project's long term effect on school facility needs in Pleasanton in addition to the school impact fees required by State law. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect on the long-term need for expanded school facilities. The method and manner for the provision of these funds and/or facilities shall be approved by the PUSD and in place prior to building permit issuance. Written proof of compliance with this condition shall be provided by Applicant to the City, on a form generated by the PUSD, prior to building permit issuance.
80. Prior to building permit submittal, a list of the green building measures used in the design of the buildings, covered by this approval, shall be provided to the Planning Division for the review and approval by the Director of Community Development. The buildings covered by this approval shall be designed to achieve a "certified rating" of a minimum of 76 total points, achieving at least the minimum points in each category, using BuildItGreen's **current** GreenPoints rating system for new Multifamily development.

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

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

81. All HVAC condensing units shall be shown on the plans and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
82. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed.
83. The applicant shall provide garage door design and material details to the satisfaction of the Director of Community Development. The garage door details shall be included in the plans submitted to the Building and Safety Division for

plan check. The garage doors shall be subject to the review and approval of the Director of Community Development prior to the issuance of a building permit.

84. The developer shall include within the building project design a fully screened location for future satellite dish antenna satisfactory to the Director of Community Development or shall provide underground cable facilities to serve all users of the site. The developer shall indicate on the building permit plan check set whether underground cable will be provided and shall indicate the potential location of any future satellite dishes, as applicable.
85. All conditions of approval shall be attached to all building permit plan check sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, house design, house colors or materials, green building measures, landscape material, etc.
86. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior to issuance of a building permit. The irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.
87. Before project final, all landscaping shall be installed, review, and approved by the Planning Division.
88. Prior to building occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
89. The developer and/or property management are encouraged to use reclaimed gray water, rain water, etc., for landscape irrigation. If used, the details shall be shown on the permit plan set to the satisfaction of the Director of Community Development before issuance of a building permit.
90. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
91. The height of the structures shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit B or as

otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.

92. The project developer shall comply with the recommendations of the tree report prepared for BRE Properties, Inc. by John Leffingwell, dated January 2012. No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
93. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.
94. The approved building colors and materials shall be indicated on the final building permit plans. Any proposed revisions to these approved colors or materials must be submitted for review and approval by the Director of Community Development prior to building permit issuance and/or painting/installation.
95. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall be allowed on weekends, State, or Federal Holidays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
96. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
97. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.

98. 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.

### **Landscaping**

99. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas included in this project will be maintained at all times in a manner consistent with the approved landscape plan for this development. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.
100. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
101. The project developer 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 Director of Community Development at the time of review of the final landscape plans.
102. For purposes of erosion control, the applicant/developer shall plant a hydroseed mixture that has been designed by the project Landscape Architect. The hydroseed mixture shall be specified on the building permit plans for review and approval by the Director of Community Development and shall be maintained by the applicant/developer.

### *Tree Requirements*

103. The following statements shall be printed on to the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
  - a. No existing tree may be trimmed or pruned without prior approval by the Community Development Director.
  - b. No equipment may be stored within or beneath the driplines of the existing trees.
  - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
  - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.
104. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the

Director of Community Development) outside of the existing tree drip lines, as shown on the plans. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a “stop work order.”

### **Bicycle Parking**

105. Bicycle racks shall:

- a. Be visible and accessible.
- b. Support the frame of the bicycle and not just one wheel.
- c. Allow the frame and one wheel to be locked to the rack.
- d. Allow the use of either a cable or U-shaped lock.
- e. Be securely anchored.
- f. Be usable by bikes with no kickstand, and
- g. Be usable by a wide variety of sizes and types of bicycles.

### **Building and Safety Division**

106. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
107. At the time of building permit plan submittal, 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 to prevent stormwater runoff onto adjoining properties.
108. Prior to issuance of building permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During construction, the project developer shall mark all trash disposal bins “trash materials only” and all recycling bins “recycling materials only.” The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

## **Engineering Division**

109. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
110. The project developer shall comply with the recommendations of the project's geotechnical consultant. 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 City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
111. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining 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 for review and approval prior to occupancy.
112. 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.
113. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit.
114. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
115. 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.
116. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
117. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.

118. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
119. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit.
120. 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 re-vegetated and stabilized as soon as possible after completion of grading. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place. The applicant shall post with the City a cash bond for hazard control and erosion control, this bond will not be release until the permanent landscaping is in place.
121. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
122. The applicant shall post with the City, prior to approval of the subdivision map, a separate performance bond for the full value of all improvements that are not to be accepted by the City of Pleasanton.
123. All retaining walls/monument signs along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
124. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.

### **Engineering Division**

125. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
126. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
127. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the

fire alarm system. The project developer shall construct transit shelters with trash receptacles at locations determined by the Community Development Director and the City Engineer. The shelter and trash receptacle design shall be approved by the Director of Community Development 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.

128. All commercial, live/work, and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company U.L. certificate. Fire alarm control panel and remote annunciation shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device and annunciated by device type and point.
129. Provide a Hazardous Materials Declaration for this tenant and/or use. Form shall be signed by owner/manager of company occupying the suite/space/building. No building permit will be issued until the Hazardous Materials Declaration is provided. The form is available through the permit center or from the LPFD Fire Prevention Bureau.
130. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPFD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.
131. The proposed building(s) may have additional Fire Department requirements that can only be addressed by knowing the details of occupancy. These occupancy details shall be submitted to the Fire Department prior to submittal of construction plans to the Building and Safety Division. Details shall include but not be limited to the following:
  - a. Type of storage
  - b. Height of storage
  - c. Aisle spacing
  - d. Rack of bulk storage
  - e. Palletized storage
  - f. Type of occupancies within areas of the building(s) Based on the information received, there may be additional requirements such as: smoke and heat venting, in-rack sprinklers, increases in sprinkler design criteria, draft curtains, etc. 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.

132. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:

- Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.
- Backflow prevention or connections to the public water mains.

133. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.

134. In commercial developments, fire hydrants shall be installed at spacing not greater than 300 feet. In residential development(s) hydrant spacing shall be at 400 feet.

135. On-site access ways and internal drives shall be designated as fire lanes and identified as such by red curb striping and posted with signs at locations approved by the Fire Department. Signs shall be according to state standards and read "No Parking - Fire Lane" and must be shown on the plans. The following schedule shall apply:

<u>Width</u>	<u>Requirements</u>
36 Feet or Greater	No Requirements
Between 28 and 36 Feet	Post one side
Between 20 and 28 feet	Post both sides
Less than 20 feet	Not permitted

<u>Aerial Ops - Width</u>	<u>Requirements</u>
42 Feet or Greater	No Requirements
Between 34 and 42 Feet	Post one side
Between 26 and 34 feet	Post both sides
Less than 26 feet	Not permitted

Where Fire Department vehicle access through or around a site involves changes in direction or curves, minimum-turning radius shall be as follows. Inside radius of 45 feet and outside radius of 55 feet shall be provided to facilitate fire truck turning radius for entry and exit from the site.

- 136. Dead-end access ways and internal drives shall not exceed 300 feet in length and shall terminate in turnaround no less than 100 feet in diameter or hammer-head (tee). Standards and options are available through the Fire Prevention Bureau.
  
- 137. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. If building is located greater than 50 feet from street frontage, character size shall be 16" high by 1 ½" stroke minimum. Where multiple access is provided, address or tenant space number shall be provided on each access and/or warehouse door and character size shall be no less than 4" high by ¾ " stroke. In all cases address numerals shall be of contrasting background and clearly visible in accordance with the Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping or other obstructions. A conditions of approval checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.

*Applicable Specifically to New Residential Construction*

- 138. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.
  - a. Emergency vehicle access will be required to be provided to the site, including the area where construction is occurring.
  
  - b. Multi-family residential developments: Projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
  
  - c. Emergency vehicle access shall be a minimum of 20 feet in clear width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) is required. This clearance shall be a minimum of 13 feet-6 inches. Inside turning radius of 45 feet and outside turning radius of 55 feet shall be provided.
  
  - d. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

- e. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
- f. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
- g. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.

### **Community Development Department**

- 139. The project applicant/developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
- 140. The project developer shall submit a written dust control plan or procedure as part of the improvement plans.
- 141. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer 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 permit be issued prior to the effective date of the ordinance.
- 142. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
- 143. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of Appendix K of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.

144. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations. Wells shall be destroyed in accordance with the procedures outlined on the permit obtained from Zone 7. Zone 7 may request the developer/subdivider to retain specific wells for monitoring the ground water. The developer/subdivider shall notify the City of Zone 7 desire to retain any well and make provisions to save the well. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.

**CODE CONDITIONS**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

**Planning Division**

- 145. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
- 146. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 19.96.060 K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

**Building and Safety Division**

- 147. 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 Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
- 148. The project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
- 149. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.

150. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
151. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

### **Fire Department**

152. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
153. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies NFPA 13D for residential occupancies and NFPA 13R for multifamily residential occupancies.
154. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.
155. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
156. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection."
  - The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department, Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type, license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
  - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.

- All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
157. Dead-end fire service water mains shall not exceed 500 feet in length and/or have more than five Fire Department appliances\* shall be looped around the site or building and have a minimum of two points of water supply or street connection. Zone valves shall be installed as recommended under NFPA, Pamphlet 24 and the Fire Marshal.
- \*Note: Fire Department appliances are classified as fire sprinkler system risers, fire hydrants and/or standpipes.
158. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
159. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame- producing devices, asphalt/tar kettles, etc.
160. The building (s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

### **URBAN STORMWATER CONDITIONS**

161. The project shall comply with the current California Regional Water Quality Control Board, San Francisco Bay Region, and Municipal Regional Stormwater NPDES Permit.
162. Until November 30, 2014, the current Municipal Regional Stormwater NPDES Permit No. is #CAS612008 which was adopted on October 14, 2009. This permit was amended on November 28, 2011 by California Regional Water Quality Control Board, San Francisco Bay Region. The project shall also comply with the current NPDES General Permit by the State Water Resources Control Board for Storm Water Discharges Associated with Construction and Land Disturbance Activities. until September 2, 2014 the current NPDES General Permit no is CAS000002, Order No. 2009-0009-DWQ.

A copy of the above mentioned current NPDES permits are available at the City of Pleasanton's Engineering Division and Building and Safety Division; Alameda County Clean Water Program and at State Water Board website.

***Design Requirements***

163. The Permit design requirements include, but are not limited to, the following:

- a. Source control, site design measures, and design and implementation of stormwater treatment with Low Impact Development treatment (LID) measures, Industrial and Commercial Site Control, Pesticides Toxicity Control, Trash Load Reduction, Mercury Controls, PCB (Polychlorinated Biphenyls) Controls, Copper Controls, etc.
- b. Hydro-modification standards are required when a new development or redevelopment project creates and replaces (total) impervious area of one acre or more.
- c. The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
- d. The Permit requires complying with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.

164. The following requirements shall be incorporated into the project:

- a. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the stormwater running off the paved surface that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any grading or building permits.
- b. In addition to natural controls the project developer may be required to install a structural control, such as an oil/water separator, sand filter, and devices for trash capture. These trash capture devices shall be certified for trash capture by the San Francisco Bay Water Board. All structural controls shall intercept and pre-treat stormwater prior to reaching the public storm drain. The design, locations, and a schedule for maintaining the structural controls shall be submitted to the City Engineer/Chief Building Official 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.

- c. The project developer shall submit sizing design criteria to treat stormwater runoff and hydromodification; additional updated detailed copies of calculations may be required with subsequent plan check submittals.
- d. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
  - Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required by the State amended Municipal Regional Stormwater NPDES permit dated November 28, 2011.
  - 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.
- e. Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin-San Ramon Services District (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Division.
- f. All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building Official and as required by the State Water Board.



- g. All metal roofs, if used, shall be finished with rust-inhibitive paint.
- h. Roof drains shall discharge and drain away from the building foundation. A minimum of ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

### **Construction Requirements**

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

The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) as per requirements in NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Section XIV of the Order 2009-0009-DWQ for review by the City Engineer/Chief Building Official prior to issuance of any building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.

- 166. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
- 167. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the Project Qualified SWPPP Developer (QSD).
  - a. The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, rocked construction entrance, hydroseeding, hay bales, sandbags, straw wattles, etc. and are subject to the review and approval of the project Qualified SWPPP Developer. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review by the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures under direct supervision of the project QSD or Qualified SWPPP Practitioner (QSP).
  - b. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation

system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 or when rain is in the forecast unless approved erosion control/stormwater quality measures are in place, subject to the approval of the project QSD or QSP. Such measures shall be maintained until such time as permanent landscaping and post construction storm water treatment measures are in place.

- c. Gather all sorted construction debris on a regular basis and place it in the appropriate container for recycling; to be emptied at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
- 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 cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system by wind or a material spill.
- g. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, soil/dirt or storm drain.
- h. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, unprotected soil or storm drains.
- i. Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- j. Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit with impermeable liner large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking

up the concrete, then recycling or disposing of properly. Remove dried concrete on a regular basis (so liner below the wash area will not split and allow wash water to mix with soil). Use self cleaning concrete trucks where available.

- k. Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures. In case of spill contact project QSD or QSP and follow the procedure required in State NPDES General Permit.

### ***Operation Requirements***

168. The Permit's operation and maintenance requirements include but are not limited to the following:

The operation and maintenance of treatment measures including but not limited to bio-swales, lawns, landscaped areas with deep-rooted plants, oil/water separator, Filterra units, etc., (requires completing, signing and recording an agreement with Alameda County recorder's office in a format approved by the State and Alameda County).

169. All projects, unless otherwise determined by the City Engineer or Chief Building Official, The owner shall enter into a recorded Stormwater Treatment Measures Operation Inspection and Maintenance Agreement (Stormwater O&M Agreement) for on-going maintenance and reporting of required post construction stormwater treatment measures. These measures may include, but are not limited to:

- a. A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, (which is attached to the Stormwater Treatment Measures Operation, Inspection and Maintenance Agreement). This document shall be reviewed by the City Attorney's Office and recorded with Final map or Parcel Map in conjunction with an subdivision or before the City releases erosion control and construction hazard cash bond for commercial developments.
- b. On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
- c. Proper maintenance of landscaping, with minimal pesticide and fertilizer use.

- d. Ensure non storm water discharges including but not limited to wastewater from vehicle and equipment washing operations are not discharged to the storm drain system.
- e. Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains or soil/dirt.
- f. Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
- g. Regularly (but not less than once a month) and before rain is expected, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain system or soil/dirt.
- h. Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

{end}

**RESOLUTION NO. 12-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION OF BRE PROPERTIES, INC., AS FILED UNDER CASE NOS. PUD-85-08-12D AND PUD-81-30-86D**

**WHEREAS**, at its meeting of April 3, 2012, the City Council received a proposed Mitigated Negative Declaration for the application of BRE Properties, Inc. for two Planned Unit Development (PUD) development plan approvals to construct: (a) a mixed-use high-density residential/commercial development containing 251 residential units, 4 live/work units, and approximately 5,700 square feet of retail space at the property located at the southeast corner of Owens Drive and Willow Road (PUD-85-08-12D); and (b) a high-density residential development containing 247 residential units, 4 live/work units, and a 0.55-acre public park at the property located at the northern corner of Gibraltar Drive and Hacienda Drive (PUD-81-30-86D); and

**WHEREAS**, the City Council received and reviewed the Initial Study, dated February 28, 2012, and received the recommendations of the staff and Planning Commission; and

**WHEREAS**, a duly noticed public hearing was held on April 3, 2012, at which time the public was given the opportunity to comment on the environmental impacts of the proposed projects; and

**WHEREAS**, the City Council has reviewed the potential impacts in accordance with the applicable state and local guidelines governing the preparation of the Mitigated Negative Declarations; and

**WHEREAS**, the City Council finds that the proposed projects would not have any significant adverse effects on the environment.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** Approves the Mitigated Negative Declaration for the applications of BRE Properties, Inc. for two Planned Unit Development (PUD) development plan approvals to construct: (a) a mixed-use high-density residential/commercial development containing 251 residential units, 4 live/work units, and approximately 5,700 square feet of retail space at the property located at the southeast corner of Owens Drive and Willow Road (PUD-85-08-12D); and (b) a high-density residential development containing 247 residential units, 4 live/work units, and a 0.55-acre public park at the property located at the northern corner of Gibraltar Drive and Hacienda Drive (PUD-81-30-86D).

**SECTION 2.** The City staff is directed to cause a Notice of Determination to be filed pursuant to Section 5.4(g) of Resolution No. 77-66.

**SECTION 3.** This resolution shall become effective immediately upon its passage and adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on April 3, 2012.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 3rd day of April 2012, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan Lowell, City Attorney

**RESOLUTION NO. 12-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING THE AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY OF PLEASANTON AND BRE PROPERTIES, INC., AS FILED UNDER CASE NO. PUD-85-08-12D.**

**WHEREAS**, Pleasanton Municipal Code Chapter 17.40 (adopted by Ordinance No. 1488) sets forth a Lower Income Housing Fee requirement to support an affordable housing program which authorizes the City to enter into regulatory agreements with developers to exempt projects from the lower-income housing fee if a project provides fifteen percent (15%) of its residential units at affordable levels; and

**WHEREAS**, BRE Properties, Inc., has made an application to the City for an Affordable Housing Agreement for the construction of a mixed-use, high-density residential/commercial development located at the southeast corner of Owens Drive and Willow Road, filed under Case No. PUD-85-08-12D; and

**WHEREAS**, the Pleasanton Housing Commission at its meeting of November 17, 2011 reviewed and recommended approval of the Affordable Housing Agreement; and

**WHEREAS**, a duly noticed public hearing was held by the City Council on April 3, 2012, at which time the public was given the opportunity to comment on the Affordable Housing Agreement; and

**WHEREAS**, the City Council considered all the information presented at the public hearing regarding the terms of the Affordable Housing Agreement.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** Finds that the proposed Affordable Housing Agreement between the City of Pleasanton and BRE Properties, Inc., is consistent with the City's General Plan and the objectives of the Lower-Income Housing Fee Ordinance and the City's affordable housing policies.

**SECTION 2.** Approves the Affordable Housing Agreement between the City of Pleasanton and BRE Properties, Inc., a copy of which is attached hereto as Exhibit G and incorporated herein by this reference; and authorizes the City Manager to execute the Affordable Housing Agreement in generally the form attached as Exhibit G.

**SECTION 3.** This resolution shall become effective immediately upon the effective date of the ordinance approving the PUD development plan and development agreement amendment for this project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on April 3, 2012.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 3<sup>rd</sup> day of April 2012, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Karen Diaz, City Clerk

APPROVED AS TO FORM:

---

Jonathan Lowell, City Attorney



**Recorded at the Request of  
and when recorded, return to:**

**City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566**

*Exempt per Gov. Code §27383*

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## **AFFORDABLE HOUSING AGREEMENT**

This **AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2011, by the **CITY OF PLEASANTON**, a Municipal Corporation (“City”), and **BRE Properties, Inc. a Maryland corporation** (“Developer”).

### **Recitals**

- A. Developer has contracted to purchase an 8.418 acre parcel of land at the corner of Willow Road and Owens Drive in the City of Pleasanton more particularly described in Exhibit A attached (the “Property” or “BRE Pleasanton Site 1”).
- B. For the Property, Developer has obtained all necessary entitlements to develop a mixed use and residential housing project consisting of 255 apartments and approximately 5700 square feet of commercial/retail development (PUD 85-08-12D): (collectively the "Project").
- C. Developer and the City wish to make a certain number of the apartment units within the Project available to households with incomes at or below fifty percent (50%) (very-low income) of the Area Median Income.
- D. Area Median Income shall mean the area median income for the San Francisco-Oakland-Fremont Metropolitan Statistical Area adjusted for family size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937 or any successor statute.

**NOW, THEREFORE**, in consideration of the mutual covenants, agreements and conditions contained herein, City and Developer agree as follows:

- 1. Of the 255 apartment units, 38 shall be “Affordable” units. Developer shall make available for rent 38 units for very low income households with income at or below 50% of the Area Median Income. The Affordable units shall be consistent with the following:

- A. Rents shall be based on one person households for one-bedroom units, two person households for two bedroom units, four person households for three bedroom units.
- B. The monthly rent for each of the Affordable units available for households with very low incomes shall not exceed one-twelfth of 50 % of the Area Median Income multiplied by 30%.
- C. If HUD fails to issue revised median household income statistics for the San Francisco-Oakland-Fremont Metropolitan Statistical Area within 15 months of the previous revision, rents for units referred to in this Section 1 may be adjusted based on the annual percentage increase in the San Francisco-Oakland Consumer Price Index for urban wage earners and clerical workers.
- D. The rents described herein shall exclude utilities in the broadest sense, including, but not limited to gas, electricity, water, garbage, television cable, telephone, and internet service; provided, however, that if any or all of such utilities are offered at no cost to market rate units they shall also be offered at no cost to the Affordable units.
- E. The Affordable units shall be dispersed throughout the Project unless otherwise approved by the City. The units described in this section shall not be fixed in the Project and may change depending on vacancies.
- F. The Affordable units shall have the same interior standards of quality (e.g., appliances, interior features/amenities, services, etc.) as the market rate units.
- G. The unit mix for the Affordable units shall be as follows:

**AFFORDABLE UNIT MIX**

Unit Type	Very Low Income (50% AMI)
Studio and 1 b.r.	21
2 Bedroom	13
3 Bedroom	4
Total	38

- H. All Affordable units shall be rented in accordance with the City's Preference System, as may be amended, with the most current version set forth in Attachment 2.

- I. Once each year, the Developer (or the Developer's successor in interest) shall provide the City a report detailing the average annual income of tenants occupying the Affordable units, the number of one, two, three and four person households occupying the Affordable units, the number of vacancies and new rentals during the year for the Affordable units and the current rent structure for all 350 units.
  - J. The obligations shall commence with completion of buildings authorized by PUD 85-08-12D and remain for perpetuity as long as those buildings approved by the PUD remain in service.
  - K. In recognition of the community need for the Affordable units included in this Agreement and the high proportion of units which are Affordable, the Project is exempt from paying the City Lower Income Housing Fee.
2. The Developer, with City consultation, shall assume all responsibility to market the Affordable units. Marketing shall be in accordance with City eligibility and income guidelines and shall include conducting a public drawing, if necessary, to allocate Affordable units in-conformance with the City's Preference System as that Preference System exists-at the time that the drawing is conducted. A public drawing will be necessary if the number of project applicants exceeds the number of available Affordable Units. Marketing material, leases, rent-up schedules and-other printed material related to the Affordable units is subject to City approval.
  3. Developer shall provide two 1-bedroom Affordable units and one 2-bedroom Affordable unit fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deemed significant for disability access. Developer shall market the availability of these units but may rent to any applicant if a qualified disabled applicant is not available for a period of ten (10) days after the initial day of marketing.
  4. Developer shall accept Section 8 vouchers as a means of assisting qualified applicants/residents.

5. This Agreement shall be recorded in Alameda County Official Records immediately upon Developer taking title to the Property prior to recordation of any financial encumbrance on the Property and shall run with the land.

**THIS AGREEMENT** is executed the date and year first above written.

**CITY:**

**CITY OF PLEASANTON,**  
a Municipal Corporation

By: \_\_\_\_\_  
Nelson Fialho  
City Manager

ATTEST:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan P. Lowell, City Attorney

**DEVELOPER:**

**BRE Properties, Inc., a Maryland corporation**

BRE Properties, Inc. a California corporation

By: \_\_\_\_\_  
Director

By: \_\_\_\_\_  
Stephen C. Dominiak  
EVP and Chief Investment Officer, Development

STATE OF CALIFORNIA            )  
  )  
COUNTY OF ALAMEDA            )

On \_\_\_\_\_, 2011 before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (Seal)

STATE OF CALIFORNIA            )  
  )  
COUNTY OF \_\_\_\_\_            )

On \_\_\_\_\_, 2011 before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (Seal)

**ATTACHMENT 1**

**LEGAL DESCRIPTION**

Real Property in the City of Pleasanton, County of Alameda, State of California, described as follows:

**ATTACHMENT 2**

**CITY'S PREFERENCE SYSTEM**

[Attached]

**RESOLUTION NO. 12-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING THE AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY OF PLEASANTON AND BRE PROPERTIES, INC., AS FILED UNDER CASE NO. PUD-81-30-86D.**

**WHEREAS**, Pleasanton Municipal Code Chapter 17.40 (adopted by Ordinance No. 1488) sets forth a Lower Income Housing Fee requirement to support an affordable housing program which authorizes the City to enter into regulatory agreements with developers to exempt projects from the lower-income housing fee if a project provides fifteen percent (15%) of its residential units at affordable levels; and

**WHEREAS**, BRE Properties, Inc., has made an application to the City for an Affordable Housing Agreement for the construction of a mixed-use, high-density residential/commercial development located at the northern corner of Gibraltar Drive and Hacienda Drive, filed under Case No. PUD-81-30-86D; and

**WHEREAS**, the Pleasanton Housing Commission at its meeting of November 17, 2011 reviewed and recommended approval of the Affordable Housing Agreement; and

**WHEREAS**, a duly noticed public hearing was held by the City Council on April 3, 2012, at which time the public was given the opportunity to comment on the Affordable Housing Agreement; and

**WHEREAS**, the City Council considered all the information presented at the public hearing regarding the terms of the Affordable Housing Agreement.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** Finds that the proposed Affordable Housing Agreement between the City of Pleasanton and BRE Properties, Inc., is consistent with the City's General Plan and the objectives of the Lower-Income Housing Fee Ordinance and the City's affordable housing policies.

**SECTION 2.** Approves the Affordable Housing Agreement between the City of Pleasanton and BRE Properties, Inc., a copy of which is attached hereto as Exhibit G and incorporated herein by this reference; and authorizes the City Manager to execute the Affordable Housing Agreement in generally the form attached as Exhibit G.

**SECTION 3.** This resolution shall become effective upon the effective date of the ordinance approving the PUD development plan and development agreement amendment for this project.



**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on April 3, 2012.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 3<sup>rd</sup> day of April 2012, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Karen Diaz, City Clerk

APPROVED AS TO FORM:

---

Jonathan Lowell, City Attorney

**Recorded at the Request of  
and when recorded, return to:**

**City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566**

*Exempt per Gov. Code §27383*

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## **AFFORDABLE HOUSING AGREEMENT**

This **AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2011, by the **CITY OF PLEASANTON**, a Municipal Corporation (“City”), and **BRE Properties, Inc. a Maryland corporation** (“Developer”).

### **Recitals**

- A. Developer owns an approximately 8.17 acres parcel of land at the corner of Hacienda Drive and Gibraltar Drive in the City of Pleasanton (APN 9412778-011) more particularly described in Exhibit A attached hereto (the “Property” or “BRE Pleasanton Site 2”).
- B. For the Property, Developer has obtained all necessary entitlements to develop a mixed use and residential housing project consisting of 251 apartments (which includes 4 live-work units) (PUD 81-30-86D) (collectively the "Project").
- C. Developer and the City wish to make a certain number of the apartment units within the Project available to households with incomes at or below and fifty percent (50%) (very-low income) of the Area Median Income.
- D. Area Median Income shall mean the area median income for the San Francisco-Oakland-Fremont Metropolitan Statistical Area adjusted for family size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development (HUD) pursuant to Section 8 of the United States Housing Act of 1937 or any successor statute.

**NOW, THEREFORE**, in consideration of the mutual covenants, agreements and conditions contained herein, City and Developer agree as follows:

- 1. Of the 251 apartment units, 38 shall be “Affordable” units. Developer shall make available for rent 38 Affordable units for very low income households with income at or below 50% of the Area Median Income. The Affordable units shall be consistent with the following:

- A. Rents shall be based on one person households for one-bedroom units, two person households for two bedroom units, four person households for three bedroom units.
- B. The monthly rent for each of the Affordable units available for households with very low incomes shall not exceed one-twelfth of 50 % of the Area Median Income multiplied by 30%.
- C. If HUD fails to issue revised median household income statistics for the San Francisco-Oakland-Fremont Metropolitan Statistical Area within 15 months of the previous revision, rents for units referred to in this Section 1 may be adjusted based on the annual percentage increase in the San Francisco-Oakland Consumer Price Index for urban wage earners and clerical workers.
- D. The rents described herein shall exclude utilities in the broadest sense, including, but not limited to gas, electricity, water, garbage, television cable, telephone, and internet service; provided, however, that if any or all of such utilities are offered at no cost to market rate units they shall also be offered at no cost to the Affordable units.
- E. The Affordable units shall be dispersed throughout the Project unless otherwise approved by the City. The units described in this section shall not be fixed in the Project and may change depending on vacancies.
- F. The Affordable units shall have the same interior standards of quality (e.g., appliances, interior features/amenities, services, etc.) as the market rate units.
- G. The unit mix for the Affordable units shall be as follows:

**AFFORDABLE UNIT MIX**

<b>Unit Type</b>	<b>Very Low Income (50% AMI)</b>
Studio and 1 b.r.	20
2 Bedroom	14
3 Bedroom	4
Total	38

- H. All Affordable units shall be rented in accordance with the City's Preference System, as may be amended, with the most current version set forth in Attachment 2.

- I. Once each year, the Developer (or the Developer's successor in interest) shall provide the City a report detailing the average annual income of tenants occupying the Affordable units, the number of one, two, three and four person households occupying the Affordable units, the number of vacancies and new rentals during the year for the Affordable units and the current rent structure for all 251 units.
  - J. The obligations shall commence with completion of buildings authorized by PUD 81-30-86D and remain for perpetuity as long as those buildings approved by the PUD remain in service.
  - K. In recognition of the community need for the Affordable units included in this Agreement and the high proportion of units which are Affordable, the Project is exempt from paying the City Lower Income Housing Fee.
2. The Developer, with City consultation, shall assume all responsibility to market the Affordable units. Marketing shall be in accordance with City eligibility and income guidelines and shall include conducting a public drawing, if necessary, to allocate Affordable units in-conformance with the City's Preference System as that Preference System exists-at the time that the drawing is conducted. A public drawing will be necessary if the number of project applicants exceeds the number of available Affordable Units. Marketing material, leases, rent-up schedules and-other printed material related to the Affordable units is subject to City approval.
  3. Developer shall provide two 1-bedroom Affordable units and one 2-bedroom Affordable unit fully accessible for the physically disabled. Unit design shall include amenities such as grab bars, modified case work and bathroom facilities and other amenities deemed significant for disability access. Developer shall market the availability of these units but may rent to any applicant if a qualified disabled applicant is not available for a period of ten (10) days after the initial day of marketing.
  4. Developer shall accept Section 8 vouchers as a means of assisting qualified applicants/residents.

5. This Agreement shall be recorded in Alameda County and shall run with the land.

**THIS AGREEMENT** is executed the date and year first above written.

**CITY:**

**CITY OF PLEASANTON,**  
a Municipal Corporation

By: \_\_\_\_\_  
Nelson Fialho  
City Manager

ATTEST:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan P. Lowell, City Attorney

**DEVELOPER:**

BRE Properties, Inc. a California corporation

By: \_\_\_\_\_  
Director

By: \_\_\_\_\_  
Name: Stephen C. Dominiak  
EVP and Chief Investment Officer, Development

STATE OF CALIFORNIA        )  
  )  
COUNTY OF ALAMEDA        )

On \_\_\_\_\_, 2011 before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (Seal)

STATE OF CALIFORNIA        )  
  )  
COUNTY OF \_\_\_\_\_        )

On \_\_\_\_\_, 2011 before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (Seal)

**ATTACHMENT 1**

**LEGAL DESCRIPTION**

Real Property in the City of Pleasanton, County of Alameda, State of California, described as follows:

**ATTACHMENT 2**

**CITY'S PREFERENCE SYSTEM**

[Attached]



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PHASE I AND PHASE II DEVELOPMENT AGREEMENTS BETWEEN THE CITY OF PLEASANTON AND PRUDENTIAL INSURANCE COMPANY OF AMERICA TO: (A) EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT TO FIVE YEARS FROM THE DATE OF APPROVAL OF THE TWO DEVELOPMENT PLANS FILED UNDER CASE NOS PUD-85-08-12D AND PUD-81-30-86D; AND (B) INCORPORATE APPROVAL OF THE DEVELOPMENT STANDARDS AND DESIGN GUIDELINES OF THE HACIENDA TRANSIT ORIENTED DEVELOPMENT (TOD) STANDARDS AND GUIDELINES (P11-0856)**

**WHEREAS**, Government Code Sections 65865 through 65869.5 authorizes cities to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property; and

**WHEREAS**, December 6, 1983, the City of Pleasanton adopted Ordinance No. 1113 approving a development agreement between the City of Pleasanton and Prudential Insurance Company of America and between the City of Pleasanton and Callahan-Pentz regarding the planned buildout of Hacienda Business Park, which includes the subject properties; and

**WHEREAS**, in 2011, BRE Properties, Inc. applied to the City for an amendment to the still valid Hacienda Business Park development agreement that would extend for five (5) years the term of the agreement from the date of approval of the two Development Plans filed under Case Nos. PUD-85-08-12D and PUD-81-30-86D; and (b) incorporate approval of the development standards and design guidelines of the Hacienda Transit Oriented Development (TOD) Standards and Guidelines filed under Case No. P11-0856; and

**WHEREAS**, after public notice, on March 14, 2012, the Planning Commission held a hearing and recommended approval of the amendments to the Hacienda Business Park Development Agreement; and

**WHEREAS**, at its meeting of April 3, 2012, the City Council reviewed the staff report from the Director of Community Development together with a copy of the staff report to the Planning Commission on this matter; and

**WHEREAS**, on April 3, 2012, a duly-noticed public hearing was held by the City Council, at which time the applicant and members of the public were offered an opportunity to present evidence regarding the amendments to the Hacienda Business Park development agreement; and

**WHEREAS**, the extension of the Hacienda Business Park Development Agreement is for the two Development Plans filed under Case Nos. PUD-85-08-12D

and PUD-81-30-86D, for which a negative declaration has been prepared and adopted by the City Council on April 3, 2012; and

**WHEREAS**, the City Council finds that the amendments to the Hacienda Business Park Development Agreement are consistent with the City's General Plan.

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

**SECTION 1.** Approves the Fourth and Fifth Amendment to the Hacienda Business Park Development Agreement, a draft copy of which is attached hereto and incorporated herein by reference, the final form of which is to be approved by the City Attorney.

**SECTION 2.** Authorizes the appropriate City officials to execute the above referenced Fourth and Fifth Amendment when approved as to form by the City Attorney and directs the City Clerk to record the document as provided in Section 65868.5 of the Government Code.

**SECTION 3.** A summary of this ordinance shall be published once within 15 days after its adoption in the "Valley Times", a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for 15 days in the City Clerk's office within 15 days after its adoption.

**SECTION 4.** This ordinance shall be effective 30 days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on April 3, 2012 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

And adopted at a regular meeting of the City Council of the City of Pleasanton on May 15, 2012, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

---

Jennifer Hosterman, Mayor

ATTEST:

---

Karen Diaz, City Clerk

APPROVED AS TO FORM:

---

Jonathan Lowell, City Attorney

Recording Requested by  
And After Recording Mail to:

Karen Diaz  
City Clerk  
City of Pleasanton  
123 Main Street  
Pleasanton, CA 94566

PURSUANT TO  
G.C. 27383 &  
G.C. 6103

**FOURTH AMENDMENT TO PHASE I AND PHASE II DEVELOPMENT  
AGREEMENTS BETWEEN THE CITY OF PLEASANTON AND PRUDENTIAL  
INSURANCE COMPANY OF AMERICA**

THIS FOURTH AMENDMENT TO THE PHASE I AND PHASE II DEVELOPMENT AGREEMENTS is effective as of the \_\_\_ day of \_\_\_\_\_, 2012, is entered into between THE CITY OF PLEASANTON (“City”) a municipal corporation of the State of California, and EL PURCHASER (CA) QRS 15-85, INC., a Delaware Corporation, as to the land described in Exhibit A (“TOD Property”). TOD Property owner is the successor in interest to the PRUDENTIAL INSURANCE COMPANY OF AMERICA. This Fourth Amendment amends those development agreements, as amended, recorded in Alameda County Official Records on January 6, 1984, Instrument #84-003542; on January 9, 1984, Instrument #84-004109; on May 1, 1986, Instrument #86-103893; on September 28, 1993, Instrument #93-343172; on November 23, 1994, Instrument #94-366829; and on February 28, 2008, Instrument No. 2008077432.

The Phase I and Phase II Development Agreements, as amended, are further amended as follows:

A. Paragraph A of the First Amendment to Phase I and Phase II Development Agreements is amended to read:

“A. For the parties to this Amendment, the Phase I and Phase II Development Agreements, as amended, shall be extended to expire five years from the effective date of PUD-85-08-12D approval (Ord. \_\_\_\_).”

B. During the term of this Development Agreement, the TOD Property may be developed in accordance with all now existing City approvals, including the Hacienda TOD Standards and Guidelines adopted by City of Pleasanton Ordinance No. 2018, effective March 31, 2011, and PUD-85-08-12D adopted by City of Pleasanton Ordinance No. \_\_\_\_ ,effective

\_\_\_\_\_, 2012. Previous entitlements secured by the Phase I and Phase II Development Agreements, as amended, before this Fourth Amendment shall remain in force during the extended term of the Phase I and Phase II Development Agreements, as amended.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment to Phase I and Phase II Development Agreements effective as of the date first above written.

CITY OF PLEASANTON:

By: \_\_\_\_\_  
Jennifer Hosterman, Mayor

ATTEST:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan P. Lowell  
City Attorney

TODPROPERTY OWNER:

EL PURCHASER (CA) QRS 15-85, INC.,  
*a Delaware corporation*

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Attach Acknowledgements**

**EXHIBIT A**  
**to**  
**FOURTH AMENDMENT TO PHASE 1 AND PHASE II DEVELOPMENT**  
**AGREEMENTS**

BRE Pleasanton Site 1

Real property in the City of Pleasanton, County of Alameda, State of California, described as follows:

PARCEL ONE:

PARCEL 7G, AS SHOWN ON PARCEL MAP NO. 8062, FILED ON FEBRUARY 05, 2007, IN BOOK 296 OF MAPS, PAGE 20, ALAMEDA COUNTY RECORDS.

EXCEPTING THEREFROM, THOSE PORTIONS THEREOF LYING BELOW A DEPTH OF 500 FEET, MEASURED VERTICALLY, FROM THE CONTOUR OF THE SURFACE OF SAID PROPERTY, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEEDS FROM SOUTHERN PACIFIC INDUSTRIAL DEVELOPMENT COMPANY, A TEXAS CORPORATION, RECORDED AUGUST 14, 1981, AS SERIES NO. 81-138446, OFFICIAL RECORDS OF ALAMEDA COUNTY; JUNE 04, 1984, AS SERIES NO. 84-108001, OFFICIAL RECORDS OF ALAMEDA COUNTY; AND DECEMBER 12, 1985, AS SERIES NO. 85-264891, OFFICIAL RECORDS OF ALAMEDA COUNTY.

PARCEL TWO:

EASEMENTS APPURTENANT TO PARCEL ONE, HEREINABOVE DESCRIBED, AS GRANTED AND SET FORTH IN THAT CERTAIN "DECLARATION OF RECIPROCAL EASEMENTS AND MAINTENANCE AGREEMENT" DATED FEBRUARY 07, 1997, BY AND BETWEEN THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, A NEW JERSEY CORPORATION, AND LEASE PLAN NORTH AMERICA, INC., AN ILLINOIS CORPORATION, RECORDED FEBRUARY 07, 1997, SERIES NO. 97-039044, AS AMENDED BY FIRST AMENDMENT THERETO RECORDED MAY 09, 2001, SERIES NO. 2001157299 AND SECOND AMENDMENT THERETO RECORDED JANUARY 14, 2005, SERIES NO. 2005016992, OFFICIAL RECORDS OF ALAMEDA COUNTY, AS FOLLOWS:

EASEMENTS FOR VEHICULAR INGRESS AND EGRESS, DESIGNATED AS "OWENS DRIVE ENTRANCE EASEMENT", AND LOCATED WITHIN THAT PORTION OF PARCEL 55F AS SHOWN ON SAID PARCEL MAP 7105, MORE FULLY DESCRIBED IN EXHIBITS D AND E OF SAID AGREEMENT.

APN: 941-2778-013

Recording Requested by  
And After Recording Mail to:

Karen Diaz  
City Clerk  
City of Pleasanton  
123 Main Street  
Pleasanton, CA 94566

PURSUANT TO  
G.C. 27383 &  
G.C. 6103

**FIFTH AMENDMENT TO PHASE I AND PHASE II DEVELOPMENT AGREEMENTS  
BETWEEN THE CITY OF PLEASANTON AND PRUDENTIAL INSURANCE  
COMPANY OF AMERICA**

THIS FIFTH AMENDMENT TO THE PHASE I AND PHASE II DEVELOPMENT AGREEMENTS is effective as of the \_\_\_ day of \_\_\_\_\_, 2012, is entered into between THE CITY OF PLEASANTON (“City”) a municipal corporation of the State of California, and BRE PROPERTIES, INC., a Maryland Corporation, as to the lands described in Exhibit A (“TOD Property”). BRE PROPERTIES, INC. is a successor in interest to the PRUDENTIAL INSURANCE COMPANY OF AMERICA. This Fifth Amendment amends those development agreements, as amended, recorded in Alameda County Official Records on January 6, 1984, Instrument #84-003542; on January 9, 1984, Instrument #84-004109; on May 1, 1986, Instrument #86-103893; on September 28, 1993, Instrument #93-343172; on November 23, 1994, Instrument #94-366829; and on February 28, 2008, Instrument No. 2008077432.

The Phase I and Phase II Development Agreements, as amended, are further amended as follows:

A. Paragraph A of the First Amendment to Phase I and Phase II Development Agreements is amended to read:

“A. For the parties to this Amendment, the Phase I and Phase II Development Agreement, as amended, shall be extended to expire five years from the effective date of PUD-81-30-86D approval (Ord. \_\_\_\_).”

B. During the term of this Development Agreement, the TOD Property may be developed in accordance with all now existing City approvals, including the Hacienda TOD Standards and Guidelines adopted by Ordinance No 2018 of the City effective on March 31, 2011, and the PUD-81-30-86D adopted by Ordinance No. \_\_\_\_ effective \_\_\_\_\_, 2012.

Previous entitlements secured by the Phase I and Phase II Development Agreement as amended before this Fifth Amendment shall remain in force during the extended term of the Phase I and Phase II Development Agreement as amended.

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment to Phase I and Phase II Development Agreement effective as of the date first above written.

CITY OF PLEASANTON:

By: \_\_\_\_\_  
Jennifer Hosterman, Mayor

ATTEST:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan P. Lowell  
City Attorney

TOD PROPERTY OWNER:

BRE PROPERTIES, INC.,  
*a Maryland corporation*

By: \_\_\_\_\_  
Name: Stephen C. Dominiak  
Title: EVP and Chief Investment Officer

**Attach Acknowledgements**



**Exhibit A**  
**TO FIFTH AMENDMENT TO DEVELOPMENT AGREEMENTS**  
**BRE Pleasanton Site 2**  
**APN : 941-2778-011**

LEGAL DESCRIPTION

CITY OF PLEASANTON

PARCEL ONE:

PARCEL 7E AS SHOWN ON PARCEL MAP NO. 8062, FILED ON FEBRUARY 5, 2007, IN BOOK 296 OF MAPS, PAGES 20-22, ALAMEDA COUNTY RECORDS.

EXCEPTING THEREFROM, THOSE PORTIONS THEREOF LYING BELOW A DEPTH OF 500 FEET, MEASURED VERTICALLY, FROM THE CONTOUR OF THE SURFACE OF SAID PROPERTY, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEEDS FROM SOUTHERN PACIFIC INDUSTRIAL DEVELOPMENT COMPANY, A TEXAS CORPORATION, RECORDED AUGUST 14, 1981, AS SERIES NO. 81-138446, OFFICIAL RECORDS OF ALAMEDA COUNTY, JUNE 4, 1984, AS SERIES NO. 84-108001, OFFICIAL RECORDS OF ALAMEDA COUNTY, AND DECEMBER 12, 1985, AS SERIES NO. 85-264891, OFFICIAL RECORDS OF ALAMEDA COUNTY.

RESERVING THEREFROM, NON-EXCLUSIVE EASEMENTS FOR WATERLINE, FIRE ROUTE ACCESS, ACCESS, STORM DRAINAGE, CABLE, LANDSCAPE IRRIGATION, GAS AND ELECTRIC, LANDSCAPE AND SURFACE DRAINAGE PURPOSES, APPURTENANT TO PARCELS 7F AND 7G OF SAID PARCEL MAP 8062, OVER THOSE PORTIONS OF PARCEL ONE, HEREINABOVE DESCRIBED AS DESCRIBED AND DEFINED IN THE DECLARATION OF COVENANTS AND GRANTS OF EASEMENTS DATED NOVEMBER 16, 2006, EXECUTED BY SHAQ (DE) QRS 15-75, INC., A DELAWARE CORPORATION, RECORDED FEBRUARY 5, 2007, SERIES NO. 2007-53467, OFFICIAL RECORDS.

PARCEL TWO:

EASEMENTS APPURTENANT TO PARCEL ONE, HEREIN ABOVE DESCRIBED, AS GRANTED AND SET FORTH IN THAT CERTAIN "DECLARATION OF RECIPROCAL EASEMENTS AND MAINTENANCE AGREEMENT" DATED FEBRUARY 7, 1997, BY AND BETWEEN THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, A NEW JERSEY CORPORATION, AND LEASE PLAN NORTH AMERICA, INC., AN ILLINOIS CORPORATION, RECORDED FEBRUARY 7, 1997, SERIES NO. 97-039044, AS AMENDED BY FIRST AMENDMENT THERETO RECORDED MAY 9, 2001, SERIES NO. 2001157299, AND SECOND AMENDMENT THERETO RECORDED JANUARY 14, 2005, SERIES NO. 2005016992, OFFICIAL RECORDS OF ALAMEDA COUNTY, AS FOLLOWS:

EASEMENTS FOR VEHICULAR INGRESS AND EGRESS, DESIGNATED AS "HACIENDA DRIVE ENTRANCE EASEMENT" AND LOCATED WITHIN THAT PORTION OF PARCEL 55F AS SHOWN ON SAID PARCEL MAP 7105, MORE FULLY DESCRIBED IN EXHIBIT D OF SAID AGREEMENT.

**RESOLUTION NO. 12-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING THE GROWTH MANAGEMENT AGREEMENTS FOR PUD-85-08-12D AND PUD-81-30-86D, MIXED-USE HIGH-DENSITY RESIDENTIAL/COMMERCIAL DEVELOPMENTS, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENTS**

**WHEREAS**, the Pleasanton City Council has approved the Hacienda Transit Oriented (TOD) Standards and Design guidelines for specific sites in Hacienda Business Park; and

**WHEREAS**, the City has approved PUD-85-08-12D and PUD-81-30-86D for two mixed-use high-density residential/commercial developments (“the Projects”); and

**WHEREAS**, the City Council finds that it is in the best interest of the City to enter into Growth Management agreements for the above referenced PUD’s.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** Approves the Growth Management agreements for PUD-85-08-12D and PUD-81-30-86D subject to the agreements, attached hereto and incorporated herein by this reference, and authorizes the City Manager to sign the agreements when approved as to final form by the City Attorney.

**SECTION 2.** This resolution shall become effective immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on .

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on April 3, 2012, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

---

Karen Diaz, City Clerk

APPROVED AS TO FORM:

---

Jonathan P. Lowell, City Attorney

## **GROWTH MANAGEMENT AGREEMENT**

**THIS GROWTH MANAGEMENT AGREEMENT** is made and entered into on the \_\_\_ day of \_\_\_\_\_, 2012, between **EL PURCHASER (CA) QRS 15-85, INC., a Delaware Corporation**, (“Developer”), and the **CITY OF PLEASANTON**, a municipal corporation (“City”).

### **RECITALS:**

- A. Developer owns real property (“the Subject Property”) in the City of Pleasanton.
- B. The City has granted to Developer development plan approval (PUD-85-08-12D) for a mixed-use high-density residential/commercial development (“the Project”).
- C. The units are being developed consistent with the Hacienda Transit Oriented (TOD) Standards and Design Guidelines.
- D. City may enter into growth management agreements with project developers under the City’s Growth Management Ordinance.
- E. City and Developer wish to enter into a growth management agreement in order to achieve the benefits of the Project to City and its residents and in accordance with the purposes of the City’s Growth Management Ordinance.

**NOW, THEREFORE**, in consideration of the mutual promises expressed herein, City and Developer hereby agree as follows:

### **I. GROWTH MANAGEMENT APPROVAL**

- A. City hereby grants growth management approval to the Project for 255 units, which includes four live/work units, in 2012. If Developer does not pull building permits for all 255 units in 2012, Developer may pull building permits in the year or years following 2012 until Developer has pulled building permits for all 255 units.
- B. Developer will use its best efforts to project the year or years in which it will obtain building permits as provided in this Agreement and will keep the City informed of the year or years in which Developer estimates that it will obtain such building permits so that the City may allocate growth management approvals for other developers in order to accommodate Developer’s development schedule.

### **II. PROJECT CONDITION**

Nothing herein shall reduce any obligation of Developer required as a condition of any other approvals granted by the City.

**III. SUCCESSORS IN INTEREST**

This Agreement shall run with the land and be binding upon Developer and its heirs, assigns, and successors in interest that have an interest in the Subject Property, except for the purchasers of units within the Project.

**THIS AGREEMENT** is entered into as of the day and year first above written.

**DEVELOPER:**

**EL PURCHASER (CA) QRS 15-85, INC., a Delaware Corporation**

By: \_\_\_\_\_

**CITY:**

**CITY OF PLEASANTON,  
a Municipal Corporation**

By: \_\_\_\_\_  
Nelson Fialho, City Manager

**ATTEST:**

\_\_\_\_\_  
Karen Diaz, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jonathan P. Lowell, City Attorney

(aj:mydocs\agmts\10\conlifcomgrwthmgt)

## **GROWTH MANAGEMENT AGREEMENT**

**THIS GROWTH MANAGEMENT AGREEMENT** is made and entered into on the \_\_\_ day of \_\_\_\_\_, 2012, between **BRE PROPERTIES, INC., a Maryland Corporation**, (“Developer”), and the **CITY OF PLEASANTON**, a municipal corporation (“City”).

### **RECITALS:**

- A. Developer owns real property (“the Subject Property”) in the City of Pleasanton.
- B. The City has granted to Developer development plan approval (PUD -81-30-86D) for a mixed-use high-density residential/commercial development (“the Project”).
- C. The Project is being developed consistent with the Hacienda Transit Oriented (TOD) Standards and Design Guidelines.
- D. City may enter into growth management agreements with project developers under the City’s Growth Management Ordinance.
- E. City and Developer wish to enter into a growth management agreement in order to achieve the benefits of the Project to City and its residents and in accordance with the purposes of the City’s Growth Management Ordinance.

**NOW, THEREFORE**, in consideration of the mutual promises expressed herein, City and Developer hereby agree as follows:

### **I. GROWTH MANAGEMENT APPROVAL**

- A. City hereby grants growth management approval to the Project for 251 units, which includes four live/work units, in 2012. If Developer does not pull building permits for all 251 units in 2012, Developer may pull building permits in the year or years following 2012 until Developer has pulled building permits for all 251 units.
- B. Developer will use its best efforts to project the year or years in which it will obtain building permits as provided in this Agreement and will keep the City informed of the year or years in which Developer estimates that it will obtain such building permits so that the City may allocate growth management approvals for other developers in order to accommodate Developer’s development schedule.

### **II. PROJECT CONDITION**

Nothing herein shall reduce any obligation of Developer required as a condition of any other approvals granted by the City.

**III. SUCCESSORS IN INTEREST**

This Agreement shall run with the land and be binding upon Developer and its heirs, assigns, and successors in interest that have an interest in the Subject Property, except for the purchasers of units within the Project.

**THIS AGREEMENT** is entered into as of the day and year first above written.

**DEVELOPER:** **BRE PROPERTIES, INC., a Maryland Corporation**

By: \_\_\_\_\_  
Stephen C. Dominiak  
Title: EVP and Chief Investment Officer

**CITY:** **CITY OF PLEASANTON,**  
a Municipal Corporation

By: \_\_\_\_\_  
Nelson Fialho, City Manager

ATTEST:

\_\_\_\_\_  
Karen Diaz, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jonathan P. Lowell, City Attorney