

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**P16-1854 and P16-1876
5840 Owens Drive, Bloom Energy/Kaiser
March 8, 2017**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The proposed medium-sized fuel cell facility, site, and building modifications approved by this Conditional Use Permit and Design Review approval shall conform substantially to the narrative, project plans, site photos, and photo simulations, Exhibit B, marked "Received December 13, 2016," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits. The Community Development Director may approve a modification to this Conditional Use Permit or refer the matter to the Planning Commission if judged to be substantial.
2. If operation of this use results in conflicts pertaining to air quality, noise, or other factors, at the discretion on the Community Development Director, this Conditional Use Permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said Conditional Use Permit.
3. The fuel cells and related equipment shall not exceed 1.2 megawatts in combined total size.
4. The fuel cells and related equipment shall be limited to the use of natural gas fuel only and shall comply with all current emission control requirements specified by the Bay Area Air Quality Management District (BAAQMD) regulations in effect at the time a Building Permit is issued.
5. The applicant shall submit a noise analysis with the building permit plan set to verify the fuel cells and related equipment shall adhere to the noise requirements in the Pleasanton Municipal Code.
6. New landscaping shall be installed on the outside perimeter of the new screen wall to the satisfaction of the Director of Community Development. The applicant shall submit a landscape and irrigation plan with the building permit plan set to the Planning Division for review and approval before installation. Said landscape plan shall provide a 1:1 tree replacement plan and be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought tolerant nature with an irrigation system that maximizes water conservation (e.g., drip system).

7. The project shall comply with the City of Pleasanton's Water Efficient Landscape Ordinance (PWELo). Per Section 492.3 of PWELo, prior to issuance of a building permit, the applicant shall submit a Landscape Documentation Package in PDF format to the City's Landscape Architecture Division and shall be subject to the review and approval of the City's Landscape Architect prior to issuance of a building permit. The Landscape Documentation Package shall include:
 - a. Project information
 - b. Water Efficient Landscape Worksheet
 - c. Soil management report
 - d. Landscape design plan
 - e. Irrigation design plan
 - f. Grading design plan

8. Per Section 492.9 of PWELo, upon completion of construction and prior to a final inspection by the Building and Safety Division, the applicant shall submit a Certificate of Completion in PDF format to the City's Landscape Architecture Division for review and approval. The Certificate of Completion shall include:
 - a. Project information sheet
 - b. Certificate of installation according to the landscape documentation package
 - c. Irrigation scheduling
 - d. Schedule of irrigation landscape and irrigation maintenance
 - e. Landscape irrigation audit report
 - f. Soil management report (if not previously submitted)

9. A final inspection by the Planning Division is required prior to the final inspection by the Building and Safety Division.

10. If applicable, all new exterior lighting shall be directed downward or designed or shielded so as to not shine onto neighboring properties or streets. The applicant shall submit a final lighting plan including photometrics and manufacturer's specification sheets for the light fixtures and light poles/standards. The lighting plan shall be subject to review and approval by the Director of Community Development prior to issuance of Building Permits for the project.

STANDARD CONDITIONS

Community Development Department

11. The applicant shall pay all fees to which the project may be subject prior to issuance of a building permit. The type and amount of the fees shall be those in effect at the time the permit is issued.

Planning Division

12. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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 attorney's 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 attorney's 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.

13. The Conditional Use Permit and Design Review approvals shall lapse and become void one year following the date on which the approvals became effective, unless prior to the expiration of one year, a building permit is obtained and construction diligently pursued or the applicant or his or her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.
14. Additional changes to the exterior of the building shall not be made without prior approval from the Planning Division.
15. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
16. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.
17. 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.
18. Campers, trailers, motor homes, or any other similar vehicles are not allowed on the construction site except when needed as sleeping quarters for a security guard.
19. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
20. Portable toilets used during construction shall be kept as far as possible from existing businesses and shall be emptied on a regular basis as necessary to prevent odor.

CODE REQUIREMENTS

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.

Building Division

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

<END>



January 9, 2017

Mr. Adam Weinstein
Planning Manager
City of Pleasanton
200 Bernal Avenue
Pleasanton, CA 94566

Re: **Conditional Use Permit**
Kaiser Permanente IT
Site 57_

Dear Adam:

This letter is being provided in accordance with the Declaration of Covenants, Conditions and Restrictions for Hacienda, Article III, Section 3.2, Paragraph 3.2.3, Plan Changes and Plans for Changes to Improvements. The Design Review Committee for the Hacienda Owners Association has reviewed the application for a conditional use permit. This application was submitted by Bloomenergy, on behalf of Kaiser Foundation Hospitals, Site 57, dated December 12, 2016. This modification is in substantial compliance with the guidelines set forth in the Design Guidelines and Covenants, Conditions and Restrictions.

The proposed conditional use permit will allow Kaiser Permanente to install four new fuel cells along the east side of the data center at 5840 Owens Drive with a total generation in excess of one megawatt. Siting and design of the equipment and enclosure have been proposed in such a way so as to minimize the impact of the installation's appearance with respect to adjacent buildings and to meet City of Pleasanton sound attenuation requirements when the equipment is in operation. In consideration of the conditional use permit, the applicant has reviewed site parameters of concern including: siting and and noise. The description of the proposed modification is attached.

This application is hereby approved by the Hacienda Owners Association and may be processed for necessary approvals by the City of Pleasanton. Please feel free to contact me at the Association's office if I can be of any assistance in this matter.

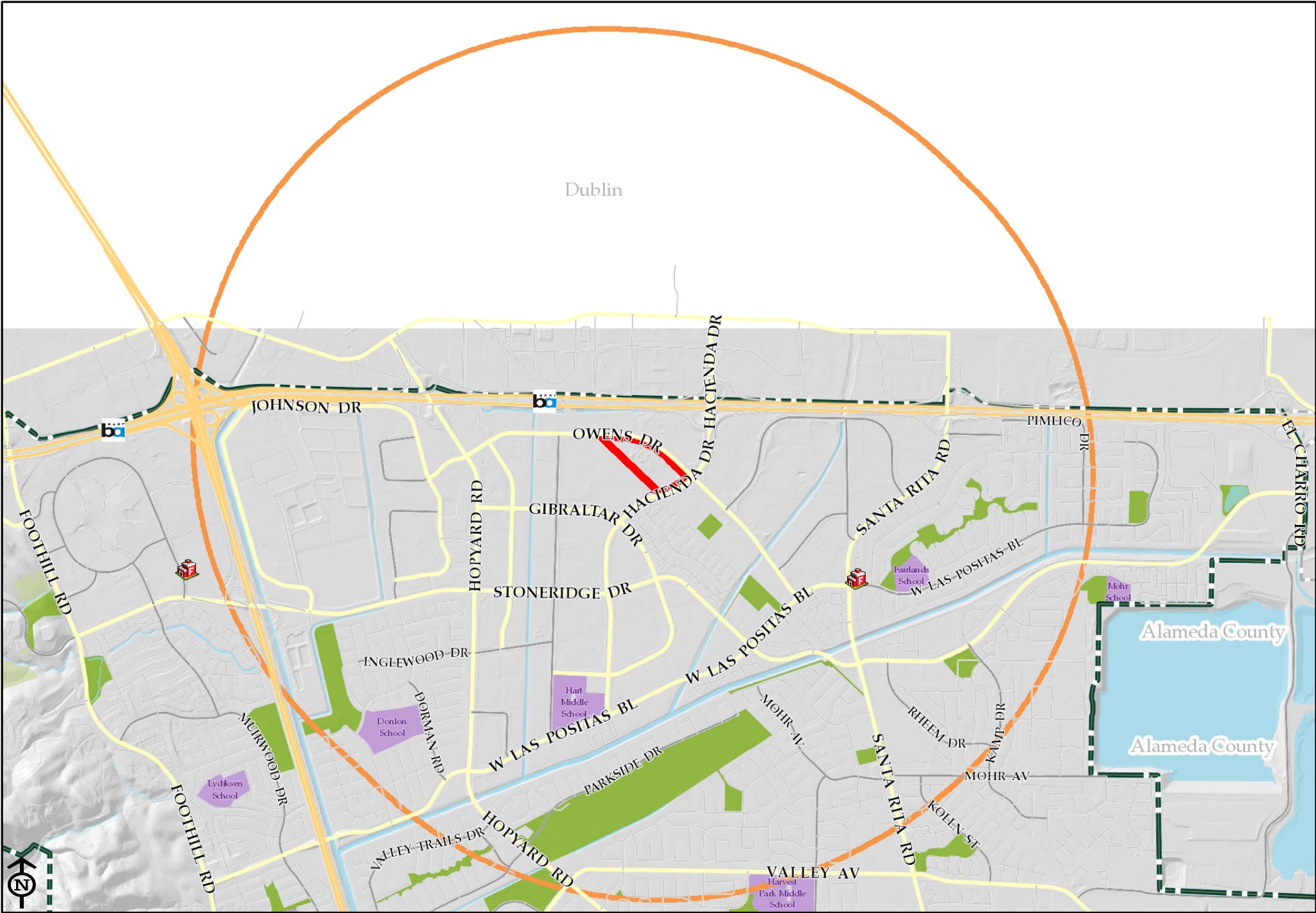
Sincerely,

A handwritten signature in black ink, appearing to read "James Paxson", is written over a circular stamp.

James Paxson
General Manager, HIBPOA

cc: Gordon King
Seth Baruch
Richard Dole

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DISSEMINATION



Dublin

JOHNSON DR

OWENS DR

GIBRALTAR DR

STONERIDGE DR

INGLEWOOD DR

W LAS POSITAS BL

PARKSIDE DR

HOPYARD DR

VALLEY AV

PIMLICO DR

SANTA RITA RD

W LAS POSITAS BL

RHEEM DR

SANTA RITA RD

MOHR AV

KOLEN ST

EL CERRILLO RD

Alameda County

Alameda County



1:28,800

0 0.35 0.7 mi

0 1,750 3,500 Feet

P16-1854 and P16-1876, 5840 Owens Drive, Kaiser

Planning Division
February 22, 2017

