

## Exhibit A

**Draft Conditions of Approval  
P15-0223  
4825 Hopyard Road, Suites 4-10  
Pick 6 Sports Lounge and Mavericks Country Lounge**

### PROJECT SPECIFIC CONDITIONS

#### Planning Division

1. When Mavericks Country Lounge opens for business, this Conditional Use Permit approval shall supersede all prior Conditional Use Permit approvals for the tenant space.
2. If additional hours and activities beyond what was stated in the applicant's written narrative, dated "Received October 26, 2015," on file in the Planning Division, are desired, prior City review and approval is required. Such modifications may be approved by the Director of Community Development if found to be in substantial conformance with the approval. The Director of Community Development may also refer the matter to the Planning Commission if the proposed changes would be significant.
3. The tenant space shall be limited to the following occupancy at any time:

Pick 6 Sports Lounge:	a maximum of 120 persons (patrons and employees combined)
Mavericks Country Lounge:	a maximum of 500 persons (patrons and employees combined)
4. The operator shall comply with the security plan dated "Received October 26, 2015," on file in the Planning Division during the hours of operation of both businesses with the following revision referring minors. Any other revision to the security plan is subject to review and approval by the Chief of Police prior to implementing.
  - a) In order to be consistent with the project narratives, the security plan shall be revised to state that no one under 21 years of age, instead of minors, will be admitted after 9:00 p.m. The revised security plan shall be submitted to the Director of Community Development for review and approval prior to issuance of a building permit or a business license for Mavericks Country Lounge whichever occurs first.
5. Prior to issuance of a building permit or business license for Mavericks Country Lounge, the applicant shall submit a plan and details of the "crowd control barriers" indicated in the security plan to Planning Division. Said plan and details are subject to review and approval by the Director of Community Development and Chief of Police.

6. The applicant shall submit details of the method and/or system to be used for counting the occupancy of the businesses. Said details are subject to review and approval by the Chief of Police prior to issuance of a building permit or a business license for Mavericks Country Lounge whichever occurs first.
7. The applicant shall provide the number of occupants at any given date/time upon request by Pleasanton Police Department or Fire Department personnel.
8. No persons under the age of 21 shall be allowed to enter either business after 9:00 p.m. Starting at 9:00 p.m., the businesses shall utilize a "Scanshell 800" ID scanner (or similar device acceptable to the Chief of Police) capable of copying and recording the identification of each guest as he/she enters the establishment. The data collected by the scanner shall be maintained for a 30-day retention period and shall be made available to Pleasanton Police Department personnel immediately upon request.
9. The operator shall maintain a fully functional security video recording system capable of capturing all areas of the tenant space. This will specifically include the point of entry and exit (including the line for persons waiting to enter the tenant space), the dance floor, hallways, exits, etc. Restrooms will not be recorded. The system shall be tested monthly to ensure that it is working properly, and the videos shall be maintained for a 30-day retention period. Videos shall be made available to Pleasanton Police Department personnel immediately upon request.
10. The businesses shall stop serving alcohol at 1:30 a.m., and shall collect all alcoholic beverages by 1:50 a.m. The operator shall require patrons to leave the establishment by 2:00 a.m. and the parking lot areas by 2:10 a.m.
11. Beginning at 1:40 a.m., the operator shall start to gradually increase lighting within the establishment, and all of the interior lights shall be turned on by 1:50 a.m.
12. The applicant shall designate an outdoor smoking area(s) that is located at least 20 feet away from any door or opening. The designated area(s) shall be shown on the Maverick's tenant improvement plan submitted for issuance of a building permit and is subject to review and approval by the Director of Community Development. Said area shall be roped off, provided with two (2) portable ashtrays, and shall be monitored and kept clean. Patrons may not bring alcoholic beverages outside or within the smoking area.
13. The operator shall restrict in and out privileges to the use of the smoking area. A security guard shall be posted at the smoking area to monitor the patrons. No other in and out privileges are permitted. Patrons shall be screened before being allowed to re-enter the establishment.
14. Security patrols shall be provided after 9:00 p.m. on Fridays, Saturdays, during special events. If found necessary by the Director of Community Development and Chief of Police, security patrols shall be provided at other times.

15. The doors (exterior and interior) of the business shall remain closed when not being used for ingress/egress purposes. The applicant shall maintain self-closing mechanisms on all doors. Any new door(s) shall have a self-closing mechanism. A sign stating that the doors of the establishment shall remain closed during all hours of operation shall be placed on or next to all doors.
16. No signage is approved with this application. If signage is desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation. The applicant shall secure approval for all signage from the Hacienda Owners Association prior to submitting the signage to the City.
17. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton Municipal Code for grand openings. At no time shall spot lighting be used.
18. The applicant shall adhere to a "good neighbor" policy, meaning that the operator and employees must respect the rights of neighboring properties and tenants and, to the best of their ability, shall ensure their patrons' compliance with the City's noise and smoking regulations and all conditions of approval related to parking location, noise, loitering, etc.
19. If patrons cause problems to occur in the vicinity of the establishment with regard to traffic control, the Chief of Police may direct the applicant to erect signs at all entrances to Gateway Square Shopping Center and at the entrances to all parking lots which have access to the shopping center. Said signs shall state the enforcement of Section 1107.8 of the California Vehicle Code (CVC) on the subject premises, and shall be designed and located as described in the CVC.
20. Food service shall be available to patrons during all operating hours of the businesses.
21. Prior to issuance of a tenant improvement permit for Mavericks Country Lounge or operation of Mavericks Country Lounge, the applicant shall submit a floor plan including the layout for both uses, and this floor plan is subject to review and approval of the Director of Community Development.
22. Within 45 days of the original hire date, employees who serve alcohol and security personnel shall obtain certification in Training for Intervention Procedures (TIPS) or Licensee Education on Alcohol and Drugs (LEADS) training related to the service of alcoholic beverages. Said certification shall be maintained in good standing for the duration of their employment with the establishment, and re-training shall occur every six (6) months from the original training date. The applicant shall maintain copies of these certifications and shall make them available for inspection by Pleasanton Police Department personnel upon request.
23. All activities shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulation). The applicant shall ensure that all disc jockeys (DJs) and musicians are aware of the City's noise regulations.

24. The applicant shall obtain all necessary approvals from the Department of Alcoholic Beverage Control prior to serving alcohol.
25. The applicant shall maintain the area surrounding the establishment in a clean and orderly manner at all times. By 6:00 a.m. each day, the operator shall inspect the parking lots and surrounding businesses within the Gateway Square Shopping Center and remove and/or clean up any litter, vomit, etc., that is likely to have been left by Pick 6 Sports Lounge and Mavericks Country Lounge patrons.
26. The applicant shall submit a floor plan of Pick 6 Sports Lounge showing the interior layout when a band/DJ is playing. The location of the band/DJ shall be located away from exterior doors to the extent feasible. The floor plan is subject to review and approval by the Director of Community Development prior to having a band/DJ at the business.
27. The floor plan submitted for issuance of a building permit for Mavericks Country Lounge shall be revised to show: 1) the removal of the VIP area in Mavericks Country Lounge; and 2) the interior layout in Mavericks Country Lounge during special events. Said plans shall be subject to the review and approval by the Director of Community Development.
28. No live or DJ music shall occur at the same time in Pick 6 Sports Lounge and Mavericks Country Lounge.

#### **Livermore-Pleasanton Fire Department**

29. Portable fire extinguisher(s) shall be provided and installed in accordance with the 2007 California Fire Code and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.

### **STANDARD CONDITIONS**

#### **Community Development Department**

30. 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 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.

#### **Planning Division**

31. The proposed business operation and activities shall conform substantially to the plans, narratives, security plan, and other materials, dated "Received October 26, 2015" on file with the Planning Division, except as modified by these conditions.

Minor changes to the approved activities and/or operation may be approved by the Director of Community Development if found to be in substantial conformance with the approved exhibits.

32. If the operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, public disturbances, or violations of these conditions, at the discretion of the Director of Community Development, this Conditional Use Permit may be submitted to the Planning Commission to consider modifications to the conditions or revocation.
33. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
34. This conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.
35. 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), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction noise and construction traffic noise will not affect nearby residents or businesses. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.

### **Building Division**

36. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City Permits.
37. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant 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 and/or operation 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.

**Code Requirements:**

*Applicants 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.*

38. The applicant shall comply with Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places). The operator shall install "No Smoking" signs in conformance with Chapter 9.24 of the Pleasanton Municipal Code.

[end]



April 6, 2015

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

Re: **Conditional Use Permit  
Pick 6 Sports Lounge  
Site 1D, Gateway Square**

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 Pick 6 Enterprises LLC, on behalf of FFHS Gateway L.P., Site 1D, dated April 1, 2015. 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 Pick 6 Sports Lounge to operate a sports lounge restaurant with extended alcohol service at 4825 Hopyard Road. The restaurant will open at 8:00 am on weekdays and 9:00 am on weekends. It will close at 12:00 am on Sunday and Monday, 12:30 am on Tuesday and Wednesday and 1:00 am on Thursday, Friday and Saturday. The proposed application will allow alcohol service past 8:00 pm daily. In consideration of the conditional use permit, the applicant has reviewed site parameters of concern including: parking, traffic and noise. Based on a comprehensive review of space allocation and business practice, the applicant has demonstrated that their use is compatible with currently approved uses. The description of the use proposal for this 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 printed name.

James Paxson  
General Manager, HIBPOA

cc: Margo Foster  
Matt DeLima

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November 3, 2015

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

Re: **Conditional Use Permit**  
**Mavericks Country Lounge**  
**Site 1D, Gateway Square**

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 Pick 6 Enterprises LLC, on behalf of HHS Gateway L.P., Site 1D, dated October 29, 2015. 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 Mavericks Country Lounge to operate a country theme restaurant with a bar targeting professionals between the ages of 30 and 55 at 4825 Hopyard Road. The lounge will be open from 8:00 am to 2:00 am daily with alcohol service and consumption concluded by 1:30 am daily. The proposed application contemplates a maximum occupancy of 500 patrons and employees at any given time. In consideration of the conditional use permit, the applicant has reviewed site parameters of concern including: parking, traffic and noise. Based on a comprehensive review of space allocation and business practice, the applicant has demonstrated that their use is compatible with currently approved uses. The description of the use proposal for this 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,



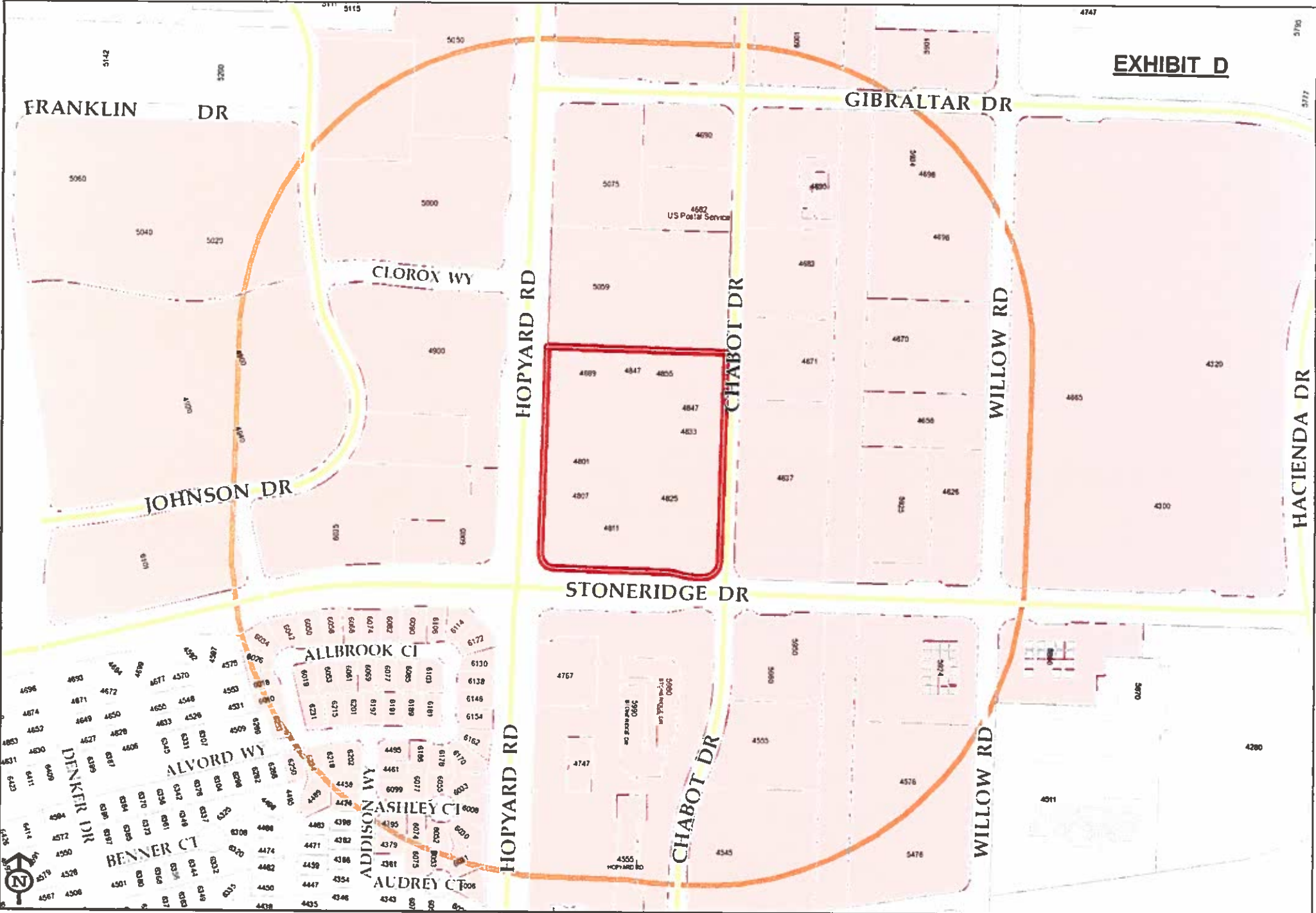
James Paxson  
General Manager, HBPOA

cc: Margo Foster  
Matt DeLima

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**EXHIBIT D**



P15-0223, 4825 Hopyard Rd., Pick 6 Enterprises, LLC

Planning Division  
November 4, 2015

