

## Exhibit B

### PCUP-228 /PDR-780

#### Proposed Conditions of Approval Fresh & Easy

1. The approval covered by this application shall be substantially as shown on the development plans, dated "Received, June 21, 2008", and Transportation Impact Assessment study prepared by Fehr & Peers, dated "Received, June 25, 2008", Exhibit "A", 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 Director of Planning and Community Development if found to be in substantial conformance to the approved exhibits.
2. The project developer shall pay any and all fees to which the project may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
3. This conditional use permit and design review approval will lapse within one (1) year from the date of approval unless a building permit is issued and construction has commenced and is diligently pursued toward completion or an extension has been approved by the City.
4. **All conditions of approval for this case shall be written by the project developer on all building permit plan check sets submitted for review and approval.** These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the building developer to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
5. Prior to issuance of a building permit, the project developer shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District.
6. Prior to issuance of a building permit, the project developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water

meters, including irrigation meters. Additionally, the project developer shall pay any applicable Dublin San Ramon Services District (DSRSD) sewer permit fee.

7. The project developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the project developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
8. This approval does not guarantee the availability of sufficient water to serve the project. The City shall withhold building permits for the project if at the time building permits are applied for, mandatory water rationing is in effect, unless the City has adopted a water offset program and unless the project developer is participating in the program. Notwithstanding the project developer's participation in such a program, the City may withhold building permits if the City determines that sufficient water is not available at the time of application of building permits.
9. The project developer shall pay the required traffic mitigation fees prior to the issuance of a building permit.
10. The site plan shall be revised to include a pedestrian connection between the existing bus stop on Rosewood Drive and the proposed grocery store. The connecting route shall be reviewed and approved by the City Traffic Engineer prior to occupancy.
11. The project development shall modify the existing trash enclosures so that they will be covered and connected to the sanitary sewer system, including necessary repairs/improvements. The modifications of the enclosures are subject to the review and approval by the Director of Planning and Community Development prior to the issuance of a building permit.
12. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours. Tenant spaces shall be identified as determined by the City.
13. 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 main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director. All required screening shall be provided prior to occupancy.

14. 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.
15. The location of any pad mounted transformers or other utility equipment/ boxes shall be subject to approval by the Planning Director prior to issuance of permits by the Building Department. 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. The project developer shall attempt to locate transformers at the rear of the site.
16. The final building materials and colors are subject to the review and approval by the Director of Planning and Community Development prior to the issuance of building permits. Any changes to the approved building materials and/or colors shall be submitted to the satisfaction of the Director of Planning and Community Development.
17. The project developer shall submit a final sign design to the Director of Planning and Community Development for review and approval prior to the issuance of building permits. The final sign design shall include sign installation and illumination details and is subject to the approval of the Director of Planning and Community Development at the time of the review.
18. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Department will issue permits.
19. Final inspection by the Planning Division is required prior to occupancy.
20. Portable toilets used during construction shall be emptied on a regular basis as necessary to prevent odor. All demolition activities and all construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be permitted on Federal Holidays. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.
21. There shall be no truck deliveries, parking lot sweeping, or garbage pick-up between the hours of 10:00 PM and 6:00 AM.
22. The applicant shall maintain the area surrounding the project in a clean and orderly manner at all times.

23. The project developer shall submit a waste management plan to the Building Department prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 50% (fifty percent) of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycle bins "recycling materials only". The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.
24. If required by the Police Department, the building shall be equipped with an alarm system, the type to be approved by the Police Department and that this system shall be installed prior to occupancy of the building.
25. The project developer shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).
26. The building covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted to the Pleasanton Building Department for review and approval prior to installation. The fire alarm system, including waterflow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s). The fire alarm system shall be monitored in accordance with the Pleasanton Municipal Ordinance #1778. The fire alarm system shall transmit zone information to a UL listed Central Station as specified in the Ordinance.
27. The project developer shall keep the site free of fire hazards from the start of construction until the final inspection.
28. Any project developer, business owner, or tenant storing and/or using hazardous materials within the building covered by this approval, shall post National Fire Protection (NFP) 704 identification on the building and/or tenancy according to the City's "Hazardous Materials Identification Sign" procedures.
29. The project developer shall ensure that fire protection facilities, including all surface roads, fire hydrants, and a water supply capable of furnishing the required fire flow are installed and serviceable prior to and during the time of construction. When alternate methods of protection are approved by the Fire Chief, this requirement may be waived or modified. Proposed alternate methods of fire protection shall be submitted, in writing, to the Fire Chief. Work on the

alternative fire protection methods shall not start without the approval of the Fire Chief.

30. All private driveways and aisles designated as fire lanes by the Fire Chief shall be maintained in accordance with Articles 9 and 10 of the Uniform Fire Code which permits towing vehicles illegally parked on the fire lanes. Fire lane curbs shall be painted red with "No Parking, Fire Lane, Tow Away Zone" or "No Parking, Fire Lane, Tow Away Zone" signs shall be installed as required by the Vehicle Code. Approval for the number, type, and location of fire hydrants shall be subject to the approval of the Fire Chief and City Engineer.
31. The Fire Chief shall issue a permit prior to any installation of a fire detection, alarm, and occupant notification system. All 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.
32. All portions of the building covered by this approval shall have installed and operating, fire extinguishers with a minimum 2-A:10-B:C rating. The fire extinguishers shall be located within a seventy-five foot (75' 0") radius of each other.
33. All utilities required to serve any existing or proposed development on-site shall be installed underground.
34. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of an encroachment permit.
35. The project developer shall submit a dust control plan or procedure as part of the improvement plans.
36. The design of the water supply and sanitary sewer systems shall be subject to the review and approval of the City Engineer.
37. The storm drainage system shall be subject to the review and approval of the City Engineer to determine that the system is adequate, connects to an approved point of discharge, and meets the immediate and long-range requirements of this development.
38. 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.

39. The project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
40. The project developer shall install a filtering system in the existing catch basins in the parking lot to intercept and pretreat storm water prior to reaching the storm drains. The design, locations, and a schedule for maintaining the filtering system shall be submitted to the City Engineer/Director of Building Inspection for review and approval prior to issuance of building permits.
41. The project developer shall label all on-site storm drain inlets with the wording, "No Dumping -- Drains to Bay" using City-approved methods and materials. On-site storm drain facilities shall be cleaned a minimum of twice a year as follows: immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection.
42. The project developer shall submit a construction Best Management Practices (BMP's) program for review and approval by the Planning Director prior to issuance of building and/or grading permits. These BMP's shall be implemented by the general contractor and all subcontractors and suppliers of materials and equipment. Construction site cleanup and control of construction debris shall also be addressed. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a stop work order. The project developer is responsible for implementing the following measures during all construction phases of the project:
  - a. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.
  - b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
  - c. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.

- d. Create a contained and covered area on the site for the storage of bags, cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- e. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- f. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

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