

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF HENDRICK AUTOMOTIVE GROUP FOR PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-57

WHEREAS, Hendrick Automotive Group has applied for Planned Unit Development (PUD) development plan approval to establish allowed uses and the construction of six buildings (for auto sales, service, rental, etc.) and three car wash buildings totaling approximately 291,750 square feet and related site improvements on approximately 37 acres located southwest of the intersection of I-580 and El Charro Road (Staples Ranch); and

WHEREAS, an Environmental Impact Report (EIR) for the Staples Ranch project (of which this development plan is part) has been certified by the City Council on February 24, 2009, an Environmental Impact Report Supplement (SEIR) for the Staples Ranch Project has been certified by the City Council on August 24, 2010, and the potential environmental impacts of this proposed development have been addressed in that EIR and SEIR, and no further environmental review is necessary; and

WHEREAS, the Planning Commission adopted Resolution 2009-17, determining that the proposed development plan is appropriate for the site, making findings, and recommending to the Pleasanton City Council that PUD 57 be approved; and

WHEREAS, on _____, 2010, the Pleasanton City Council held a duly noticed public hearing on this application and considered all public testimony, agenda reports and related materials, and the recommendations of City Staff and the Planning Commission; and

WHEREAS, the Pleasanton City Council finds that the proposed development plan is consistent with the City's General Plan, the Stoneridge Drive Specific Plan Amendment/Staples Ranch and the purposes of the PUD District Ordinance as set forth in Exhibit C attached hereto and made a part of this ordinance by this reference.

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

Section 1. Approves Case PUD-57, the application of Hendrick Automotive Group for Planned Unit Development (PUD) development plan approval to establish allowed uses and the construction of six buildings (for auto sales, service, rental, etc.) and three car wash buildings totaling approximately 291,750 square feet and related site improvements on approximately 37 acres located southwest of the intersection of I-580 and El Charro Road (Staples Ranch), subject to the conditions as shown in Exhibit A, attached hereto and made part of this ordinance 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 of its adoption.

Section 3. This ordinance shall be effective 30 days after its passage and adoption.

The foregoing Ordinance was introduced at a _____ meeting of the City Council of the City of Pleasanton on _____, 2010 and adopted at a regular meeting of the City Council of the City of Pleasanton on _____ 2010 by the following vote.

Ayes:
Noes:
Absent:
Abstain:

Jennifer Hosterman, Mayor

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

EXHIBIT A
PROJECT-SPECIFIC CONDITIONS OF APPROVAL
PUD-57, HENDRICK AUTOMOTIVE GROUP
STAPLES RANCH
_____, 2010

DEFINITIONS

For the purposes of these Conditions of Approval the following definitions apply:

1. ACSPA: "ACSPA" shall mean the Alameda County Surplus Property Authority.
2. CEQA: "CEQA" shall mean the California Environmental Quality Act.
3. City: Unless otherwise specified, "City" shall mean the City of Pleasanton.
4. Cost-Sharing Agreement: "Cost-Sharing Agreement" shall mean the agreement entered into between the Surplus Property Authority of Alameda County, City of Livermore, and City of Pleasanton dated September 4, 2007.
5. Development Agreement: "Development Agreement" shall mean the agreement entered into between the City of Pleasanton and the Surplus Property Authority of Alameda County for the Staples Ranch project, pursuant to California Government Code § 65864 and § 65865.
6. EIR: "EIR" shall mean the Stoneridge Drive Specific Plan Amendment/Staples Ranch project Environmental Impact Report certified on February 24, 2009, and the Final Environmental Impact Report Supplement (SEIR) certified on August 24, 2010.
7. Neighborhood Park: "Neighborhood Park" shall mean the neighborhood park planned for the Staples Ranch Site.
8. Neighborhood Park/Detention Basin Funding and Improvement Agreement: "Neighborhood Park/Detention Basin Funding and Improvement Agreement" shall mean the agreement between the City of Pleasanton and the Surplus Property Authority of Alameda County and/or the developers of the Staples Ranch Site regarding the design, construction, and funding of the Staples Ranch Neighborhood Park and/or the storm water detention basin in the Staples Ranch Neighborhood Park.
9. Pre-Development and Cooperation Agreement: "Pre-Development and Cooperation Agreement" shall mean the agreement entered into between the City of Livermore, County of Alameda, Surplus Property Authority of the County of

Alameda, City of Pleasanton, and CalMat Co., dba Vulcan Materials Company, Western Division dated September 18, 2007.

10. PSE: "PSE" shall mean public service easement.
11. PUD: "PUD" shall mean planned unit development.
12. Specific Plan "Specific Plan" shall mean the Stoneridge Drive Specific Plan Amendment/Staples Ranch, adopted August 24, 2010 by the City Council.
13. Staples Ranch Project Area: "Staples Ranch Project Area" shall mean the approximately 169 acre project area proposed to be annexed into the City of Pleasanton as part of the Staples Ranch project, including adjacent right of way along the Arroyo Mocho Channel, El Charro Road, and Interstate 580 (I-580) within the City's Sphere of Influence and Urban Growth Boundary.
14. Staples Ranch Site: "Staples Ranch Site" shall mean the approximately 124-acre project area where the Staples Ranch planned unit developments are proposed.

HENDRICK AUTOMOTIVE GROUP

1. The proposed development shall be in substantial conformance to the Development Plans, Preliminary Lighting Analysis, Green Point Checklist, Project Narrative, Waste Diversion Plan, Tree Report, and Tree Replacement Plan dated Received February 2, 2009, Exhibit B, and Transportation Management Plan (TSM) plan, and Plan to Reduce Air Pollution from Stationary Sources dated May 14, 2009, Exhibit B, 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 Community Development if found to be in substantial conformance to the approved exhibits, Exhibits A-B, inclusive.
2. All conditions of approval related to car sales, leasing, rental, operation, maintenance, painting, repair, washing, fuel dispensing, fluid changing, shall also apply to motorcycles, boats, and recreational and commercial vehicles.
3. Prior to the issuance of a building permit, the plans shall be revised such that:
 - a. All plan sheets include a scale and scale bar.
 - b. The top of the roof heights and top of the parapet heights are shown on all elevation drawings.
4. **Hours of Operation.** All permitted and conditional auto uses shall occur within the following hours of operation, unless otherwise approved by the Director of Community Development.

| Operation | Monday-Friday | Saturday | Sunday |
|---------------------|---------------------------|---------------------------|----------------------------|
| Auto Sales | 8:00 a.m. to 9:00 p.m. | 9:00 a.m. to 9:00 p.m. | 10:00 a.m. to 9:00 p.m. |
| Auto Service | 7:00 a.m. to 7:00 p.m. | 8:00 a.m. to 6:30 p.m. | 10:00 a.m. to 6:00 p.m. |

An auto sale with a customer can continue after 9:00 p.m., if the customer arrived on the PUD site before 9:00 p.m.

5. **Permitted and Conditional Uses.**
 - a. The permitted uses shall be all auto sales, rental, leasing, service, upholstery, minor touch up painting, washing, and fueling uses of the of the CS (Service Commercial) District, and the following uses of the CS District:

Permitted Uses

- (i.) Accessory uses located on the same site as a permitted use and the following accessory structures and uses:
 - Emergency standby electricity generators that meet the criteria for such use in table 18.44.090 of the Pleasanton Municipal Code.
 - Photovoltaic facilities.

- Small electricity generator and fuel cell facilities that meet the criteria for such use in table 18.44.090 of the Pleasanton Municipal Code.
- (ii.) Dry land hay farming on any of the site until first occupancy of any building.

Conditional Uses

- b. The conditional uses shall be:
- (i.) Auto repair.
 - (ii.) Auto painting (more than minor touch up painting, as determined by the Planning Manager).
 - (iii.) Medium electricity generator and fuel cell facilities that meet the criteria for such use in table 18.44.090 of the Pleasanton Municipal Code.

Temporary Events and Uses

- c. Temporary events, temporary sales events, and temporary uses related to an on-site permitted use or conditionally permitted use may be allowed, subject to the review and approval of the Planning Manager. The event or use may be for more than three days, subject to the review and approval of the Planning Manager. Temporary Use Permit approval shall be required for events and uses proposed for more than three days.

6. Site Development Standards.

- a. All future additions, site design changes, and new structures shall be reviewed on a case-by-case basis in accordance with the purposes and requirements of Chapter 18.68 of the Pleasanton Municipal Code. All future site design changes, landscaping changes, building additions, and new buildings shall be subject to a PUD Modification process, except as otherwise conditioned. If rooftop parking is proposed in the future, it shall be subject to review and approval by the Planning Commission (see also condition of approval 8.b).
- b. The dealership building materials may include steel, glass, aluminum, composite materials, EFIS, stucco, CMU block, wood, and concrete depending on the requirements of each manufacturer. Concrete-tilt-up buildings shall be allowed. The final materials shall be subject to the review and approval of the Planning Manager prior to the issuance of a building permit.
- c. All roll-up doors shall be recessed approximately one foot into the building wall, unless the building wall is a concrete-tilt-up wall in which case the roll-up doors shall be recessed approximately two or three inches into the building wall. Prior to the issuance of a building permit, the plans shall be revised to address this condition of approval.

- d. Prior to installation, the design of any outdoor furniture shall be submitted for review and approval by the Planning Division.
 - e. The emergency vehicle access between the senior continuing care community site (PUD-68) and the Hendrick Automotive Group site (PUD-57) shall be relocated approximately 280 feet north, generally between buildings A and B on Exhibit B.
 - f. If a portion of the project site shall be used for freeway widening, prior to the widening, the property owner of the project site shall apply for a PUD Modification for a modified freeway frontage design. The design shall include a 12-foot-wide-landscape strip along the frontage of the site by the freeway. A wider landscaping strip may be provided, if so desired by the applicant.
 - g. Prior to approval of the Tentative Map for the Staples Ranch Site, the project boundary lines shall be adjusted such that the eastern boundary line is not located in the El Charro Road right-of-way. The proposed PSE by El Charro Road shall be a minimum of 15 feet in width and shall not be located in the El Charro Road right-of-way. The location of the boundary lines and PSE shall be subject to the review and approval of the City Engineer.
 - h. If a fueling station is proposed in the future, it shall be at least 60 feet from any residentially planned or zoned property.
 - i. If the property is proposed to be subdivided at a later date and building C is located on a separate property, the new property lines shall be at least 20 feet from building C, unless waived by the Chief Building Official.
7. **Signage.** All signage shall generally be as conceptually shown on Exhibit B with the following exceptions and conditions:
- a. Two monument signs, a maximum of 8 feet in height, shall be allowed. The monument signs shall be located so as not to create a line of sight obstruction from any road. The text letters on the sign shall be a maximum of 12 inches in height.
 - b. The freeway pylon sign shall have halo illumination, to the extent feasible.
 - c. The monument and building wall signs shall have halo illumination or a top down type of illumination, to the extent feasible.
 - d. Only the sign copy and logo shall be illuminated, to the extent feasible.
 - e. The dealership pylons may have cabinet signs. Push through letters and push through logos shall be used to the extent feasible.

- f. A comprehensive sign program shall be submitted to the Planning Manager for review and approval under a separate Sign Design Review application prior to submittal of the first building permit application. The Planning Commission and the City Council shall be notified of the Planning Manager's action on their Actions Report.

8. Parking and Circulation.

- a. Prior to the issuance of a building permit, the project developer shall:
 - (i.) Revise the plans and label all employee and customer parking. Employee and customer parking shall be provided at one space for each 500 square feet of gross floor area. The showroom area shall not count as gross floor area.
 - (ii.) The private drive aisle closest to Stoneridge Drive west of the private entrance road (near building C) shall be signed for "inventory parking" only. The proposed sign shall be shown on the plans submitted for the issuance of a building permit and shall be subject to the review and approval of the Planning Manager.
 - (iii.) Revise the plans to show that the vehicle display area at the corner of El Charro Road and Stoneridge Drive shall be setback a minimum of 37 feet from the public right of way.
 - (iv.) Revise the plans and show all loading and unloading areas.
 - (v.) Relocate the bike racks such that there is a bike rack near each dealership entrance. The location of the bike racks shall be subject to the review and approval of the Planning Manager, prior to the issuance of a building permit.
- b. Roof top parking is not approved. If roof top parking is proposed in the future, the proposal shall be reviewed through a PUD Modification process (see also condition of approval 6.a).
- c. All parking plans shall be subject to the review and approval of the Planning Manager, the City Engineer, and the Chief Building Official prior to the issuance of a building permit.
- d. The property owner shall inform each delivery company delivering to the site that its drivers are not to use Stoneridge Drive west of Trevor Parkway when accessing or leaving the PUD site.

9. Landscaping.

- a. Prior to the issuance of a building permit, the project developer shall:
 - (i.) Revise the plans such that white alder trees are not proposed.
 - (ii.) Revise the plans such that the on-site non-perimeter trees shall be large evergreen fruit trees with large canopies. Fruitless varieties may be used, if desired by the applicant.

A few additional decorative tree species may be used.

- (iii.) Revise the plans such that the on-site non-perimeter ground cover species shall be as follows:

Ground Cover

- Bearberry Manzanita (plant tolerates some aridity)
- Ceanothus griseus (plant tolerates some aridity)
- Native rushes and sedges
- Turf (no more than 30% of total landscaping ground cover)

A few additional decorative groundcover species may be used, if the species are known to tolerate some aridity and thrive in/near a bioswale.

- (iv.) Revise the plans such that a minimum of six additional evergreen trees are provided in the perimeter landscaping strip located east of building F.
- (v.) Revise the plans to show an offset double row of triangularly spaced London Plane street trees spaced 50 feet on center (32 feet triangular spacing) along Stoneridge Drive and El Charro Road.
- (vi.) Revise the plans to show at least two London Plane street trees west of the private entrance road.
- (vii.) Revise the plans to show a variety of ground cover and shrub clusters on both sides of the sidewalk along Stoneridge Drive, along El Charro Road, and where the bus stop is shown on Exhibit B. Groundcover shall be kept to a minimum, as groundcover typically requires more water than shrubs. Turf shall not be used. The shrubs and groundcover shall include some or all of the following species:

Shrubs

- Acacia redolens (plant tolerates some aridity)
- Ceanothus “Yankee Point” (plant tolerates some aridity)
- Shrub blocks of crape myrtle (plant tolerates some aridity)

Ground Cover

- Hemerocallis ‘Stella d’oro’—Dwarf yellow Daylily (plant tolerates some aridity; requires regular water during blooming season)
- Erigeron karvinskianus—Santa Barbara Daisy (plant tolerates some aridity)
- Cottoneaster “Lowfast” (plant tolerates some aridity)
- Rosmarinus officinalis (plant tolerates some aridity)

A few additional decorative species may be used, if the species are known to tolerate some aridity.

- (viii.) Revise the plans such that to the extent practical, all on-site plant species shall be of a drought tolerant nature.
- (ix). Revise the plans such that the southern landscape buffer adjacent to the Neighborhood Park is a minimum of four feet in width.
- b. All perimeter landscaping, including the landscape buffer by the western boundary line, the landscape buffer by the Neighborhood Park, the landscaping in the Caltrans right of way, and street frontage landscaping shall be installed prior to the occupancy of any building on-site to the extent practical.
- c. The landscaping planter north of the sidewalk along Stoneridge Drive shall be at least 15 feet in width.
- d. Prior to the recordation of the Final Map, if the City Manager determines that the use of recycled water has been adequately studied as required per CEQA, then all irrigation systems including pipes, valves, heads, boxes, etc. shall be designed for the use of recycled water, unless waived by the City Engineer and Director of Operation Services. The applicant may consider using recycled water elsewhere on-site, such as in toilets, if approved by the City Engineer and Director of Operation Services.
- e. Once building construction has commenced, undeveloped portions of later development phases shall be hydroseeded annually with native wildflowers.
- f. Revise the plans such that the southern and western elevations of the proposed wall by the Neighborhood Park are completely screened with landscaping to deter graffiti tagging.

10. Fencing and Walls.

- a. The wall on the shared boundary line with the senior continuing care community (PUD-68) shall be eight feet in height. The wall may be a brown split face block wall or the off white wall shown on sheet 23 of Exhibit B for PUD-57. Prior to the issuance of a building permit, the plans shall be revised to show the proposed wall design and the exact location of the wall. The design and location shall be subject to the review and approval of the Planning Manager.
- b. Walls and solid privacy fencing shall not be located on the existing PG&E and Zone 7 easements by I-580. The plans shall be revised to address this, prior to the issuance of a building permit.

11. Car Wash, Fluid Change, and Fuel Dispensing Areas.

- a. The stationary car wash area(s) shall be covered and shall drain through an appropriate interceptor to the sanitary sewer, subject to approval by DSRSD. A sign shall be posted prohibiting the dumping of hazardous materials. No other area shall drain to the car wash area; a berm shall be installed to prevent such drainage if found necessary by the City Engineer and Building and Safety Division.
- b. Car washing shall be as follows:
 - (i.) New cars for sale, lease, or rent shall be washed in a stationary car wash or with a mobile cart wash with an acceptable water de-chlorination module, as determined by the City Engineer.
 - (ii.) Used cars for sale, lease, or rent shall be washed in a stationary car wash before being subsequently washed by a mobile cart wash as determined by the City Engineer. A used car shall be washed initially in the stationary car wash, and then an unlimited number of times with the mobile cart wash.
 - (iii.) Cars being serviced and loaner cars shall be washed in a stationary car wash.

The de-chlorination modules shall be subject to the review and approval of the City Engineer, prior to the issuance of a building permit.

- c. The car wash water in the stationary car washes shall be recycled and shall be recycled to the highest commercially feasible recycled water percentage. The recycled water equipment must be readily available and feasible for use in an automotive dealership environment. The amount of water to be recycled shall be subject to the review and approval of the City Engineer, prior to the issuance of a building permit.
- d. All service operations involving fluid changes must occur indoors; all fluids shall be disposed of in an appropriate manner and shall not be placed in the storm drain or sanitary sewer but shall drain to a sump.
- e. Any future fuel dispensing areas shall be covered with canopies; canopy downspouts shall be routed to prevent drainage flow across the fuel dispensing area. Drainage under a canopy shall drain toward the center. The drain shall connect to the sanitary sewer and shall have an oil/sand filter or other measure as approved by the City Engineer. Fuel dispensing areas shall be located on concrete surfaces which extend at least eight feet (8'0") from the face of the fuel dispenser and at least four feet (4'0") from the nose of the pump island. The surface must be graded and constructed to prevent drainage flow across the fueling areas. The fuel dispensing area shall be dry swept routinely, and dispensing equipment shall be inspected

routinely for proper functioning and leak prevention. The facility shall have a spill clean up plan approved by the Fire Department.

12. Noise.

- a. The roll up doors may remain open during operation. However, if the service areas do not adhere to the noise requirements of the Pleasanton Municipal Code, the Director of Community Development may require the roll up doors to be closed, or may require the property owner to implement other noise attenuation measures to reduce noise levels such that the project adheres to the noise requirements of the Pleasanton Municipal Code.

If a service area is air conditioned, the roll up doors in the service area shall remain closed, as described in the Transit System Management program in Exhibit B.

- b. There shall be no parking lot sweeping or leaf blowing between the hours of 8:00 p.m. and 8:00 a.m.
- c. If an emergency standby electricity generator is proposed, the noise level from the generator shall not exceed 60 dBA (Lmax) at any habitable structure. The project developer shall submit a noise study to the Director of Community Development verifying that the generator adheres to this requirement prior to the issuance of a building permit for the generator.

- 13. Grading.** The fill above the existing ground elevation shall not exceed six feet within a 7 foot horizontal distance from the centerline of Zone 7's existing 36-inch cross valley water transmission line. Grading in Zone 7's easement shall be subject to the review and approval of the City Engineer, prior to the issuance of a grading permit. Verification of submission of the plans to Zone 7 shall be submitted to the City Engineer prior to the issuance of a grading permit.

14. Utilities and Storm Drainage.

- a. Prior to the issuance of a building permit, the applicant shall survey the underground PG&E, AT&T, and Zone 7 utility lines on the site and shall show their locations on the plans.
- b. Public sewer and water utility connections from the terminus of Staples Ranch Drive through Continuing Life Community's site (PUD-68) shall be required prior to occupancy of any building on site. PSEs shall be required. The location of the utility lines and PSEs shall be subject to the review and approval of the City Engineer.
- c. Unless waived by the City Engineer, prior to the issuance of a building permit, the public water and sewer line connections between Hendrick Automotive Group's site (PUD-57) and Continuing Life Community's site

(PUD-68) shall be relocated approximately 280 feet north, generally between buildings A and B shown on Exhibit B of PUD-57. The trash enclosure currently located on the west side of the property between buildings A and B shall be relocated to allow for adequate access to the lines for maintenance, as determined by the City Engineer. The final location of the trash enclosure shall be subject to the review and approval of the City Engineer and Planning Manager, prior to the issuance of a building permit.

- d. A portion of the public water line loop shall be located in the private entrance road. The proposed 18- and 24-inch storm drain lines shall be relocated to accommodate the relocation of the public water line loop. The location of the lines shall be subject to the review and approval of the City Engineer prior to the issuance of a building permit.
- e. The proposed 24-inch storm drain line in the PSE on Stoneridge Drive shall be relocated northerly into the parking lot drive aisle by building F. The location of the storm drain line shall be subject to the review and approval of the City Engineer prior to the issuance of a building permit.
- f. Prior to the issuance of a building permit, sections A-A and B-B of the site plan shall be revised to show a swale in the landscape area off the edge of pavement to treat the low flow stormwater traveling off the main entrance roadway. Curbs and gutters shall be provided on the outside edge of pavement. The curbs shall have openings to allow stormwater into the swale. The location and design of the curb openings shall be subject to the review and approval of the City Engineer.
- g. The proposed bioswales (vegetated swales) within the on-site parking areas shall be modified to provide a subdrain system installed beneath the filtering media to collect any excess stormwater in the bioswale area. The design details of the vegetated swales, including the filtering material shall be approved by the City Engineer prior to the issuance of a building permit.
- h. Prior to the issuance of a building permit, the grading plan shall be revised such that all stormwater shall flow away from the trash enclosures, stationary carwash areas, and fueling islands, unless another design, such as a grade differential by these features, is approved by the City Engineer.
- i. With the exception of the public sanitary line loop, all other sewer lines on site shall be private laterals that tie into the public line at manholes.
- j. If an emergency standby electricity generator is proposed, its refueling and maintenance operations shall incorporate stormwater best management practices for servicing and refueling as determined by the City Engineer.

15. **Maintenance Association.** A maintenance association shall be created for the project, as determined by the City Attorney.

a. The maintenance agreement for the project shall clearly state:

At a minimum, the maintenance association or lot owners shall be responsible for the maintenance and implementation of the following:

- (i.) All landscaping and irrigation systems adjacent to the site which are located on Caltrans' property by the I-580 freeway.
- (ii.) All street tree landscaping and irrigation adjacent to the project site which is located in the public right-of-way, not including median landscaping on Stoneridge Drive and El Charro Road.
- (iii.) All on-site landscaping and irrigation, including landscaping in the median of the private entrance road.
- (iv.) All walls and fencing on property lines.
- (v.) All on-site lighting, including lighting along the private entrance road.
- (vi.) Any bus shelter required as part of the project including maintenance of the lighting, seating, and trash receptacle.
- (vii.) Storm drainage swales, bioswales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street, not including the public water line loop and sewer lines located in a PSE approved by the City Engineer. The public water and sewer line loops approved by the City Engineer shall be maintained by the City.
- (viii.) Any required inspection, maintenance, and reporting of stormwater treatment measures. An annual maintenance report shall be required.
- (ix.) Implementation of the Integrated Pest Management Plan.

b. The proposed maintenance agreement shall be subject to the review and approval of the City Attorney prior to the recordation of a parcel map for the project, or the issuance of a building permit, whichever occurs first.

16. **Deed Disclosures.**

a. Conveyance documents for all parcels on the Staples Ranch Site shall include the required disclosures listed below. All required disclosures shall be subject to the review and approval of the City Attorney's Office prior to the recordation of a final map for the Staples Ranch Site. Each property owner on the Staples Ranch Site shall provide all of its future tenants and any purchaser of any property on the Staples Ranch Site with copies of the required disclosures listed below.

The property owner will disclose to all potential tenants and property owners conditions that may not be readily apparent which may occur on or near the Staples Ranch Site:

- (i.) The presence of and typical activities and physical characteristics associated with the auto mall planned on the Staples Ranch Site including vehicle servicing, washing, and vacuuming, bright lighting,

- illuminated freestanding freeway sign, noise, early and late hours of operation, and large truck deliveries.
- (ii.) The presence of and typical activities and characteristics associated with park uses on the Staples Ranch Site including bright lights, noise, large buildings, large delivery trucks, early and late use hours of park use.
 - (iii.) The presence of typical activities and characteristics associated with retail and/or office uses on the Staples Ranch site including bright lighting, noise, early and later hours of operation, and large delivery trucks.
 - (iv.) The future extension El Charro Road to Stanley Boulevard, as shown in the General Plan.
 - (v.) The future extension of Stoneridge Drive to El Charro Road, as shown in the General Plan and in the Stoneridge Drive Specific Plan Amendment/Staples Ranch.
 - (vi.) The anticipated I-580 freeway widening by Caltrans.
- b. Property owners shall include deed riders/disclosures about the Livermore Municipal Airport consistent with Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353.
- c. Conveyance documents for all parcels on the Staples Ranch Site shall include the required disclosures, deed riders, and easements listed below. All required disclosures, deed riders, and easements shall be subject to the review and approval of the City Attorney's Office prior to the recordation of a final map for the Staples Ranch Site. Each property owner on the Staples Ranch Site shall provide all of its future tenants and any purchaser of any property on the Staples Ranch Site with copies of the required disclosures, deed riders, and easements listed below.
- (i.) All Staples Ranch Site property owners, other than the property owner of the senior continuing care community site(s), shall either record the deed rider below or Livermore's standard Avigation Easement a copy of which is attached as Exhibit G of the Cost-Sharing Agreement.

Grantee hereunder acknowledges and agrees that the subject property is located in the vicinity of an active and operating general aviation airport, outside the City of Livermore's designated Airport Protection Area and 65 CNEL impact area. Grantee accepts possible and normal consequences including noise, light and vibration arising out of the proper operation of aircraft for current and future operations consistent with the 1975 Livermore Airport Master Plan and Grantee hereby acknowledges and agrees that no claim of nuisance shall lie based on the foregoing. Grantee shall not be deprived of any right it might have against any individual or private operator for negligent or unlawful operation of aircraft. Grantee hereby covenants to include this same paragraph, in its entirety, in any subsequent deed by Grantee of all or

any portion of the subject property. Grantee further covenants to include this same paragraph within any lease for all or any portion of the subject property.

- (ii.) All property owners shall disclose the following about the Pre-Development and Cooperation Agreement:
- Applicant acknowledges that the City has provided to applicant a copy, and the applicant is aware of the existence, of that certain Pre-Development and Cooperation Agreement by and among the City of Livermore, the County of Alameda, the Surplus Property Authority of the County of Alameda, the City of Pleasanton, and CalMat Co., d/b/a Vulcan Materials Company, Western Division (“Vulcan”), dated as of September 18, 2007 (the “Cooperation Agreement”), and further acknowledges that applicant has reviewed and understands the provisions of the Cooperation Agreement, including but not limited to the provisions thereof that prohibit the City’s issuance of certain permits for applicant’s project unless and until the City complies with its obligations under the Cooperation Agreement, and allow Vulcan to join applicant as a real party in interest in any action to enforce the City’s obligations under the Cooperation Agreement. Applicant consents to the recordation of the Memorandum of Agreement on title to Applicant’s property and shall execute and deliver to City all documents required to evidence the consent to recordation.
 - This property is located in the vicinity of operating quarries on land designated by the County of Alameda for sand and gravel quarry and related operations, including asphalt and concrete plants, landfill, recycling of construction materials, reclamation and other similar uses (the “Quarry Lands”). The Quarry Lands have been designated by the State of California as containing aggregate and mineral resources of regional significance. Operations and reclamation activities at the Quarry Lands are projected to continue until at least 2030. Quarry operations may result in airborne particulate matter, bright lights, noise and vibration, unattractive visual appearance, and heavy truck traffic. El Charro Road serves as the main access route to the Quarry Lands and is subject to a high volume of heavy truck traffic related to the Quarry Lands.
- (iii.) All property owners shall attach the following rider to each deed for any property within the Staples Ranch Site:

Grantee hereunder acknowledges and agrees that the subject property is located in the vicinity of active and operating quarries and processing facilities. Grantee also acknowledges that quarry operations may result in airborne particulate matter, bright lights, noise and vibration, unattractive visual appearance, and heavy truck traffic

on El Charro Road and adjacent streets and roadways within or outside the quarries. Grantee accepts possible inconvenience of discomfort from any of the foregoing and Grantee hereby acknowledges and agrees that no claim of nuisance shall lie based on any of the foregoing. Grantee hereby covenants to include this same paragraph, in its entirety, in any subsequent deed by Grantee of all or any portion of the subject property. Grantee further covenants to include this same paragraph within any lease for all or any portion of the subject property.

{end}

EXHIBIT A
GENERAL CONDITIONS OF APPROVAL
PUD-57, HENDRICK AUTOMOTIVE GROUP
STAPLES RANCH
_____, 2010

GENERAL CONDITIONS

1. **Expiration.** The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a building permit is obtained and construction diligently pursued, unless otherwise vested by an approved development agreement for the property.

2. **Specific Plan Amendment, Environmental Impact Report (EIR) Mitigation Measures, Code Measures, Regional Permits, and Agreements.** All projects shall be developed in accordance with the Stoneridge Drive Specific Plan Amendment/Staples Ranch project.

All mitigation measures of the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR are hereby incorporated by reference and shall be implemented as required by the EIR and the Mitigation Monitoring and Reporting Plan. If any of the conditions of approval conflict with any applicable EIR mitigation measures, the requirements of EIR mitigation measures apply.

Stoneridge Drive Specific Plan Amendment policies, EIR mitigation measures, agreement requirements, implementation details, and clarifications related primarily to the future subdivision, construction, and/or operation of the proposed project are primarily in Appendix 1 of these conditions of approval.

Code measures, regional permit requirements, implementation details, and clarifications which are applicable to the project and are related primarily to the future subdivision, construction, and/or operation of the proposed project are also in Appendix 1.

3. **General Requirements and Conditions.**
 - a. The approved building colors and materials shall be indicated on the final building permit plans. Substitutions shall not be allowed unless otherwise approved by the Planning Division.

 - b. Any new indoor or outdoor fireplace shall be a gas fireplace, pellet fueled wood heater, or EPA certified wood burning appliance. The fireplace type shall be indicated on the plans submitted for issuance of a building permit.

 - c. All excess soil from the site shall be off hauled from the site and disposed of in a lawful manner. No stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.

- d. Only modular newspaper dispensers accommodating more than one (1) newspaper shall be allowed outside of any building within the development. The design of these dispensers shall be approved by the Planning Division. Dispensers within the public right of way shall require an encroachment permit by the Engineering Division.
- e. The plans submitted for the issuance of a building permit shall show all existing and planned streets adjacent to the site.
- f. The applicants shall submit construction plans (wet stamped and signed), Title 24 calculations, site specific soils report, the completed Building Permit Questionnaire, and any other plans and documentation required by the Building and Safety Division, along with the necessary fees, to initiate the City's plan check process. The number of plans and documents required shall be determined by the Building and Safety Division.
- g. All conditions of approval for this case shall be reprinted and included as one of the first two plan sheet(s) of the 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 property owner to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Director of Community Development must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
- h. The building permit plans shall accurately show all existing public improvements near the subject development (i.e., signals, street lights, street signs, utility vaults and boxes, etc.) and shall clearly indicate any proposed modifications to the existing public improvements. Proposed modifications to the public improvements shall be subject to review and approval by the City Engineer and Planning Division prior to issuance of a building permit.
- i. Building and situs plans are to be submitted to the Building and Safety Division on a computer disk in a format approved by the Chief Building Official. Digitized information shall be submitted before requesting a final inspection and should reflect as built situs and architectural information as approved by the Chief Building Official.
- j. The project developer shall submit a refundable bond for hazard and erosion control prior to issuance of an Engineering or Building and Safety Division permit. The amount of this bond will be determined by the City Engineer.

- k. The applicants shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official, certifying that the pad elevations and building location (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.
- l. The height of the building 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 Building and Safety Division before the first framing inspection by the Building and Safety Division.
- m. The applicant shall submit a final utility plan showing the proposed sewer system, water supply, storm drainage, electric power distribution, gas distribution, communication service, cable television, and any required alarm system for the site. Said plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.
- n. Final inspection by the Planning Division is required prior to occupancy.
- o. Prior to issuance of building permit(s), the property owner shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District.
- p. Unless otherwise stated in the Development Agreement, prior to the first plan check of any Final Map, including Final Parcel Map related to the PUD site, the applicant's engineer/surveyor shall submit a preliminary copy of the Final Map or Parcel Map (whichever is applicable) along with a preliminary copy of the title report and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely, should consultant's estimate be insufficient to cover all of the consultant's time, the applicant will be required to pay the City the difference between the estimate and the actual cost prior to submittal of the map for the City Engineer's approval.

4. Green Building and Recycling.

- a. The green building project checklist shall be reprinted as one of the first two plan sheet(s) of the building permit plan check sets submitted for review and approval. For each green building measure proposed, the checklist shall include information noting the page number in the plan set where the green building measure is addressed.
- b. The final green building project checklist shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the property owner to ensure that the project contractor is aware of, and abides by, all the green building requirements.

5. Landscaping and Irrigation.

- a. A final landscape plan 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. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing.
- b. Root control barriers and four inch perforated pipes shall be provided for trees in planting areas less than ten feet in width, unless prior to the issuance of a building permit, the applicant provides a letter from a licensed landscape architect with an alternative means to reduce cracking and uplifting in nearby pavement areas and the landscape architect's recommendations are incorporated into the plan set.
- c. All trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of 5 gallons with the following exceptions:
 - (i.) All street trees shall be a minimum of 24 inch box in size.
 - (ii.) Larger minimum sizes may be required in these conditions of approval or proposed in Exhibit B.
 - (iii.) Smaller shrub sizes may be approved by the Director of Community Development prior to the issuance of a building permit if larger-sized shrubs are not reasonably available.
- d. Six inch (6") vertical concrete curbs shall be installed between the parking spaces and the landscaped areas and between all drive aisles and landscaped areas. Breaks may be required in the curbs to allow stormwater to enter the landscaping areas.
- e. The project developer shall install an automatic low flow irrigation system for all project landscaping, including the street landscaping adjacent to the site which is installed in the City right of way. The low flow irrigation system shall be designed to maximize water conservation throughout the development.

- f. Prior to the issuance of a building permit, if the City Manager determines that the use of recycled water has been adequately studied as required per CEQA, then in all City rights of way all irrigation systems including pipes, valves, heads, boxes, etc. shall be designed for the use of recycled water, unless waived by the City Engineer.
- g. The property owner shall be responsible for the maintenance of all street landscaping, including ground cover, shrubs, and trees, adjacent to its property.
- h. The property owner shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping installed as part of this project, including street landscaping adjacent to the site, 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 property.
- i. Prior to occupancy, the landscape architect for the project 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.

6. Construction Requirements.

- a. The property owner shall be responsible for conducting sonic vermin control immediately prior to and during grading and construction. The details of the sonic rodent control measures, including the location of the sonic devices shall be submitted to and subject to the review and approval of the Planning Manager prior to the issuance of a grading permit or building permit, whichever is sooner. The approved measures shall be included in the plan sets submitted for the issuance of a grading permit and the plans submitted for the issuance of a building permit.
- b. Dust and mud shall be contained within the boundaries of the property during times of construction. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
- c. Portable toilets used during construction shall be emptied on a regular basis as necessary to prevent odor.
- d. Construction trailers shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles shall be removed from the site at the end of each workday.
- e. Any damage to existing street or sidewalk improvements during construction on the subject property shall be repaired to the satisfaction of the City

Engineer at full expense to the developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

7. **Phasing.** Phase I—Infrastructure Improvements for the Staples Ranch Site. Prior to occupancy of any building on site:
 - a. The stormwater flow control basin in the Neighborhood Park shall be constructed and operational as determined by the City Engineer.
 - b. The Stoneridge Drive extension from Trevor Parkway to El Charro Road shall be constructed and operational, as determined by the City Engineer.
 - c. The ACSPA shall replace the existing eight-inch water line in Staples Ranch Drive between Vermont place and the senior continuing care community site (PUD-68) site with a new 12-inch water line. Prior to occupancy, the ACSPA shall reconnect all existing house water service connections along Staples Ranch Drive to this new water main. The location of the new line, and the timing of the connections shall be subject to the review and approval of the City Engineer.
 - d. All public water and sewer lines loops on the PUD site shall be installed. All necessary public water and sewer line loops shall be installed as determined by the City Engineer.
 - e. All emergency vehicle access (EVA) connection points shall have a knock box, as determined by the Fire Marshal.
 - f. An access easement shall be provided to Zone 7 and the City of Pleasanton allowing for maintenance equipment to access the Arroyo Mocho. The easement shall be located generally as shown on Exhibit B for Case PUD-68 and shall be redesigned to be wide enough to accommodate the largest pieces of maintenance equipment anticipated to be used in the Arroyo Mocho. The applicant shall use AutoTurn or similar software approved by the City Engineer to determine how wide the easement should be. The final location, width, and design of the easement shall be subject to the review and approval of Zone 7 and the City Engineer.
 - g. All street landscaping and public sidewalks required as part of the PUD.
8. **Trash and Recycling Enclosures.** All trash and recycling refuse shall be contained completely within the approved trash and recycling enclosure. The materials and color of the enclosure shall match the building and the gates shall be corrugated metal or solid wood. The design of the enclosure (all four sides) shall be shown on the plans submitted for issuance of building permits. The design and location of the trash and recycling enclosure shall be subject to the approval of the Director of Community Development, the Chief Building Official, and Fire Chief. Trash and recycling containers shall be stored within the

enclosure at all times, except when being unloaded. A recycling container(s) shall be provided within the enclosure. The recycling container(s) and enclosure shall be designed in a manner consistent with Pleasanton Garbage Service's recycling program in effect at the time of building permit issuance. The recycling container(s) shall be shown on the plans submitted for the issuance of a building permit.

9. Mechanical Equipment, and Transformers.

- a. The location of any pad mounted transformers shall be subject to approval of the Planning and Engineering Divisions, prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping. 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. Pad mounted transformers shall not be installed in a PSE.
- b. The project developer shall effectively screen from all first floor level views 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.
- c. 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.
- d. All backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened so as to minimize visual impacts. The location of all backflow prevention devices, above ground irrigation controls, and above ground irrigation meters and the quantity and type of proposed landscape screening shall be subject to the review and approval of the Planning Division prior to the issuance of a building permit.

10. Parking and Transportation.

- a. The paving sections for the on site parking and drive areas shall be designed on the basis of an R-Value test and a traffic index to carry the anticipated traffic loads. This design shall be subject to the approval of the City Engineer. The minimum paving section shall be two inches (2") of asphalt concrete (A.C.) on a six inch (6") asphalt base (A.B.). The minimum A.C. pavement slope shall be one percent (1%). For pavement slopes of one percent, the surface runoff shall be carried in a concrete gutter to an acceptable point of discharge. The minimum slope for a concrete gutter shall be 0.5 percent.

- b. All parking spaces shall be striped.

11. Flooding.

- a. Prior to the recordation of a Final Map, a Conditional Letter of Map Revision (CLOMR) that indicates how the Staples Ranch Site will be removed from the floodplain shall be filed and approved by the Federal Emergency Management Agency (FEMA), and a copy of the approved CLOMR shall be provided to the City Engineer. No building permits shall be issued for development within the Staples Ranch Site until a Final Letter of Map Revision (FLOMR) has been filed and approved by FEMA, unless it can be demonstrated to the satisfaction of the City Engineer that construction of the Livermore Flood Protection improvements described in the EIR will be completed prior to occupancy of any buildings on the Staples Ranch Site.
- b. Prior to beginning any construction activities, hydraulic modeling for the actual Stoneridge Drive bridge designs shall be complete and demonstrate that channel flow rates, capacity, and velocities in the Arroyo Mocho are not negatively impacted and scour protection is adequately addressed. The hydraulic modeling shall be subject to the review and approval of the City Engineer. The ACSPA shall be responsible for the hydraulic modeling.

12. Water and Sewer Utilities.

- a. The public water line main loop shall be a minimum of 12 inches in diameter.
- b. The public sanitary line main loop shall be a minimum of eight inches in diameter.
- c. The applicant shall attempt to achieve a public sanitary sewer pipe slope of 0.005 (0.5 percent) with a velocity of 2.0% per second. A slope of 0.003 (0.3 percent) is acceptable, if necessary to meet site conditions.
- d. The applicant shall attempt to achieve a gutter slope of 0.75 percent.
- e. Each parcel shall have a separate water meter, unless waived by the City Engineer.
- f. With the exception of the public water line loop and sewer line loop, all water and sewer lines on site shall be private laterals. The laterals shall tie into the public water and sewer lines.
- g. All private sewer and water laterals shall be marked "private". The location of the markings shall be subject to the review and approval of the City Engineer prior to the issuance of a building permit.

- h. All water service laterals shall be equipped with backflow prevention devices, unless waived by the City Engineer. The type of back flow prevention device used shall be shown on the plans, prior to the issuance of a building permit, and shall be subject to the review and approval of the City Engineer.
- i. Utilities to be owned and maintained by the City shall be located in a public right of way or PSE with sufficient access for maintenance. The location and width of a PSE shall be subject to the review and approval of the City Engineer prior to the recordation of a Final Map for the PUD project site or issuance of a building permit, whichever occurs first.
- j. Prior to the issuance of a building permit, the plans shall be revised to show separate private water mains to each building for fire sprinkler service.
- k. A sanitary sewer sampling manhole shall be provided on any new sanitary sewer lateral from a building with a commercial use, unless otherwise determined by the City Engineer.
- l. Prior to the issuance of a building permit, a typical street section shall be shown on the plans for each street (including private streets) showing how the utilities (public water, public sewer, storm drain, private water and sanitary sewer, fire mains, irrigation mains and joint trench (PG&E, AT&T, & Comcast) will be placed under the street with the required clearance between the pipes. The plans shall be subject to the review and approval of the City Engineer.
- m. Prior to the issuance of a building permit, the applicant shall provide a joint trench plan (PG&E, AT&T, & Comcast) including splice box, switch box and transformer locations for the City's review and comment with the improvement plan submittal. All utility boxes for PG&E, AT&T, Comcast and similar utility companies shall be installed underground, unless the entire development proposal on the property has been constructed in which case aboveground boxes may be allowed subject to the approval of a PUD modification.
- n. If the site is subdivided, easement for utilities, cross drainage, shared vehicle access, and shared parking may be required by the City Engineer and the Planning Manager.
- o. Stormwater treatment shall be required for all roof drainage.

13. Urban Stormwater Runoff Requirements.

- a. All on site stormwater shall be treated on site (as required by the conditions of approval for this case) before entering the stormwater flow control basin in the Neighborhood Park.
- b. All storm drainage systems shall be designed such that treated stormwater flows into the stormwater flow control basin in the Neighborhood Park.
- c. All on site storm drain pipes and appurtenances shall be privately maintained. These pipes shall be marked "private". The location of the markings shall be subject to the review and approval of the City Engineer, prior to the issuance of a building permit.
- d. A storm drain sampling manhole shall be provided on each property, unless otherwise determined by the City Engineer.
- e. Surface level stormwater shall not be permitted to flow onto a property in a different PUD. If surface level stormwater flows over property lines within the same PUD, cross drainage easements shall be required prior to the recordation of the Final Map for the new property. The location of the easements shall be subject to the review and approval of the City Engineer.
- f. Approval of the storm drainage system shall be subject to the review and approval of the City Engineer and Zone 7, as applicable, that the system is adequate, connects to an approved point of discharge, meets any and all applicable requirements of the Alameda County Flood Control District - Zone 7, meets any and all applicable requirements of the Federal Emergency Management Flood Hazard Program, the California Department of Fish and Game, and meets the immediate and long range requirements of this development and all upstream areas intended to be drained through this development.
- g. Designated unloading areas where food products and/or cleaning products are delivered shall be covered and designed to drain inward. The drain shall have a waste separator and shall be connected to the sanitary sewer. The design of the loading area shall be subject to the review and approval of the City Engineer and Chief Building Official prior to the issuance of a building permit. The design, colors, materials, and location of the cover shall be subject to the review and approval of the Planning Manager, and the City Engineer and Chief Building Official prior to the issuance of a building permit.

14. Emergency Services.

- a. Industrial and Commercial Development. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.

- (i.) Where multiple buildings are under construction, access shall be provided around all buildings as specified on the Site Plan Approval or Exhibit B.
 - (ii.) Where on site fire hydrant(s) are required, they shall be installed, flushed and all valves open prior to any construction above the foundation or slab. This includes concrete-tilt-up and masonry buildings. Temporary aboveground water storage tanks are not permitted as alternative water supply sources for commercial and industrial development.
 - (iii.) Prior to request for final inspection, all access roads, on site access and fire hydrants shall be provided. All fire hydrants shall be acceptance inspected and tested to applicable City Public Works Standards.
 - (iv.) Where a project is phased as part of the development approved by the City, specific access, water supply and fire hydrant installations will be required as part of each phase. As needed a phasing plan with these improvements will be required.
 - (v.) Where on site grading/utility plans are submitted for review and approval prior to building construction drawings, emergency vehicle access routes, fire hydrant locations, material staging areas, etc. shall be provided.
- b. The area of the development shall be tested for strength and clarity of signal to and from the area for City emergency services communications including, but not limited to, City eight hundred megahertz (800 mgh) trunked radio, Livermore-Pleasanton Fire Services radio, Alameda County eight hundred megahertz (800 mgh) trunked radio, CLEMAR/ Police Dispatch, and the current police mobile data system, unless waived by the Police Department, City of Pleasanton. Expert opinions may be required in anticipation of communications difficulties inside or around large structures. Mitigation plans of less than acceptable communications shall be submitted to the satisfaction of the Police Department prior to approval and shall be financed by the applicant immediately upon approval.

{end}

EXHIBIT A
CONDITIONS OF APPROVAL – APPENDIX 1
PUD-57, HENDRICK AUTOMOTIVE GROUP
STAPLES RANCH
_____, 2010

I. PROJECT SPECIFIC REQUIREMENTS

I.A. Stoneridge Drive Specific Plan Amendment/Staples Ranch

1. In addition to the conditions of approval for this case, building additions and new buildings shall also be subject to the design standards of the Stoneridge Drive Specific Plan Amendment/Staples Ranch including the following:
 - a. Encourage site planning and design that enhances the visual appeal of the site as the northeast gateway to the City of Pleasanton.
 - b. Encourage visually appealing and distinctive building architecture.
 - c. Permit a maximum of 331,000 square feet of building development on the Auto Mall site.
 - d. Limit building height to a maximum of 45 feet, including any rooftop parking.
 - e. Blend the design of the roof parapets into the building architecture.
 - f. Provide cool (white colored) roofs to the extent feasible to reduce heat island effect.
 - g. Site buildings adjacent to the I-580 frontage so that they do not conflict with existing underground utilities or future freeway widening projects.
 - h. Locate buildings so that they do not conflict with the existing underground AT&T fiber optic cable that traverses the site.
 - i. Locate and design car wash stations and vehicle maintenance areas so that they comply with City noise standards.
2. **Noise.** The use of exterior loud speakers shall be prohibited.
3. **Landscaping.** Prior to the issuance of a building permit, the project developer shall:
 - a. Revise the plans and propose landscaping and irrigation in Caltrans' right of way adjacent to the site. The revised plans shall show proposed grading. The landscaping shall be groundcover and decorative shrubs and shall be drought tolerant and maintenance free California native and/or adapted native

species. The species shall be long-lasting perennials. A significant cluster of perennial shrubs shall be provided at the intersection of the El Charro Road off ramp and El Charro Road. Verification of Caltrans' approval shall be submitted to the Planning Manager prior to the issuance of a building permit. The selection of plant materials shall be coordinated with the adjacent Staples Ranch PUD with freeway frontage. Verification that the species are long-lasting maintenance free California or adapted native drought tolerant perennials shall be provided by a licensed landscape architect, prior to the issuance of a building permit. The species shall be subject to the review and approval of the City's landscape architect. The species shall not include palm trees.

- b. Revise the plans and propose landscaping and irrigation in Zone 7's easement by the proposed freeway sign. The landscaping shall be groundcover and decorative shrubs and shall be drought tolerant and maintenance free California native species and/or adapted natives. The species shall be long-lasting perennials. Verification of submission of the plans to Zone 7 shall be submitted to the Planning Manager prior to occupancy. Verification that the species are long-lasting maintenance free California or adapted native drought tolerant perennials shall be provided by a licensed landscape architect, prior to the issuance of a building permit. The species shall be subject to the review and approval of the City's landscape architect. The species shall not include palm trees.
- c. Revise the plans and propose landscaping and irrigation in PG&E's easement by the I-580 freeway. The groundcover, decorative shrubs, and trees shall be drought tolerant and maintenance free California native and/or adapted native species. The species shall be long-lasting perennials. A minimum of one tree shall be provided in each landscape island in the parking lot in the PG&E easement. Verification of submission of the plans to PG&E shall be submitted to the Planning Manager prior to occupancy. Verification that the species are long-lasting maintenance free California or adapted native drought tolerant perennials shall be provided by a licensed landscape architect, prior to the issuance of a building permit. The species shall be subject to the review and approval of the City's landscape architect. The species shall not include palm trees.
- d. To help ensure that an adequate landscape buffer with trees is provided in/by the Neighborhood Park, prior to the issuance of a building permit, the applicant shall revise its plans and enhance the landscaping buffer proposed by the southern boundary line. The trees shall be evergreen trees. The trees shall generally be of species with large canopies, unless otherwise determined by the City's landscape architect. The trees may be fruitless. The trees shall be a minimum of 24 inch box in size and shall be spaced such that there will be no visible gaps between the tree canopies once the trees are mature as verified by a licensed landscape architect. Fifty percent of the

trees will be in the Neighborhood Park and 50% the trees will be on the project site. In regard to the Neighborhood Park, the applicant shall fund the installation of 50% of the trees to be installed in the Neighborhood Park as part of this buffer. The applicant shall provide cost estimates for the installation of the trees to the City's landscape architect. The final funding amount shall be determined by the City's landscape architect, and shall be required prior to the issuance of a building permit. Required verification by a licensed landscape architect shall be submitted by the applicant, prior to the issuance of a building permit.

- e. Revise the plans and propose deodar cedar trees in the tree landscaping buffer along the western boundary line. The trees shall be spaced such that there will be no visible gaps in tree landscaping along the western boundary line once the trees are mature, as verified by a licensed landscape architect. Verification by a licensed landscape architect shall be submitted by the applicant, prior to the issuance of a building permit.
 - f. Revise the plans such that at least 33 of the trees in the landscape buffer by the western boundary line are a minimum of 24 inch box in size. If the proposed senior continuing care community to the west is constructed, it may fund the planting of 17 additional deodar cedar trees in the landscape buffer. If the 17 additional trees are planted in the buffer, they shall be a minimum of 24-inch box in size and shall count toward the total number of 24-inch box trees required.
4. **Cool Roofs.** The auto dealerships shall have white cool roofs which are designed to reflect the heat of the sun away from the building, thus reducing its cooling load.
- If roof top parking is approved on a dealership building in the future, the roof material on the building may be changed. Photovoltaic panels and screened mechanical equipment may be located on roof tops.
5. **Sidewalk on El Charro Road.** The proposed sidewalk along El Charro Road is not approved. The City of Pleasanton may construct this sidewalk at a later date, if a connecting sidewalk is approved and funded to be constructed on the El Charro/ I-580 overpass.
6. **Wall by Neighborhood Park.** The wall by the Neighborhood Park shall have a smooth stucco finish and shall be seven feet in height. The wall design shall match that on page 23 of Exhibit B. The wall shall be setback a minimum of 20 feet from Stoneridge Drive. The developer of the auto mall shall install the wall prior to the occupancy of any building on site.
7. **Bus Shelter.** The property owner shall be responsible for the construction of a bus shelter adjacent to the Neighborhood Park. The pad for the bus shelter shall be 20 feet in length and 6 feet in depth. The pad shall be located behind the

sidewalk. The bus shelter shall be designed to allow for visibility of oncoming buses, to offer safety and protection from the elements, to accommodate a wheelchair, to have adequate lighting and seating, to have (or have nearby) a trash receptacle, and to allow for the display of maps and transit information. The location, installation timing, and design of the bus shelter shall be determined by the City Engineer. If the shelter is to be installed after occupancy, prior to occupancy the property owner of the auto mall site shall bond for the construction of the shelter in an amount and manner determined by the City Engineer. The bond amount shall increase by annually to cover the general cost of inflation related to construction. The annual inflationary increase shall be set to a standard index for the San Francisco Bay Area, as determined by the City Engineer.

I.B. EIR Mitigation Measures

1. **Lighting.** The project developer for the auto mall shall design lighting systems to provide appropriate light illumination for the proposed auto mall and protect surrounding uses from spillover light and glare by incorporating the following guidelines and specifications:
 - a. Prior to the issuance of a building permit, a lighting plan for the auto mall that includes specifications for pylon signs, monument signs and exterior lighting shall be submitted for review and approval by the Director of Community Development. The plan shall include a photometric diagram, prepared by a certified lighting professional, showing predicted maintained lighting levels produced by the proposed lighting fixture facilities that achieve the following during hours of operation at the auto mall:
 - (i.) The first row of light standards shall not exceed a foot candle level of 50.0 by the northern boundary and 35.0 by the eastern and southern boundaries as measured at ground level. The foot candle level for the remainder of the auto mall shall not exceed 10.0 foot candles as measured at ground level, except:
 - In designated display areas near each dealership where merchandise is presented to customers, the foot candle level may be up to, but not exceed, 30.0 at ground level; and
 - At the senior continuing care community, foot candle spill over from the auto mall shall not exceed 1.0 foot candle at ground level.
 - (ii.) Lighting fixtures for automobile sales and services shall not exceed 25 feet in height, for ground mounted poles, and up to 10 feet in height for roof top parking.
 - (iii.) Lighting fixtures for parking and security purposes within the auto mall that are adjacent to the senior continuing care community shall not exceed 14 feet in height to reduce spill light directly on to the residences at the community.
 - b. During non-operational evening hours at the auto mall, all exterior parking lot lighting levels shall be designed such that they do not exceed 10 foot candles.

2. **Noise.** All car washes shall be located and designed such that noise from the car washes, including the vacuuming areas, shall not exceed 60 dBA at any habitable structure. The project developer shall submit a noise study to the Director of Community Development verifying that the carwashes adhere to this requirement, prior to the issuance of a building permit.

For clarification, 60 dBA means 60 dBA (Lmax).

3. **Transit System Management (TSM) Plan.** The property owner shall be responsible for ensuring the implementation of the TSM plan in Exhibit B. The property owner shall join the City of Pleasanton's TSM program and:
 - A full time manager at the auto mall shall be assigned to be the TSM manager
 - All employees shall be encouraged to carpool
 - Customer shuttle services shall use vehicles with low emissions, to the extent feasible
 - To the extent feasible, loaner vehicles shall be low, ultra low, or hybrid vehicles
 - The property owner shall attempt to achieve a trip reduction goal of 15 percent within five years and 25 percent within 10 years, compared to "business as usual".

Verification of adherence to this condition of approval shall be provided to the City's TSM coordinator on an annual basis.

II. GENERAL REQUIREMENTS

II.A. Stoneridge Drive Specific Plan Amendment/Staples Ranch

1. **Utilities.**
 - a. All utilities required to serve the proposed development shall be installed underground, unless otherwise determined by the City Engineer.
 - b. The project developer shall construct all on-site utilities, including any public utility extensions and easements within a development site necessary for Staples Ranch development that also serves the site.
2. **Stormwater Flow Control Basin.** The project developer shall be responsible for a proportionate share of the stormwater flow control basin in the Neighborhood Park, based on the percentage of total Staples Ranch development impervious surface, including land acquisition, construction, and basin landscaping and improvements in accordance with the Neighborhood Park/Detention Basin Funding and Improvement Agreement(s).
3. **Fencing by Caltrans' Right of Way.** If permitted by Caltrans, the applicant shall remove the existing chain link fence by the I-580 and replace it with a black,

decorative open fence. The fence design shall be similar to the fence design for the Caltrans' right of way proposed by Hendrick Automotive Group (PUD-57). The height of the fence shall not exceed 6 feet and barbwire shall not be allowed. Verification of Caltrans' approval/denial shall be submitted to the Planning Manager prior to occupancy. The final fence plan shall be subject to the review of the Planning Manager. If a new fence is allowed, it shall be installed prior to the occupancy of any building on site.

4. **Street Landscaping Planter.** The landscaping planter between the sidewalk and Stoneridge Drive shall be a minimum of 6 feet in width, including the curb.

II.B. EIR/SEIR Mitigation Measures

1. **Fees.** Unless otherwise provided in the Development Agreement, prior to the issuance of a building permit, the project developer shall pay all traffic fees to which the property may be subject, as set forth in the Mitigation Monitoring and Reporting Plan. Some intersection/roadway improvements for which the project developer is responsible are not currently included in the schedule of projects covered by the City of Pleasanton Traffic Development Fee. The City of Pleasanton Traffic Development Fee is being updated and it is anticipated that the projects for which the project developer has responsibility will be included in the revised Traffic Development Fee. It is anticipated that the Traffic Development Fee update will be completed prior to the payment of fees by the project developer and if so the project developer's payment of its Traffic Development Fee will mitigate its impact on those intersections/roadway improvements. If the Traffic Development Fee update is not so completed, the City will be responsible for the intersection/roadway improvements not currently covered by the Traffic Development Fee.
2. **Setbacks.** In anticipation that Caltrans may widen the I-580 freeway in the future, no buildings shall be located within 32 feet of the northern property line.
3. **Plan to Reduce Air Pollution from Stationary Sources.** The property owner shall be responsible for ensuring the implementation of the plan to reduce air pollution from stationary sources in Exhibit B.
4. **Noise.** Prior to the City's issuing of building permits for the project, the project developer shall submit to the City noise analyses prepared by a qualified acoustical consultant that demonstrate that all structures will meet City interior noise level standards. Commercial and office uses will need to meet the City standard of 45 dBA peak hour Leq that would allow the conduct of normal business activities inside these facilities. Noise reduction features may include, but are not limited to, building siting, upgraded insulation, sound rated windows and doors, sound rated exterior wall assemblies, and acoustical caulking.

5. **Construction Noise—Best Management Practices.** The project developer shall implement construction best management practices, including the following, to reduce construction noise:
 - a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.
 - b. Select routes for movement of construction related vehicles and equipment so that noise sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
 - c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and Federal holidays. If complaints are received regarding the Saturday construction hours, the Director of Community Development may modify or revoke the Saturday construction hours. The Director of Community Development may allow earlier “start times” for specific construction activities (e.g., concrete foundation/floor pouring), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction and construction traffic noise will not affect nearby residents.
 - d. All construction equipment must meet Department of Motor Vehicle (DMV) noise standards and shall be equipped with muffling devices.
 - e. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.
 - f. The property owner shall designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Director of Community Development.
 - g. Additional best management practices may be required by the Building and Safety Division and/or City Engineer. All additional best management practices shall be reviewed and approved by the Building and Safety Division and/or City Engineer, prior to implementation.
6. **Nesting Bird Survey.** Prior to the beginning of tree removal or mass grading, between February 15 and August 15, including grading for major infrastructure improvements, an avian nesting survey shall be conducted of all habitat within 350 feet of any grading or earthmoving activity. The survey shall be conducted by a qualified biologist, as determined by the City, and occur no more than 21 days prior to disturbance. If no active nests are found, no further action is required.

If active nests for special status avian species or raptor nests are found within the construction footprint, construction activities shall be delayed within a minimum 500-foot buffer zone surrounding active raptor nests and a minimum 250-foot buffer zone surrounding nests of other special status avian species until the young have fledged. This buffer zone shall not extend beyond the Staples Ranch site. The appropriate buffer can be modified by the City in consultation with qualified biologists and the California Department of Fish and Game (CDFG). No action other than avoidance shall be taken without CDFG consultation. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist, as determined by the City.

The buffer zone shall be delineated by highly visible temporary construction fencing, and no intensive disturbance (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest.

If the project is built in phases, this condition of approval shall be implemented for each phase of development.

7. **Construction Access Plan.** Prior to the issuance of final improvement plans or grading permits, the project developer shall develop and provide a construction access plan to be reviewed and approved by the City Engineer. This plan will include, at a minimum, the following construction traffic management strategies for each phase of development:
 - a. Using El Charro Road for construction related access for all phases of development, to the maximum extent feasible, rather than Stoneridge Drive.
 - b. A set of comprehensive traffic control measures, including the scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs and flag persons if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information will include a construction staging plan for any public right of way used of each phase of the proposed project.
 - c. Provisions of parking management and spaces for all construction workers for each phase of construction.
 - d. Notification procedures for adjacent property owners regarding when major deliveries, detours, and lane closures will occur.
 - e. The location of construction staging areas for materials, equipment and vehicles.
 - f. The identification of haul routes for the movement of construction vehicles that would minimize impacts on vehicular traffic, circulation, and safety; and

a provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul tracks can be identified and corrected by the project developers.

- g. A process for responding to, and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager.

8. **Construction Dust.** The project developer shall implement the following measures during all construction phases to reduce impacts associated with construction dust to the extent feasible, as determined by the City Engineer. These measures shall be incorporated into the construction documents describing procedures and specifications for contractors to follow:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials to or from the Project Area or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activities to the extent feasible when instantaneous wind gusts exceed 25 mph.
- Limit, to the extent feasible, the number of areas adjacent to residences subject to excavation, grading and other construction activity at any one time.

9. **Underground Service Alert.** Prior to initiation of any on-site construction activities, the project developer shall contact the Underground Service Alert (USA) whose purpose is to receive planned excavation reports from public and private excavators and to transmit those planned excavation reports to all participating members of USA who may have underground facilities at the location of excavation. The USA will contact local utilities and inform them that construction is about to begin in their service area. This notice allows local utilities to mark the areas where their underground facilities are located near the construction site so that they may be avoided during project construction.

10. **PG&E Gas Line.** Prior to construction activities within 50 feet of the PG&E gas line, the project contractor shall identify and demarcate the location of the natural gas pipeline using highly visible markers that will remain in place throughout project construction in the vicinity of the pipeline and ensure that all construction workers are aware of the location of the line. The location of the pipeline shall be noted on the site and construction plans. Further, the project contractor shall take all appropriate measures necessary to ensure that the line is not disturbed.
11. **Emergency Response Plan.** The project developer shall develop an emergency response plan prior to construction that will include response measures in the event that there is disturbance of any underground utilities. The plan will be subject to review and approval by the Building and Safety Division and/or City Engineer.
12. **Emergency Access.** The project site shall include a minimum of two points of emergency vehicle access consistent with the City of Pleasanton's Circulation Element (Policy 5, Program 5.2). The location and the design of the emergency vehicle access and gate and lock shall be subject to the review and approval of the Fire Marshal, Planning Division, and City Engineer.
13. **Interior Lighting.** In all buildings without residents, all interior lighting shall be turned off during non-operational evening hours, with the exception of lighting needed for security reasons.
14. **Exterior Lighting.**
 - a. The project developer shall submit an exterior lighting plan for the building 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. The lighting plan shall be subject to the review and approval by the Planning Division prior to issuance of building permits for the project.
 - b. Energy efficient lamp technologies shall be incorporated wherever possible. Mercury vapor shall be avoided. Incandescent lights shall be avoided unless they are integrated with a control mechanism that limits their operation time. The use of such lighting shall help minimize impacts on reduced visibility of the night sky.
 - c. All outdoor lighting shall be equipped with devices that will direct lighting away from the Arroyo Mocho and outdoor lighting within 200 feet of the centerline of the arroyo shall be of the minimum wattage required for the particular use and shall be shielded and directed away from the corridor to the specific location intended for illumination (e.g., roads, walkways, or recreation fields) to prevent stray light spillover onto sensitive habitat.

- 15. **Irrigation.** The Irrigation plans for the project shall incorporate low flow irrigation head and/or drip irrigation with electric controllers set to water after 7:00 p.m. and before 10:00 a.m., and proper soil preparation for landscaped areas that includes a minimum of two inches of mulch and two inches of organic soil amendment, as recommended by a qualified landscape architect.

- 16. **Pest Management Plan.** An Integrated Pest Management Plan shall be prepared by each project developer, and implemented to minimize the risk of pollutants associated with landscape establishment and maintenance practices in surface water runoff and infiltration to groundwater. All Integrated Pest Management Plan guidelines shall comply with California Department of Pesticide Regulation and Alameda County Agricultural Commissioner rules and regulations in regards to pesticide storage, use, transportation, reporting, and safety. The plan shall encourage minimization and efficiency of chemical and fertilizer use. Because the receiving water has been listed as impaired by diazinon, diazinon use shall be prohibited.

Each property owner shall be responsible for implementation of the Integrated Pest Management Plan. The plan must be approved by the City Engineer prior to the beginning of occupancy.

- 17. **Cooperative Agreement—Traffic Mitigation.** Prior to the recordation of a final map for the Staples Ranch Site, the City of Pleasanton will confer with the City of Livermore, the City of Dublin and Alameda County on a strategy to fund and complete mitigation measures within each other’s jurisdictions. More specifically, the City of Pleasanton shall seek to enter into one or more binding agreements with each of these other local agencies in order to facilitate a fair and equitable sub-regional approach to traffic mitigation, to the mutual benefit of all of the affected jurisdictions. Depending on the willingness of these other local agencies to enter into such agreements, the ultimate result may be a single multijurisdictional agreement or one or more agreements between Pleasanton and one or more of the other agencies. The strategy will address fair share mitigation for projects approved by one jurisdiction that contribute cumulatively considerable traffic to intersections and roadway segments in neighboring jurisdiction(s) with cumulatively substandard LOS.

The applicable standard for LOS will be that established by each local agency for its current jurisdictional area and its sphere of influence. If spheres of influence overlap or jurisdiction over an intersection is split between two local agencies, the standard to be achieved by mitigation, where feasible, will be determined by mutual agreement of the jurisdictions involved.

The City of Pleasanton is willing to ensure that projects it approves contribute fair share mitigation cost for improvements in other jurisdictions but only if the other jurisdictions are also willing to reciprocate for projects within their jurisdictions that contribute considerably to traffic occurring within the City of Pleasanton. The

strategy also may allocate mitigation responsibility to each jurisdiction for improvements within its jurisdiction on the understanding that each jurisdiction will be addressing the cumulative contributions from projects in neighboring jurisdictions.

If a mutually agreeable strategy cannot be reached with the City of Livermore, City of Dublin and Alameda County, or any one of them, then the City of Pleasanton will not require the contribution of mitigations for contributions to impacts in any other jurisdiction unwilling to agree to reciprocity within the City of Pleasanton. This is because, under such circumstances, the City could not be assured that projects it approves are being assessed for mitigation only in proportion to their impact and because the City may need to require reallocation of the mitigation contribution to intersections and roadway segments within Pleasanton itself, lacking assurance of mitigation funding from projects that may be approved by other jurisdictions. In the event that a mutually agreed upon strategy is not reached, then mitigation of the Project's contribution to the impacted intersection or roadway segment would be infeasible, and the impact would be considered significant and unavoidable.

Based on this cooperative agreement, the project developer will pay its share of costs of improvements in question in proportion to the benefits received. The fair share costs will be contributed to the local agency that has entered into an agreement with the City of Pleasanton when the local agency is ready to implement the improvements at issue, provided the aforementioned strategy has been mutually agreed upon by the City of Pleasanton and such other local agency.

If a mutually agreeable strategy is reached, the project developer will provide for its share of the improvements in question prior to the issuance of a building permit for its project. Since the improvements may not be constructed for several years, the provision shall include an inflationary provision, as determined by the City Engineer. The total amount of the provision, the share of improvements plus the inflationary provision, shall be determined by the City Engineer.

18. **Archaeological Resources.** Prior to the issuance of a grading permit or building permit for the project, the project developer shall retain the services of a qualified archaeological consultant having expertise in California prehistoric archaeology. The archaeological consultant shall determine if planned development could potentially impact important archaeological resources and shall then design an appropriate archaeological monitoring program. Upon completing the archaeological monitoring program, the archaeological consultant shall submit a written report of findings first and directly to the Director of Community Development. At a minimum, the archaeological monitoring program shall include the following:
 - a. An archaeological monitor shall be on site during native soils disturbing activities.

- b. The archaeological consultant shall advise all project contractors to be on the alert for evidence of expected resources, of how to identify the evidence of the expected resources, and of the appropriate protocol in the event of discovering an archaeological resource.
- c. The archaeological monitor shall be present on the Staples Ranch site until the Director of Community Development, in consultation with the archaeological consultant, determines that project construction activities could have no effects on significant archaeological resources.
- d. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.
- e. If an intact archaeological deposit were to be encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The City shall empower the archaeological monitor to temporarily redirect demolition/excavation/construction crews and heavy equipment until the resource is evaluated. The archaeological consultant shall immediately notify the Director of the Community Development of the encountered resources.
- f. Should archaeological resources be encountered during construction, the project developer shall consult with City and tribal representatives to determine the appropriate disposition of findings. Mitigation measures shall include one of the three alternatives below:
 - (i.) In-Situ Preservation: The project developer shall preserve artifacts and resources as found and shall apply suitable open space, capping, or monumentation to the site. The project developer shall alter development plans to accommodate this alternative, as necessary.
 - (ii.) Excavation/Recovery: The archaeological consultant shall excavate the site, evaluate the site for historical references, recover artifacts as appropriate, and cover the site to preserve remaining artifacts. The project developer shall maintain sufficient buffering between development subsurface construction and the location of resources.
 - (iii.) Excavation/Removal: The archaeological consultant shall excavate and recover the cultural resources as described above and remove artifacts as necessary. However, due to the depth of development excavation, the site would be permanently disturbed.

If the City requires data recovery, the archaeological consultant shall first prepare an Archaeological Data Recovery Plan that s/he shall submit to the Director of Community Development for review and approval.

If development plans call for trenching within 200 feet of the Arroyo Mocho, a program of subsurface mechanical trenching along the impacted route shall

precede project trenching in an attempt to locate additional archaeological sites and/or the original meander of the Mocho, where such sites would most likely be. If additional sites were to be found, the project developer shall adhere to the above mitigation measures.

If human remains are discovered, the project developer shall contact the County Coroner immediately. If the coroner determines that the human remains are Native American remains, the project developer shall notify the California State Native American Heritage Commission.

The archaeological consultant shall prepare a Final Archaeological Resources Report, meeting City and state standards, evaluating the historical importance of the archaeological resource and describing the archaeological and historical research methods employed in the testing, monitoring, and data recovery programs. The Director of Community Development shall review and approve this document. The project developer shall file the report with appropriate state offices.

19. **Geotechnical Report.** Prior to tentative map approval for the Staples Ranch Site, a master geotechnical report for the entire Staples Ranch site shall be subject to the review and approval of the City Engineer. The content of the report shall be subject to the review and approval of the City Engineer and shall address general items for the site such as removing expansive soil, general secondary earthquake impacts, stockpiling native soils as fill. The project developer shall submit detailed geotechnical engineering studies specific to its development project for the review and approval of the City Engineer for review prior to the issuance of a building permit for its development project.
20. **Stormwater Treatment.** In accordance with the applicable provisions of the Municipal Regional Permit (MRP)-NPDES Permit, implementation of and compliance with the stormwater quality BMPs are required. However, to ensure that implemented BMPs are effective for reducing potential pollutant loads to a sufficient level of protection, each project developer shall prepare and implement a site-specific Water Quality Management Plan (WQMP) with BMPs targeted to reduce post-construction pollutants listed in Table 3.5-5 of the EIR.

This WQMP shall identify specific stormwater BMPs for reducing potential pollutants in stormwater runoff. BMPs shall be selected to target pollutants listed in Table 3.5-5 of the EIR; selection criteria and documentation shall be incorporated into the WQMP. A qualified engineer shall prepare and submit, concurrently with the submittal of off-site or on-site improvement plans, (whichever comes first), the WQMP for review and approval by the City Engineer. The WQMP must be approved by a qualified engineer of the City's Engineering Division prior to the beginning of construction activities.

The WQMP shall include the following BMPs along with selected BMPs to target pollutant removal:

- Waste and materials storage and management BMPs (design and construction of outdoor materials storage areas and trash and waste storage areas, if any, to reduce pollutant introduction).
- Spill prevention and control BMPs.
- Slope protection BMPs.
- Water efficient irrigation practices.
- Permanent erosion and sediment controls (e.g., hydroseeding, mulching, surface covers).

Projects within the Project Area will be required to comply with the applicable provisions C3.c of MRP, including Low Impact Development (LID) source control, site design, and stormwater treatment if applicable.

The WQMP shall not include infiltration BMPs unless they comply with design guidelines and requirements specified in TC-1: Infiltration Basins in the CASQA Stormwater Quality BMPs Handbook for New Development and Significant Redevelopment (2003) and/or are specifically approved by the City Engineer and shall meet MRP - NPDES Permit minimum requirements including adequate maintenance and that the vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least 10 feet.

21. **Water Supply.** Prior to tentative map approval for the Staples Ranch Site, sufficient water supply for the Staples Ranch Site must be verified by the City of Pleasanton as described in EIR mitigation measure WS-1.1. The water supply verification must include documentation of historical water deliveries for the previous 20 years, as well as a description of reasonably foreseeable impacts of the proposed subdivision on the availability of water resources of the region.

22. **EIR Mitigation Monitoring.**

- a. If it is determined through field inspections and/or monitoring that a site is not in compliance with an EIR mitigation/improvement measure, the responsible party for implementation of the mitigation/improvement measure is the responsible party to bring the mitigation/improvement measure into compliance. The responsible party is listed in the EIR Mitigation Monitoring and Reporting Plan. The City of Pleasanton may require the responsible party to conduct a peer review report by a consultant chosen by the City of Pleasanton to determine compliance and to recommend measures to correct noncompliance. All peer review costs shall be borne by the party responsible for the implementation of the mitigation/improvement measure.
- b. As parcels are sold (following the recordation of a final map), new property owner(s) will be responsible for all of the their parcel's "Project Developer" mitigation responsibilities as listed in the EIR Mitigation Monitoring and

Reporting Plan, including but not limited to: implementing mitigations, monitoring, reporting, bringing mitigation/improvement measures in nonconformance into conformance, and reimbursing the City of Pleasanton for costs borne by the City of Pleasanton to review monitoring reports and conduct other monitoring activities related to their parcel(s).

- c. Prior to the issuance of a building permit for a Project Developer's PUD site, a Mitigation Monitoring fund (or other funding mechanism acceptable to the City of Pleasanton) shall be established by the City of Pleasanton. The applicable Project Developer shall deposit funding into the Mitigation Monitoring fund (or other funding mechanism acceptable to the City of Pleasanton) to cover estimated City of Pleasanton costs to review future monitoring reports, contract with peer review consultants, conduct field inspections, attend meetings, and conduct other monitoring activities related to the Project Developer's mitigation related responsibilities. The initial deposit amount shall be determined by the City Engineer. In the event that the Mitigation Monitoring fund (or other acceptable funding mechanism) does not adequately cover future costs borne by the City of Pleasanton, the property owner of the project development site will be responsible for the City of Pleasanton's costs to review monitoring reports, contract with peer review consultants, conduct field inspections, attend meetings, and conduct other monitoring activities related to the Project Developer's PUD site.

II.C. Agreements

1. **Development Agreement.** All projects shall be developed in accordance with the Development Agreement.
 - a. The project developer shall pay all City of Pleasanton fees in accordance with the Development Agreement.
 - b. Unless waived by or provided otherwise in the Development Agreement, the developer shall pay any and all fees to which the property may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
 - c. All phasing shall be consistent with the applicable Development Agreement for the PUD site.
2. **Neighborhood Park/Detention Basin Funding and Improvement Agreement.** All projects shall be developed in accordance with the Neighborhood Park/Detention Basin Funding and Improvement Agreement.
3. **Cost-Sharing and Pre-Development and Cooperation Agreements.** All projects shall be developed in accordance with the Cost-Sharing and Pre-Development and Cooperation Agreements.

- a. **El Charro Road Improvements.** As required by and subject to the Pre-Development and Cooperation Agreement if the improvements to El Charro Road are not already completed by the City of Livermore for the El Charro Specific Plan development, the ACSPA shall construct these improvements as part of any first phase of Staples Ranch development. Any such roadway and flood control improvements shall be constructed so as to comply with all applicable provisions of the Cooperation Agreement, including but not limited to Section 3.2 thereof.
- b. **I-580 Off Ramp Improvements.** The City of Pleasanton shall make improvements to the I-580 El Charro Road eastbound off ramp as stipulated in the Cost-Sharing Agreement if these improvements have not been constructed by the City of Livermore.

II.D. Code, General Plan, and Permits

- 1. **Attention Getting Devices.** 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.
- 2. **Grand Openings.** Temporary signs, banners, pennants, and decorations shall be allowed subject to the requirements of Section 18.96.060.K of the Pleasanton Municipal Code.
- 3. **Noise.** Except as otherwise modified by the conditions of approval for this case, compliance with the City's noise standards shall be achieved.
- 4. **Airport Protection Area Boundary.** Dwelling units shall not be located east of the Airport Protection Area (APA) line for the Livermore Municipal Airport adopted by the Alameda County Airport Land Use Commission in 1993. Prior to the issuance of a building permit, the project developer shall revise the plans and draw the APA line on the site plan.
- 5. **Del Valle Dam Evacuation System.** Prior to occupancy, the property owner shall meet with the Fire Marshal, or his or her designee, about the Del Valle Dam evacuation system, in the event of flooding. The property owner shall provide information from the Fire Marshal to all future tenants, on-site managers, and future property owners.
- 6. **Greenhouse Gas Emissions.**
 - a. Appliances and/or systems that meet Energy Star standards shall be installed as part of the project. The proposed appliances and/or systems and how they

- adhere to the Energy Star standards shall be stated on the plans submitted for the issuance of a building permit.
- b. An estimate of the energy savings from the installation of solar roofs or other alternative energy measures shall be prepared by the Project Developer, with a goal of a 12.5% minimum reduction of annual energy use. The calculation(s) shall be submitted with the building permit plan set.
 - c. The project shall include bicycle and pedestrian connections. The bicycle and pedestrian connections shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit.
 - d. The project shall include: 1) light colored pavement and/or pavers, if pavement and/or pavers are proposed; and/or 2) strategically placed shade trees, to reduce the sun's heating of the site. These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit.
 - e. Water conservation devices shall be installed as part of the project. The water conservation devices shall be stated on the plans submitted for the issuance of a building permit.
7. **Water Efficient Landscape Ordinance.** The project shall comply with the State of California's Model Water Efficient Landscape Ordinance. A licensed landscape architect shall verify the project's compliance with the ordinance: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
8. **Building and Safety Division and Engineering Division.**
- a. All construction activities shall comply with any City of Pleasanton Construction and Demolition Ordinance effective at the time of building permit issuance.
 - b. The building(s) shall meet the applicable Title 24 state energy requirements.
 - c. The project shall be subject to the City's Green Building Ordinance, Chapter 17.50 of the Pleasanton Municipal Code.
 - d. The green building project checklist shall be subject to the review and approval of the Green Building Compliance Official and the Building and Safety Division prior to the issuance of a building permit.

- e. During construction prior approval from the Green Building Compliance Official must be received before any changes are constituted to the green building project checklist.
- f. The applicant's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site or City right of way.
- g. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
- h. The applicants shall obtain all building and other applicable City permits for the project prior to the commencement of construction.
- i. The applicants 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 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. Specific items to be indicated on the site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.
- j. All access design issues submitted shall meet the more restrictive requirements found between Americans with Disabilities Act 28 CFR Part 36 and California Title 24 Chapter 11B in addition to any requirements found elsewhere in this document.
- k. Site directional signage meeting the requirements of Title 24 California Building Code Chapter 11B and the Americans with Disabilities Act 28 CFR Part 36 shall be provided from the public way to the entrance of the building or facility along an accessible route of travel.
- l. The site shall provide an accessible path to all business activity areas and common areas as determined by the Building and Safety Division.
- m. All accessible parking stalls shall be located on the shortest accessible route of travel from the adjacent parking to the accessible entrance. At least one in every eight accessible spaces must be van accessible, with proper signage and striping, and the access aisle shall be located on the passenger side of the stall. See Title 24 California Building Code Chapter 11B.
- n. 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 unless Zone 7 retains specific wells for observation wells, or

special approval is obtained from Zone 7 and the City Engineer for use of an existing well for landscape irrigation. If an existing well is retained for this purpose:

- (i.) The building developer shall install backflow devices to prevent the cross contamination of the domestic, City water supply by the landscape well.
 - (ii.) A certified Backflow Inspector shall inspect the well and backflow devices annually and shall submit a report the City Engineer for review and acceptance.
- o. Prior to the start of grading, all existing septic tanks or holding tanks shall be removed or sealed, filled, and abandoned, pursuant to the requirements of the Alameda County Department of Health Services.

9. **Stormwater Design Requirements.** The project shall comply with the NPDES permit applicable at the time of building permit issuance. 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 bioswales. Irrigated bioswales 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 bioswale 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 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, or approved equal (in the parking lot) (on the site) to intercept and pretreat stormwater prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator 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. The project developer shall enter into a maintenance agreement for the oil/water separator.
- c. The project developer shall submit sizing designs criteria to treat stormwater runoff at the time of plan submittal.
- d. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- e. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.

- f. 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.
 - g. 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.
 - h. 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 berm shall be installed 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 Engineering Division.
 - i. 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.
 - j. Prior to grading permit issuance the project developer shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Stormwater General Permit for projects with clearing, grading and excavation exceeding the current standards.
 - k. All metal roofs shall be finished to inhibit rust.
 - l. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
10. **Stormwater Construction Requirements.** The project development shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer prior to issuance of building or grading permits. Failure to comply with the approved construction SWPPP may result in the issuance of correction notices, citations or stop work order. The following construction Best Management

Practices (BMPs), as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.

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

- 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, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. 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 and approval of the Building and Safety Division. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
- 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 unless approved erosion control/stormwater quality measures are in place, subject to the approval of City Engineer/Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is in place.
- c. 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 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 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.

- g. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
 - h. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
11. **Stormwater Operation Requirements.** All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater 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 Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
 - b. The 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 wastewater from vehicle and equipment washing operations is 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.
 - 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, 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.
 - h. Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

12. **Emergency Services.**

- a. All buildings 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 Fire Prevention Bureau through the Pleasanton Building and Safety Division 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 #1965.

- b. The applicants 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.

- c. Fire hydrants shall be required along the perimeter of the drive aisles and shall be spaced in a manner typical for commercial and residential development. The number and location of the hydrants shall be subject to the review and approval of the Fire Marshal.

- d. Industrial and Commercial Development. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.
 - (i.) Site access shall be provided prior to any construction above the foundation or slab. Based on the Site Plan Approval the access shall be installed.
 - (ii.) Emergency vehicle access shall be a minimum of 20 feet in width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) shall be provided. This clearance shall be a minimum of 13 feet 6 inches.
 - (iii.) 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, or at least one of the access routes shall be as otherwise approved by the Fire Marshal.

- (iv.) Buildings or facilities exceeding 62,000 square feet of gross building area shall be provided with two separate and approved fire apparatus access roads. The roads shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
 - (v.) If permanent access or site paving is not provided, the carrying capacity of the emergency vehicle access shall be 69,000 pounds under all weather conditions.
 - (vi.) Site staging area(s) shall be provided for materials and equipment. All staging areas shall be outside of the emergency vehicle access route shown on the approved plans.
 - (vii.) On-site fire hydrant(s) shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.
- e. All construction shall conform to the requirements of the codes in force at the time of each building permit application, currently the 2007 California Code of Regulations, Title 24 and the City of Pleasanton Municipal Code.
 - f. Automatic fire sprinklers shall be installed in all occupancies in accordance with National Fire Protection Association (NFPA) Pamphlet 13 for commercial occupancies or NFPA 13D or 13R for residential occupancies. Fire flow requirements shall be in accordance with 2007 California Fire Code Appendix B and subject to review of the Fire Marshal.
 - g. 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. A separate Hazardous Materials deferred plan review permit process is required for the service areas and buildings.
 - h. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the Fire Department prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925-454-2361.
 - i. 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".
 - (i.) 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.

- (ii.) All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
- (iii.) All field testing and inspection of piping joints shall be conducted prior to covering of any pipeline.

Questions shall be directed to the Fire Prevention Bureau Fire Marshal or Assistant Fire Marshal at 925-454-2361.

- j. Any industrial/commercial development where recycled water is provided for fire protection shall meet City Water Resources Division installation standards and shall be in service prior to any construction above the slab or foundation.

{end}

**EXHIBIT C
RECOMMENDED PUD FINDINGS FOR
CASE PUD-57**

PUD CONSIDERATIONS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development District and “considerations” the Planning Commission and City Council should consider when reviewing a PUD development plan. These considerations form the basis as to whether a PUD development plan should be approved.

1. Is the plan in the best interests of the public health, safety, and general welfare?

The project, as conditioned, will adhere to all applicable City standards concerning public health, safety, and welfare. The subject development will include the installation of all required on site utilities with connections to municipal systems in order to serve the project. The structures will be designed to meet the requirements of the Uniform Building Code and Fire Code. Two emergency vehicle access points will be provided. As described in consideration number 3 (below), the proposed development, as conditioned, is compatible with adjacent uses.

Accordingly, the project, as conditioned, is in the best interest of the public health, safety, and general welfare.

2. Is the plan consistent with the City’s General Plan and any applicable specific plan?

The site’s General Plan Land Use designation Medium Density Residential (2 to 8 dwelling units per gross acre) and High Density Residential (greater than 8 dwelling units per gross acre); Parks and Recreation; and Retail/Highway/Service Commercial, Business and Professional Offices allows for a mix of uses on the Staples Ranch site including an auto mall. According to the General Plan, commercial development with a floor area ratio of 35% or less can be provided on the site without an amenity.

Development of the proposed project will further the implementation of the Stoneridge Drive Specific Plan Amendment. The Stoneridge Drive Specific Plan Amendment anticipates an approximately 37 acre auto mall on the project site. As conditioned, the project will adhere to the design constraints of the Specific Plan Amendment, includes cool roofs, landscape buffers, green walls, an attractive wall by the Staples Ranch Neighborhood Park, stormwater treatment in landscaping areas, distinctive design treatments (such as expansive glass entry features), and roof parapets which match the building design as

required/encouraged by the Specific Plan Amendment. The use of exterior loud speakers will be prohibited, as set forth in the Specific Plan Amendment.

Accordingly, the project, as conditioned, is consistent with the City's General Plan and with the Specific Plan Amendment.

3. Is the plan compatible with previously developed properties in the vicinity and the natural, topographic features of the site?

The project site and surrounding land is currently vacant. An outlet mall has been approved to the east, across El Charro Road in the City of Livermore. The City Council approved the Stoneridge Drive Specific Plan Amendment which allows for a senior continuing care community west of the project site, and a neighborhood park (with a stormwater flow control basin) and a retail/office complex south of the site. As conditioned, the project will be designed to minimize impacts on the senior continuing care community and neighborhood park.

For example, to minimize impacts to the proposed senior continuing care community, the project features, as conditioned, will include:

- A 22'-28' wide landscape buffer with large evergreen trees (and no gaps in mature tree landscaping) by the shared property line
- An 8' tall wall on the shared property line
- A light standard height limit of 14' tall maximum by the shared property line
- Downward facing and shielded light fixtures
- Exterior parking lot lighting levels to be designed such that they do not exceed 10 foot candles during non operational evening hours
- Noise from the carwashes will be limited to 60 dBA (Lmax) at the closest habitable structure on the CLC project site
- Exterior loud speakers shall not be used
- The project will adhere to the City's standard noise requirements, except as otherwise conditioned

To minimize impacts to the proposed Staples Ranch Neighborhood Park, the project features, as conditioned, will include:

- An 8' wide landscape buffer with large evergreen trees by shared the property line
- A 7' tall smooth stucco wall by the shared property line
- Downward facing and shielded light fixtures
- Exterior parking lot lighting levels to be designed such that they do not exceed 10 foot candles during non operational evening hours
- Exterior loud speakers shall not be used
- The project will adhere to the City's standard noise requirements, except as otherwise conditioned

The site is predominately flat, with a gradual slope to the west. The site is approximately 355' in elevation at the eastern property line, and approximately 350' at the western property line. There is a large mound on the property which is material imported by KB Homes in 1995 in anticipation of using it for fill material as part of a residential project that was never constructed.

Accordingly, the project, as conditioned, is compatible with previously developed properties in the vicinity and adjacent proposed projects, and the natural, topographic features of the site.

4. Does grading take into account environmental characteristics and is it designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible?

The natural topography of the site is relatively flat. Minimal changes in grades are proposed. Steep slope banks are not proposed. The site is not located within an Alquist-Priolo Earthquake Fault Zone. Slides are not anticipated.

The proposed project will require the construction of stormwater detention facilities to contain the 100-year flood. An EIR mitigation measure for the project requires the site to be removed from the flood hazard area prior to occupancy. Staff has added a recommended condition of approval requiring this to be completed prior to the issuance of a building permit. Engineering modeling indicates that implementation of the Livermore flood protection improvements, as part of Livermore's approved El Charro Specific Plan, will provide sufficient detention to prevent inundation of the Staples Ranch site for the 100-year storm event. It is anticipated that Livermore will begin the construction of these improvements next year.

To help prevent the erosion and pollution of the Arroyo Mocho, on site stormwater will be treated on site for contaminants and directed into the stormwater flow control basin on the Staples Ranch Neighborhood Park, before being released into the Arroyo Mocho.

On site erosion control and dust suppression measures will be documented in the improvement plans and inspected by the Building and Safety Division during construction.

Accordingly, the grading, as conditioned, takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible.

5. Have the streets and buildings been designed and located to complement the natural terrain and landscape?

As stated above, minimal changes to the natural grade elevations are proposed.

There are 3 existing heritage trees on site which are proposed to be removed. Over 400 new trees are proposed to be planted as part of the project. Shrubs and ground cover, including native California species, will also be planted.

Accordingly, the project, as conditioned, has been designed and located to complement the natural terrain and landscape.

6. Have adequate public safety measures been incorporated into the design of the plan?

The project, as conditioned, will be consistent with City safety standards. As conditioned, the buildings will be equipped with automatic fire suppression systems (fire sprinklers). The project includes 2 points of access for emergency vehicles. The project will be required to comply with all building and fire code requirements.

Accordingly, the project, as conditioned, will include adequate public safety measures.

7. Does the plan conform to the purposes of the PUD District?

Table 1 (below) shows the purposes of the PUD District.

The primary purpose of the district is to allow flexibility in the development of projects that the City determines are in its best interest. The proposed project implements a key component of the Stoneridge Drive Specific Plan Amendment. The project is also consistent with General Plan. The PUD process has allowed for ample input from the public and for an informed decision by the City Council regarding the appropriateness of the development plan.

Accordingly, the project, as conditioned, conforms to the purposes of the PUD District.

TABLE 1
Purposes of the PUD District

- To encourage imagination and housing variety in the development of property of varying sizes and topography in order to avoid the monotony and often destructive characteristics of standard residential, commercial and industrial developments
- To provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction
- To insure that the goals and objectives of the city's general plan are promoted without the discouragement of innovation by application of restrictive developmental standards
- To encourage efficient usage of small, odd-sized or topographically affected parcels difficult for development by themselves
- To accommodate changing market conditions and community desires
- To provide a mechanism whereby the city can designate parcels and areas requiring special consideration regarding the manner in which development occurs
- To encourage the establishment of open areas in residential, commercial and industrial developments and provide a mechanism for insuring that said areas will be beautified and/or maintained
- To complement the objectives of the hillside planned development district (HPD) in areas not subject to the provisions of that zoning district