

Planning Commission Staff Report

March 19, 2012
Item 3.a.

- SUBJECT:** P12-0113
- APPELLANTS:** Angela Joe-Williams and Linda Martin
- APPLICANT:** Kathy Wooley / Harrison French & Associates
- PROPERTY OWNER:** Dorothy Anderson
- PURPOSE:** Appeal of the Zoning Administrator's (in this case the Director of Community Development) approval of a Zoning Certificate to operate a supermarket as a permitted use within the hours of operation and delivery limits as set forth in the existing Conditions of Approval for PUD-84 (Ordinance Nos. 1035, 1165, and 1214 and Planning Commission Resolution 2691).
- LOCATION:** 3112 Santa Rita Road (Meadow Plaza Shopping Center)
- GENERAL PLAN:** Retail/Highway/Service Commercial; Business, Professional Office
- ZONING:** Planned Unit Development - Commercial - Office (PUD-C-O) District
- EXHIBITS:**
- A. Appeal Application dated "Received February 15, 2012"
 - B. Director of Community Development's Determination Letter dated February 2, 2012 with Applicant's Narratives
 - C. Ordinances 1035, 1165, 1215 and Resolution 2691
 - D. Location and Notification Maps
 - E. Public correspondence

BACKGROUND

On December 21, 2011, Wal-Mart Neighborhood Market submitted a revised¹ application for a supermarket at 3112 Santa Rita Road, the Meadow Plaza shopping center. The applicant proposes to occupy the existing 33,160 square-foot building with only interior tenant improvements. The applicant describes its Neighborhood Market operation as providing "a wide range of grocery, pharmaceuticals, health and wellness items, and frequently purchased

¹ The applicant's original submittal on September 12, 2011 included rooftop equipment and screening modifications requiring design review approval (assigned case P11-0764), but which was subsequently withdrawn and replaced with the more recent submittal eliminating those modifications. Therefore, no design review is required.

general merchandise consumables..." The applicant states that hours of operation would be from 6:00 a.m. to 12:00 a.m., and that delivery hours would be from 6:00 a.m. to 10:00 p.m.

After staff review for compliance with applicable regulations, the applicant was advised that its zoning application was approved, subject to appeal per section 18.44.050 (Administrative appeal procedure) of the Pleasanton Municipal Code. An appeal has been filed by the persons listed on page one of this report, claiming that the proposed Neighborhood Market does not comply with the site's planned unit development (PUD) zoning, the General Plan, or the zoning ordinance.

SITE DESCRIPTION

The Meadow Plaza shopping center is a 7.7 acre site located at the southeast corner of West Las Positas Boulevard and Santa Rita Road. The proposed Neighborhood Market would occupy the existing vacant building in the shopping center that was previously used by Nob Hill Foods.

Image 1: Aerial Image of Meadow Plaza



DISCUSSION

General Plan Land Use Designation

The site has a General Plan land use designation of Retail / Highway / Service Commercial; Business and Professional Offices; which allows retail, commercial, shopping centers, and supermarket uses. The use is a supermarket store and, therefore, is consistent with the General Plan land use designation. The supermarket would provide a grocery store for residents; which is consistent with the following General Plan Programs and Policies:

Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.

Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Zoning Designation

The site received planned unit development (PUD) zoning for commercial and office development (PUD-C-O) in 1982 (Ordinance 1035). Specifically "Allowed uses" include "Food markets including supermarkets, convenience markets and specialty stores."² This zoning action was subject to environmental review under the California Environmental Quality Act (CEQA) and included project conditions to mitigate any environmental impacts from the development. The development plan for the shopping center and two office buildings was approved in 1984 (Ordinance 1165), with Condition No. 8 requiring that there be "no truck deliveries to the market between the hours of 10:00 p.m. to 6:00 a.m." and Condition No. 10 requiring "That there shall be no liquor stores, fast food restaurants, electronic game arcades, convenience food stores or any all night businesses allowed in the shopping center." The City Council subsequently adopted a revised list of permitted and conditionally permitted uses for the shopping center in 1985 (Resolution 2691 approved under Ordinance 1215). This action retained "Food markets, including supermarkets, and specialty stores" as permitted uses.

Staff has included the referenced Ordinances and Resolution as Exhibit C for the Commission's reference.

Scope of Appeal

The appeal questions the determination that the Neighborhood Market complies with the zoning code and General Plan, and the issuance of a zoning certificate.³

Permitted Use

A permitted use is one that has been pre-determined to be appropriate for a zoning district or specific property. In this case, "Food markets including supermarkets ..." were adopted as permitted uses for this shopping center by Ordinances No. 1035 and 1215. Permitted uses are effectively ministerial (a matter of right) if the proposed permitted use meets the definition in the zoning code, if a definition exists, (or determined to be similar enough to another permitted use)⁴ and is permitted in the zoning district. This is a check list type of review:

² Under PUD regulations, permitted uses and conditionally uses may be determined by the Planning Commission and City Council. See Pleasanton Municipal Code (PMC) §18.68.030.

³ The code requires a zoning certificate "[t]o ensure that each new or expanded use of a structure or site ... complies with all applicable provisions ..." of the Zoning Code. (PMC §18.12.050.A) The appeal was made pursuant to the administrative appeal procedures in Chapter 18.144 of the PMC.

⁴ For uses that are not specifically defined, Chapter 18.128 (Determination as to Uses Not Listed) provides a process for the zoning administrator to either make a determination based on the unlisted use's similarity to other listed uses, or to refer the matter to the Planning Commission for its determination.

Application	Zoning Requirement	
Supermarket with range of grocery, pharmaceuticals, health & wellness items and general merchandise consumables	Food markets, including supermarkets ⁵ , as well as drug stores and pharmacies are permitted uses (Ordinance 1215)	√
Hours of operation 6:00 a.m. to 12:00 a.m.	No all night businesses (Ordinance 1165, Condition No. 10)	√
Delivery hours 6:00 a.m. to 10:00 p.m.	No truck deliveries between 10:00 p.m. and 6:00 a.m. (Ordinance 1165, Condition No. 8)	√

As a check list ministerial review, permitted uses are not subject to evaluation under the California Environmental Quality Act (CEQA), which only applies to discretionary decisions.⁶ When the site was originally zoned to PUD, it was subject to environmental review, and many mitigations were imposed based on the highest use of the site given the approved permitted uses.⁷

PUBLIC NOTICE AND COMMENTS

Notice of this appeal was sent to surrounding property owners and tenants within a 1,000-foot radius of the site, published in a newspaper of general circulation, and posted on the City website prior to this hearing (please refer to Exhibit D for the location and notification maps). Numerous comments have been received on issues outside of the scope of this appeal of a ministerial determination that the Neighborhood Market is a supermarket allowed as a permitted use on this PUD zoned site; but are nevertheless attached as Exhibit E so that interested persons know that their concerns were heard.

RECOMMENDATION

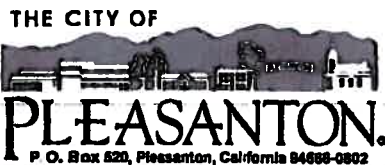
Staff recommends that the Planning Commission deny the appeal, thereby upholding the Director of Community Development's determination that the Neighborhood Market is a supermarket permitted use allowed by the PUD, consistent with General Plan Land Use policies and programs, that the proposed hours of operation and delivery limits are consistent with existing zoning approvals, and that the operation without modification to the site, building exterior, or parking lot is a properly issued zoning certificate.

Staff Planner: Natalie Amos, Associate Planner, 925.931.5613, email: namos@cityofpleasantonca.gov

⁵ While "supermarkets" are not specifically defined in the code, Planning staff has applied the definition of a self-service retail store selling mainly groceries, as well as other household items, and may have a pharmacy; this definition has been applied to the relatively recent 99 Ranch Market, Fresh & Easy and Safeway supermarkets.

⁶ Discretionary projects are those that require the exercise of judgment or deliberation, as opposed to merely determining whether there has been compliance with applicable laws and regulations. Title 14 Cal. Code Regulations (CCR) §15357. "Ministerial projects" involve a governmental decision requiring little or no personal judgment by the public official and are exempt from CEQA. Public Resources Code §21080(b)(1); 14 CCR §15369.

⁷ The CEQA document adopted with Ordinance 1035 included mitigations such as: turn lane on West Las Positas (#16); medians in Santa Rita Rd. (#4), fencing for neighbors (#8, 10, 14), etc.



CITY OF PLEASANTON
 Planning and Community Development
 Phone: (925) 931-5600; Fax: (925) 931-5483
 200 Old Bernal Avenue, Pleasanton, CA 94566

RECEIVED
 FEB 15 2012

APPLICATION FOR DEVELOPMENT REVIEW

Application No(s): _____

Date Filed: _____
 CITY OF PLEASANTON
 PLANNING DIVISION

I. CHECK TYPE OF APPLICATION(S):

- | | | |
|--|--|---|
| <input type="checkbox"/> Design Review (\$50) | <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Tentative Map (\$2000 + \$10/lot) |
| <input type="checkbox"/> Admin. Design Review (\$25) | <input type="checkbox"/> FDP (Flood) Variance (\$50) | <input type="checkbox"/> Minor Subdivision (\$50) |
| <input type="checkbox"/> Sign Design Review (\$15) | <input type="checkbox"/> Lot-Line Adjustment (\$50) | <input type="checkbox"/> Conditional Use Permit (\$150) |
| <input type="checkbox"/> Outdoor Display (\$25) | <input type="checkbox"/> Condominium Conversion (\$50) | <input type="checkbox"/> Animal Use Permit (\$15) |
| <input type="checkbox"/> Outdoor Dining (\$25) | <input type="checkbox"/> Rezoning (\$250) | <input type="checkbox"/> Initial Environmental Assessment(\$25) |
| <input type="checkbox"/> Variance (\$50) | <input type="checkbox"/> Growth Management (\$200) | <input type="checkbox"/> Home Boutique Use Permit (\$25) |
| <input type="checkbox"/> Non-residential Satellite Dish (\$50) | <input type="checkbox"/> General Plan Amendment (\$250) | <input type="checkbox"/> Temporary Use Permit (\$25) |
| <input type="checkbox"/> PUD Development Plan (\$2000) | <input type="checkbox"/> Specific Plan (\$250) | <input type="checkbox"/> Non-Exempt Home Occupation (\$15) |
| <input type="checkbox"/> PUD Major Modification (\$2000) | <input type="checkbox"/> Specific Plan Amendment (\$250) | <input type="checkbox"/> Large Family Daycare (\$15) |
| <input type="checkbox"/> PUD Minor Modification (\$100) | <input checked="" type="checkbox"/> Appeal (of Case P11-0784) | <input type="checkbox"/> Other: _____ |
- (25% of orig. fee: max. \$25)

II. GENERAL DATA REQUIRED

- A. Name of Applicant (Pls. Print): Angela Joe-Willmes and Linda Martin
- B. Address or Location of Property: 3112 Santa Rita Road, Pleasanton CA 94588
- C. Assessor's Parcel Number(s): _____
- D. Site Area (acres/sq. ft.): _____
- E. Current Zoning: PUD-C-O F. Proposed Zoning: _____
- G. Existing Use of Property: Retail

H. Description of Proposal: The basis for the appeal is that it is not consistent with ^{PUD} ~~PLD~~ 94-4 and governing policies of the Pleasanton General Plan and the zoning ordinance.
 (continue on separate sheet if necessary)

(Refer to appropriate "Informational Guide" for required site plans, elevations, written narrative, color/material samples, photographs, or other submittals which must accompany your application.)

- I. Residential Addition Proposals: From the date on this application, was the original house built within the last 5 years?
 Yes No

- If you do not know the answer, please research the property files on the public Laserfiche machine located by the Building and Safety Division at 200 Old Bernal Avenue, Pleasanton.

(continued on reverse)

III. AUTHORIZATION OF PROPERTY OWNER AND OWNERS ASSOCIATION

J. PROPERTY OWNER: In signing this application, I, as property owner, have full legal capacity to, and hereby do, authorize the filing of this application. I understand that conditions of approval are binding and agree to be bound by those conditions, subject only to the right to object at the hearings or during the appeal period. I certify that the information and exhibits submitted are true and correct.

Name (Pls. Print): _____ Daytime Telephone: _____
Company: _____ Other Telephone: _____
Address: _____ Fax: _____
City: _____ Zip: _____ E-mail: _____
Signature: _____ Date: _____

K. OWNERS ASSOCIATION: Is the property subject to the rules or guidelines of a homeowners association (HOA) or a business owners association?

Yes No

If yes, did the proposed project receive approval from the HOA/business owners association?

Yes No The HOA/business owners association does not review any proposed construction projects or use changes

- *If yes, please attach a copy of the HOA response.*

Association Contact (Pls. Print): _____ Daytime Telephone: _____
Association Name: _____ Other Telephone: _____
Address: _____ Fax: _____
City: _____ Zip: _____ E-mail: _____

L. APPLICANT OTHER THAN PROPERTY OWNER: In signing this application, I, as applicant, represent to have obtained authorization from the property owner to file this application. I agree to be bound by conditions of approval, subject only to the right to object at the hearings on the application or during the appeal period. If this application has not been signed by the property owner, I have attached separate documentation of full legal capacity to file the application. I certify that the information and exhibits submitted are true and correct.

Name (Pls. Print): Angela Joe-Willmes; Linda Martin Daytime Telephone: _____
Company: _____ Other Telephone: _____
Address: 3803 Newton Way Fax: _____
City: Pleasanton Zip: 94588 E-mail: _____
Signature: Angela Joe-Willmes Date: 2/15/2012
Linda Martin

M. NOTE ANY OTHER PARTY(IES) WHO SHOULD RECEIVE STAFF REPORTS AND NOTICE OF APPLICATION ON A SEPARATE SHEET AND ATTACH TO APPLICATION.

IV. SCHOOL FEE AGREEMENT (If a residential project, answer the question below)

Have you signed a School Fee Agreement with the Pleasanton Unified School District?

Yes No

If yes, please attach a copy of the signed agreement.

(9/18/07)



February 2, 2012

Via US Mail and E-Mail

Harrison French & Associates
Attention: Kathy Wooley
2250 Douglas Boulevard, Suite 150
Roseville, California 95661

Re: Zoning Application and Design Review (P11-0764) / 3112 Santa Rita Road
Applications for Zoning and Design Review

Dear Ms. Wooley:

The Planning Division has taken the following action on the above referenced applications:

- 1. Application for Zoning Approval.** The application for zoning compliance has been approved subject to the information submitted to the Planning Division, dated, "Received December 22, 2011," "Received January 24, 2012," and "Received January 30, 2012," on file with the Planning Division. Should the operation of the use vary and/or hours operation and/or delivery times change/modify beyond what is stated in the applicants' narratives, review and approval from the City shall be required prior to those changes/modifications taking place.
- 2. Design Review.** Based the submitted plans and narrative, dated "Received December 22, 2011," exterior building and site changes/improvements (i.e., façade color change, alterations to the front door area and shopping cart wall, and visible roof top equipment) are no longer being proposed. Therefore, the Design Review application has been withdrawn. Please be aware that a refund will not be issued and should you wish to move forward with site and/or building exterior changes/alternations in the future, a new Design Review application, plans, and fee shall be required.

Should you wish to move forward with the tenant improvement plans, dated "Received July 27, 2011," filed under record number B11-090 with the Building and Safety Division, those plans will need to be revised to reflect that exterior changes/improvements to the site and building are no longer being proposed.

Please be advised that even when tenant improvement plans are revised as described above, no building permits will be issued until the expiration of the appeal process set forth in Pleasanton Municipal Code Chapter 18.144.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning 200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	Building & Safety 200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	Engineering 200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	Traffic 200 Old Bernal Ave. (925) 931 5650 Fax: 931-5479	Inspection 157 Main Street (925) 931-5680 Fax: 931-5484
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Applicant: Ms. Wooley
Project Address: 3112 Santa Rita Road
Record Number: P11-0764 and Zoning
February 2, 2012

Should you have any questions or comments regarding the aforementioned, please feel free to contact Natalie Amos, Associate Planner, at (925) 931-5613 or via email at namos@cityofpleasantonca.gov.

Sincerely,



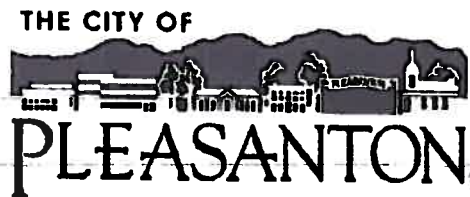
Brian Dofan
Director of Community Development

C: Sheppard Mullin, Judy Davidoff, Four Embarcadero Center, 17th Floor, San Francisco, CA 94111-4109

Electronic copy:

- Nelson Fialho, City Manager
- Jonathan Lowell, City Attorney

Planning Division
Mailing Address: P.O. Box 520
Physical Address: 200 Old Bernal Ave
Pleasanton, CA 94566-0802
(925) 931-5600 Fax: (925) 931-5483



APPLICATION FOR ZONING APPROVAL

(Required prior to establishing a business; making tenant improvements; or changing a business location)

Location of Business: 3112 Santa Rita Road, Meadow Plaza Suite _____
(Street address)

Business Owner's Name (Print): Wal-Mart Stores, Inc.

Are you filing this license as an independent consultant/contractor? Yes or No

Is this a: Change of Address / Change of Ownership / New Business

Name of Business: Walmart Neighborhood Market

Contact Person: Kathy Wooley Title: AOR Contact

Business Phone: (479) 273-7780 ext 310 Business Fax: (888) 520-9685

Mailing Address: 809 SW A Street, Suite 201, Bentonville, AR 72712
(if different from above) (Address, City, Zip Code)

Description of Business: Describe the business activities (for example: automotive repair, retail sales of jewelry, party supply rental, research and development of eyewear/lenses) that will be conducted at the proposed location (even if the business is a change of ownership or location). Also describe any use of hazardous materials. Please be specific.

Please see attached correspondence with description of business activities.

Hazardous materials reports and plans have been reviewed and approved by City of Pleasanton Building Department.

For Private School, Trade School, Indoor Recreation, and Tutoring Facilities Only:
By initialing, you hereby understand that the proposed business must comply with all applicable Federal, State, and local regulations. _____

By signing below you are certifying that the above information is correct and you understand that this permit only applies to the address noted above. If you move from this location, you will need to complete a new "Application for Zoning Approval."

Business Owner's Signature: Kathy Wooley Date: 12/21/11
Kathy Wooley, Authorized Agent

(For Completion by the Planning Department)
Zoning Designation: PUD - C - O (O.1105, O.1215, AND R.2691)
Application No. PZC- _____
Municipal Code Use Definition: "FOOD MARKETS, INCLUDING SUPERMARKETS, AND SPECIALTY STORES"
Routing: Police Fire Code Enforcement Other

APPROVED
FEB 02 2012
CITY OF PLEASANTON
PLANNING DIVISION
*ACTION LETTER
ATTACHED*

Additional information on the reverse side



Four Embarcadero Center | 17th Floor | San Francisco, CA 94111 4109
415-434-9100 office | 415-434-3947 fax | www.sheppardmullin.com

December 20, 2011

415.774.2993 direct
jdavidoff@sheppardmullin.com

File Number 15CM-165208

Brian Dolan
Community Development Director
City of Pleasanton
123 Main Street
Pleasanton, CA 94566

RECEIVED
DEC 22 2011
CITY OF PLEASANTON
PLANNING DIVISION

Re: Building Permit Application - 3112 Santa Rita Road, Meadow Plaza

Dear Mr. Dolan:

On behalf of Wal-Mart Stores Inc. ("Walmart"), which seeks to join the Pleasanton community with a full-service grocery store, we submit this letter in response to the correspondence dated October 6, 2011 from Natalie Amos, Associate Planner, setting forth certain comments regarding pending Design Review Application P11-0764, involving the existing 33,160 square foot store location at 3112 Santa Rita Road in the Meadow Plaza (the "Project"). As set forth below, and in the accompanying material, Walmart has examined its application and revised it to ensure that the Project is consistent with PUD 84-4 and all applicable Conditions of Approval. We request that the Zoning Approval be granted and the hold on the building permit be released immediately as the proposed use is fully consistent with PUD 84-4 and any applicable zoning requirements, and design review is not required.

In response to Comment No. 1 in Ms. Amos' letter, enclosed please find a completed application for Zoning Approval along with a detailed narrative for the proposed Walmart Neighborhood Market supermarket. As set forth in the narrative, Walmart seeks building permits to renovate the Project Site for the operation of a supermarket (a "Neighborhood Market"). This Neighborhood Market would sell approximately 24,000 different products including a wide range of grocery, pharmaceuticals, health and wellness items, and frequently purchased general merchandise consumables. The products sold would include fresh produce, deli foods, meat and dairy products, bakery items, frozen foods, canned and package goods, dry goods and staples, condiments and spices, health and beauty aids, pet supplies, stationery and paper goods, and household supplies. Neighborhood Markets also offer Site to Store, which enables customers to place orders online and pick up their purchases at their local store when ready.

This Neighborhood Market would employ approximately 95 employees and would have hours of operation between 6:00 a.m. and 12:00 a.m. Ordinance No. 1215, setting forth the list of approved uses for PUD 84-4, includes among the principally permitted uses for Meadow Plaza: food markets, including supermarkets and specialty stores; drug stores and prescription

pharmacies, delicatessen stores; and dry goods stores. Delivery hours for this Neighborhood Market would be restricted to between the hours of 6:00 a.m. and 10:00 p.m. in conformance with PUD 84-4, Condition of Approval No. 8.

In response to Comment No. 2 in Ms. Amos' letter, you should be aware that the façade of the building, including the entrance doors and paint, will no longer be modified as part of this application. Indeed, as shown in the attached elevations, the building will remain in its existing condition.

In response to Comment No. 3 of Ms. Amos' letter, the rooftop equipment, as shown on the enclosed Rooftop Plan, has been redesigned to meet the City's recommendation to "[u]se shorter (lower profile units) that do not exceed the height of the existing parapet." Specifically, the Rooftop Plan now shows that all rooftop units have been removed and relocated inside the building. The only equipment that will be added to the roof will be intake vents, exhaust fans and ventilators. Detail sheets for all of the equipment have been included for your review. As shown in the enclosed Building Section, none of the equipment exceeds the height of the existing parapet, and as a result, the existing parapets "effectively screen" all additions to the roof and no additional modifications are required.

Given these changes as well as the terms of PUD 84-4 and the applicable provisions of the Pleasanton Municipal Code ("PMC"), Walmart's revised application should undergo a ministerial "plan check" process.

The City's action under the Zoning Code with respect to Walmart's revised application is limited to determining whether a zoning certificate can be issued. Section 18.12.050 (A) of the PMC provides:

To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this title, and in order that the city may have a record of each new or expanded use of a structure or site, a zoning certificate is required before any building permit may be issued or any structure or site used; and a certificate of occupancy required by the building code shall be issued only for a structure that conforms with the zoning certificate.

The zoning administrator is empowered to review all the data and information supplied and may issue the zoning certificate "if he or she finds that all provisions of this title will be complied with." PMC §18.12.060. Conformity is determined by a finding that the proposed use will comply with the required conditions for the district in which it is to be located. PMC §18.12.090. Thus, the City's review of the Project in connection with issuance of a zoning certificate is limited to confirming consistency with the existing zoning, *i.e.*, PUD 84-4, and no environmental review is required. Pub. Res. Code § 21080(a).

Brian Dolan
December 20, 2011
Page 3

During the course of my discussions with you and the Project Planner, you indicated that you intended to submit the Application to the Planning Commission for design review. As we have articulated previously, in light of the changes originally proposed in connection with the Application, there was no legitimate basis for design review. Given the modification in the Application described above, no design review is mandated and the required consistency determination envisioned by the PMC should be easily made:

- The Project includes only principally permitted uses;
- The Project is otherwise in conformance with the conditions of approval of PUD 84-4, including its hours of operation;
- As no changes will be made to the existing rooftop mechanical equipment, no additional screening will be required;
- As no changes are proposed for the exterior paint color, there will be no review under PUD 84-4 Standard Condition of Approval No. 23; and
- No additional or discretionary approvals are required under PUD 84-4 or otherwise under the PMC.

We trust that the revised Application will undergo the appropriate process, and obtain approval as well as the hold on the building permit be released immediately. Thank you for your consideration, Walmart looks forward to being a part of Pleasanton.

Sincerely,



Judy V. Davidoff
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5JVD1404319044 2

CC: Rollin B Chippey, II, Morgan Lewis & Bockius
Jonathan Lowell, City Attorney
Nelson Fialho, City Manager
Natalie Amos, Assistant Planner
Kathy Wooley, Harrison French & Associates
George Bacso, Esq., Wal-Mart Stores, Inc.
Jason Sheridan, Wal-Mart Stores, Inc.
Deborah Herron, Wal-Mart Stores, Inc.

RECEIVED

JAN 24 2012

CITY OF PLEASANTON
COMMUNITY DEVELOPMENT

January 24, 2012

415.774.2983 direct
j davidoff@sheppardmullin.com

File Number: 15CM-165208

VIA E-MAIL & US MAIL

Natalie Amos
Associate Planner
City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94586

Re: P11-0764 and B11-0090 / 3112 Santa Rita Road
Applications for Design Review and tenant improvement plan approval

Dear Ms. Amos:

On behalf of the applicant for the above referenced project, the responses to the questions in your January 19, 2012 letter to Kathy Wooley are provided below:

1. Zoning Certificate Narrative. Please provide additional information regarding the pharmacy as listed below.
 - a. The hours of operation:
Typical operating hours would be 9a.m. to 9p.m. on weekdays, 9a.m. to 7p.m. on Saturdays, and 10a.m. to 6p.m. on Sundays.
 - (i) when a pharmacist will be on-site;
A pharmacist is always present whenever the pharmacy is open.
 - (ii) when other pharmacy services offered.
There will be no other services offered such as testing or a clinic.
 - b. Indicate:
 - (i) the square-footage of the pharmacy space/area:
The square footage of the pharmacy enclosure is 459sq.ft., approximately 1.4% of the total interior footprint of 33,443sq.ft.
 - (ii) the number of shelves / aisles designated for pharmacy items.
There will be 52 linear feet of pill bay shelving with 4 aisles in between. This total includes only the enclosed pharmacy and not the shelving outside the pharmacy designated to over the counter medicines and related health products.

SheppardMullin

Natalie Amos
January 24, 2012
Page 2

- c. Will there be a designated medical test area?
No.
- d. Will the proposed pharmacy be a Wal-Mart Clinic?
No.

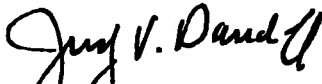
Please also include information regarding any other uses within the store, such as a bakery, delicatessen, bank, coffee and/or juice kiosk, etc., and what the approximate square-footage of each will be.

It will not include a bank, coffee and/or juice kiosk, nor does it have a full service deli or bakery. All deli and bakery items are prepared out of customer view and displayed in self service cases on the sales floor area.

2. Design Review and Tenant Improvements. Based on the submitted plans and narrative, dated "Received December 22, 2011," exterior building and site changes/improvements (i.e. façade color change, alterations to the front door area and shopping cart wall, and visible roof top equipment) are no longer being proposed. Although this will no longer require Design Review from the Planning Division, the tenant improvement plans, dated "Received July 27, 2011," submitted to the Building and Safety Division will need to be revised to reflect that these exterior changes/improvements are no longer being proposed.

Revised tenant improvement plans reflecting the changes made in the December 22, 2011 plans will be submitted to the Building Department upon final approval by the City Community Development Department.

Very truly yours,



Judy V. Davidoff
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5JVD1404543472.2

cc: Kathy Wooley, Harrison French & Associates
Brian Dolan, Community Development Director
Jonathan Lowell, City Attorney
Rollin Chippey III, Esq., Morgan Lewis
George Bacso, Esq., Walmart Stores, Inc.

SheppardMullin

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j davidoff@sheppardmullin.com

File Number: 15CM-165208

January 30, 2012

VIA E-MAIL & US MAIL

Natalie Amos
Associate Planner
City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

RECEIVED

JAN 30 2012

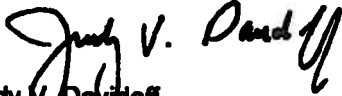
CITY OF PLEASANTON
COMMUNITY DEVELOPMENT

Re: P11-0764 and B11-0090 / 3112 Santa Rita Road
Applications for Design Review and tenant improvement plan approval

Dear Ms. Amos:

This is in response to your inquiry to Kathy Wooley regarding the site to store service. The proposed Pleasanton Neighborhood Market will not provide the site to store service at this time.

Very truly yours,



Judy V. Davidoff
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5JVD1404581778.1

cc: Kathy Wooley, Harrison French & Associates
Brian Dolan, Community Development Director
Jonathan Lowell, City Attorney
Rollin Chippey III, Esq., Morgan Lewis
George Bacso, Esq., Walmart Stores, Inc.

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 1035

APPROVING THE APPLICATION OF MEADOW PLAZA ASSOCIATES FOR PLANNED UNIT DEVELOPMENT ZONING AND DEVELOPMENT PLAN APPROVAL FOR A COMMERCIAL AND OFFICE PROJECT ON APPROXIMATELY EIGHT ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST LAS POSITAS BOULEVARD AND SANTA RITA ROAD

- WHEREAS, MEADOW PLAZA ASSOCIATES applied for development plan approval and PUD zoning for construction of a commercial and office project consisting of five structures totalling approximately 88,000 sq. ft. on an approximately eight acre site located at the southeast corner of West Las Positas Boulevard and Santa Rita Road; and
- WHEREAS, based on the Initial Environmental Study, a Mitigated Negative Declaration was adopted by Council on March 23, 1982; and
- WHEREAS, Council received the Planning Commission's recommendation for approval of the development plan and rezoning; and
- WHEREAS, a duly noticed public hearing was held on March 23, 1982; and
- WHEREAS, the City Council finds that this development plan and rezoning is consistent with the General Plan policies of the City of Pleasanton.

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Approves the rezoning of an approximately eight acre site located at the southeast corner of West Las Positas Boulevard and Santa Rita Road from the C-N (Neighborhood Commercial) District to the PUD (Planned Unit Development)-Commercial and Offices District, subject to the Allowed and Conditionally Allowed Uses on Exhibit "B" attached hereto and by this reference incorporated herein.

Section 2: Approves the development plan for a commercial and office project consisting of five structures totalling approximately 88,000 sq. ft. on an approximately eight acre site, subject to the conditions on Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3: The Zoning Map of the City of Pleasanton dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts is hereby amended by Zoning Unit Map #252, attached hereto as Exhibit "C" dated March 23, 1982, and incorporated herein by reference.

Section 4: The City staff is directed to cause a Notice of Determination to be filed pursuant to Section 5.4(g) of Resolution No. 77-66.

Section 5: This ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton.

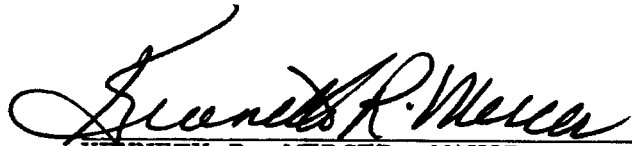
Section 6: This ordinance shall be effective thirty (30) days after the date of its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on March 23, 1982.

ADOPTED at a regular meeting of the City council of the City of Pleasanton on April 6, 1982 by the following vote:

AYES: Councilmembers - Butler, Kephart, Mohr, Wood and Mayor Mercer
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


KENNETH R. MERCER, MAYOR


James R. Walker, City Clerk
By Doris George, Deputy City Clerk

APPROVED AS TO FORM:


Brian W. Swift, Acting City Attorney

Exhibit "A"

1. That the development be substantially as shown on the development plan, Exhibit A, dated 1/27/82 on file with the Planning Division.
2. That the easternmost driveway onto West Las Positas Boulevard shall be widened to the satisfaction of the City Engineer.
3. That the westernmost driveway onto West Las Positas Boulevard shall be constructed in conjunction with building F.
4. That in conjunction with the first phase of the subject property, the developer shall construct or pay for the construction of a raised median on Santa Rita Road from its intersection with West Las Positas Boulevard southward to the main entrance drive into the subject site.
5. That the development shall meet all requirements of the City's Fire Code, including providing automatic fire sprinkler systems for buildings D, E and F, providing fire protection facilities including access roads prior to and during the time of construction on the subject property and providing fire hydrants per City requirements.
6. That all uses and conditionally allowed uses shall be as shown on Exhibit B (Case PUD-82-2, Allowed and Conditionally Allowed Uses), attached hereto and made part of this case by reference with the following exceptions: Bars not part of restaurants and where complete meals are not served; Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services; Game arcades, including electronic and mechanical, pinball machines, video games and similar uses; Record and recording and sound equipment stores; Restaurants and soda fountains, including drive-ins and take out food establishments; and Theatres and auditoriums shall be conditionally allowed uses rather than allowed uses. Circuses, carnivals and other transient amusement enterprises and Outdoor art and craft shows shall be temporary conditional uses rather than allowed uses. Additionally, Convenience markets shall be conditionally allowed uses.

7. That only employees park in the area south and east of buildings B and D.
8. That the repair and maintenance of the 8 ft. masonry wall and any damages caused by erosion or slippage shall be the responsibility of the developer.
9. That if holding tanks are utilized, they shall be designed so that they will be pumped out from the western end of building A.
10. That the developer agrees that the 8 ft. wall along the eastern property line shall have the decorated side facing the homeowners to the east of the subject site.
11. That the landscaped planter strip between the employee parking area and the 8 ft. wall shall be planted with 20 gallon plus trees of such a variety that they will rapidly reach substantial fullness and height (not eucalyptus).
12. That in addition to employee parking, the only vehicles which shall utilize the area south and east of buildings B and D shall be those vehicles necessary to service that area (not for loading and unloading for buildings B or D) and these service vehicles shall have access to the area only between the hours of 8:00 A.M. and 7:00 P.M.
13. That the developer agrees to provide two trees for every homeowner on the west side of Weymouth Court, said trees to be a minimum of 10 gallons in size.
14. That the wooden fences along the eastern property line of the subject property shall be taken down by the developer upon the homeowners' request.
15. That the only maintenance vehicle to be allowed to be parked behind buildings D and E shall be the shopping center owner's street sweeper and that the sweeper may be used only between the hours of 8:00 A.M. and 10:00 P.M.
16. That the developers pay for the construction of the proposed left-turn lane in the raised median on West Las Positas Boulevard south of Fairlands Drive.
17. That the street numbers of the buildings be posted so as to be easily seen from the street at all times, day and night.
18. That all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or elsewhere, be effectively screened from view with materials architecturally compatible with the main structure.

19. That all mechanical equipment be constructed in such a manner that noise emanating from it will not be perceptible at or beyond the property plane of the subject property in a normal environment for that zoning district.
20. That all lighting be constructed in such a manner that glare is directed away from surrounding properties and rights-of-way.
21. That all trash and refuse be contained completely within enclosures architecturally compatible with the main structure.
22. That all trees used in landscaping be a minimum of 15 gallons in size and all shrubs a minimum of 5 gallons.
23. That if signing for the development is desired, a comprehensive signing program be submitted to the City for consideration under separate application.
24. That 6" vertical concrete curbs be installed between all paved and landscaped areas.
25. That all parking spaces be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
26. That all utilities required to serve the development be installed underground.
27. That the applicant enter into an agreement with the City approved by the City Attorney which guarantees that all landscaping included in this project will be maintained in a healthful, attractive and weedfree manner. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.
28. That any damage to street improvements now existing or done during construction on the subject property be repaired at full expense to the developer.
29. That lighting acceptable to by the Police Department shall be provided around the perimeters of all buildings on the subject property.

30. That if required by the Police Department, the buildings shall be equipped with an alarm system, the type to be approved by the Police Department and that this system shall be installed prior to final building inspection.
31. That the site be kept free of fire hazards from the start of construction to final inspection and that the Fire Department emergency number be provided adjacent to all telephones on the site.
32. That the following water conserving plumbing fixtures be installed: a) low flush water closets; b) shower flow control heads; c) aerators in interior faucets; and d) insulation of hot water lines.
33. That suitable trees shall be planted to fill in the vacant areas between the eucalyptus trees on the eastern property line; that trees shall be planted along the southern property line of the subject property and that a final landscape plan reflecting these additions shall be submitted to the planning staff for approval prior to issuance of building permits.
34. That the area behind buildings D and E have no storage of trash or other articles.
35. That where required by the Fire Department the buildings shall be equipped with fire sprinkler and alarm systems approved by the Fire Department.
36. That the developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by approval of this case, and that the developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
37. That the City reserves the right to limit the hours of operation and loading of the proposed market (building B), if after appropriate notice to the market operator, it is determined that such control is needed to protect the public health, safety, and welfare.
38. That the developer submit a site plan and building permit survey in accordance with the Survey Ordinance (Article 3, Chapter 3, Title II) and that these plans be approved by the City Engineer prior to the issuance of a building permit.

39. That the site development plan include all required information to design and construct site, grading, paving and drainage.
40. That the paving sections for the parking and drive areas be designed on the basis of an R-Value test and a Traffic Index to carry the anticipated traffic load. This design shall be subject to the approval of the City Engineer. The minimum paving section shall be 2" A.C. on 6" A.B. The minimum A.C. pavement slope shall be 1%.
41. That the developer's contractor obtain an encroachment permit from the City prior to the beginning of construction.
42. That the developer pay any and all fees that the property may be subject to.
43. That the developer enter into an agreement with the City to enter into an assessment district or districts for the construction of all of the facilities necessary for the amelioration of traffic congestion caused by development of the subject property. These facilities may be those discussed in the North Pleasanton Traffic Studies, Volumes I and II, the Traffic Impact Analysis Stoneridge Center April 15, 1981, or other facilities deemed necessary by the City. The agreement shall be entered into prior to the issuance of a building permit.
44. That prior to issuance of a building permit, the developer shall fund (or participate in the funding of) a comprehensive water study of the north Pleasanton area to identify short and long-term improvements necessary to achieve adequate water supply and pressure. In order to achieve timely completion of such improvements concurrent with the development of the subject site, the developer shall enter into an agreement to pay his appropriate share of the cost of the water facilities necessary to serve the subject property or made necessary due to the cumulative development of the north Pleasanton area. Improvements may be made via reimbursement agreements, assessment districts or benefit districts as best meets the needs of the City and developer. The method of implementation shall be decided and entered into when determined necessary by the City Engineer and/or the City Attorney.

45. That in order to maintain existing levels of fire service per general plan policies, the developer shall enter into an agreement to fund or participate in the funding of the study of fire service requirements necessitated by the subject project and other proposed major commercial/industrial projects; that the project shall be constructed in such a way as to minimize the fire hazards; and that the developer shall agree to participate in the financing of the necessary fire apparatus and manpower required to serve this project as well as other mutual projects while maintaining existing city-wide levels of fire service. The level of any participation in the latter shall take into consideration the project's contribution towards city services generally, including fire services. The agreement shall be entered into prior to issuance of a building permit.
46. That the colors and type of exterior wood siding for building F shall be submitted to the Planning Division for approval prior to issuance of a building permit.

EXHIBIT "B"
Case PUD-82-2

Allowed & Conditionally Allowed Uses

~~Accessory uses and structures, not including warehouses, located on the same site as a permitted use.~~

Antique stores

Appliance sale and repair provided repair service shall be incidental to retail sales.

Art galleries and artists supply stores

Automobile supply stores

Barber shops and beauty shops

* Bars not part of restaurants and where complete meals are not served.

Bicycle shops

Bookstores and rental libraries

Candy stores

Carpet, drapery and floor covering stores (Ord. 765)

Catalog stores

** Circuses, carnivals and other transient amusement enterprises

Clothing and costume rental establishment

Clothing, shoe and accessory stores

* Convenience markets
Delicatessen stores

Department stores

Drug stores and prescription pharmacies

Dry goods stores

* Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related service

Florists

Food markets including supermarkets, convenience markets and specialty stores

* Games arcades, including electronic and mechanical pinball machines, video games and similar uses (Ord. 878)

Gift shops

Gymnasiums and health clubs

Hardware stores (Ord. 942)

Hobby shops (Ord. 740)

EXHIBIT "B"
Case PUD-82-2
Allowed & Conditionally Allowed Uses

Ice cream sales:

Interior decorating shops

Jewelry stores

Laundries and dry cleaners where service is provided

Laundries, self service

Liquor stores

Locksmiths (Ord. 740)

Music stores

Newstands

Office buildings (Ord. 773)

Office supply and business machine stores

Offices, including but not limited to business, professional and administrative offices.

**** Outdoor art and craft shows**

Paint, glass and wallpaper shops

Pet and bird stores

Photographic supply stores

Picture framing shops (Ord. 740)

Plant shops

*** Record and recording and sound equipment stores**

Restaurants and soda fountains not including drive-ins or take out food establishments

*** Restaurants and soda fountains including drive-ins and take out food establishments**

Saddleries (Ord. 730)

Scientific instrument shops

Shoe repair shops (Ord. 740)

Shoe stores

Specialty stores selling those items normally sold in department stores.

Sporting goods stores

EXHIBIT "B"
Case PUD-82-2

Allowed & Conditionally Allowed Uses

Stamp and coin stores

Stationery stores

Tailor or dressmaking shops

Television and radio sales and repair shops

* Theatres and auditoriums

Tobacco stores

Toy stores

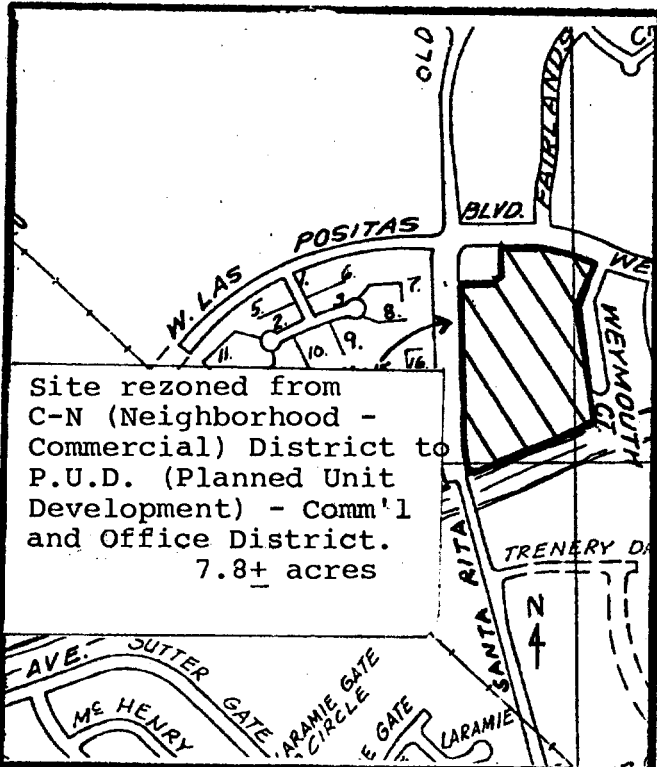
Variety stores

Watch and clock repair shop

Waterbed shops including the sale of small incidentals, such as linens
wall hangings, and other similar items.

* Conditional Use Permits

** Temporary Conditional Use permits



Site rezoned from
 C-N (Neighborhood -
 Commercial) District to
 P.U.D. (Planned Unit
 Development) - Comm'l
 and Office District.
 7.8+ acres

CITY OF PLEASANTON
PLANNING DEPARTMENT

ORDINANCE No. 1035
 ZONING UNIT No. 252

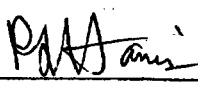
DRAWN BY: <i>T.P.</i>	APPROVED BY: 	DATE: 3/23/82
CHK'D. BY:	PLANNING DIRECTOR	SEC. NO.: PUD-82-2
SCALE: 1" = 800'		

EXHIBIT "C"

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 1165

APPROVING THE APPLICATION OF JOHN FERRERI AND FRED MIRANDA FOR DEVELOPMENT PLAN APPROVAL TO CONSTRUCT TWO MEDICAL OFFICE BUILDINGS AND A RETAIL SHOPPING CENTER ON APPROXIMATELY 7.7 ACRES SOUTHEAST OF THE INTERSECTION OF SANTA RITA ROAD AND WEST LAS POSITAS BOULEVARD

WHEREAS, John Ferreri and Fred Miranda applied for development plan approval to construct two medical office buildings totaling approximately 51,000 sq. ft., and a retail shopping center totaling approximately 53,000 sq. ft., on the approximately 7.7 acre site located southeast of the intersection of Santa Rita Road and West Las Positas Boulevard adjacent to the Exxon Service Station; and

WHEREAS, based on the Initial Environmental Study, a negative declaration was adopted by Council on October 30, 1984; and

WHEREAS, Council received the Planning Commission's recommendation for approval of the development; and

WHEREAS, a duly noticed public hearing was held on October 30, 1984; and

WHEREAS, the City Council finds that this development plan is consistent with the General Plan policies of the City of Pleasanton;

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Approves the development plan for two medical office buildings totaling approximately 51,000 sq. ft., and a retail shopping center totaling approximately 53,000 sq. ft., on the approximately 7.7 acre site located southeast of the intersection of Santa Rita Road and West Las Positas Boulevard adjacent to the Exxon Service Station, subject to the conditions on Exhibit "A" attached hereto and by this reference incorporated herein.

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

Section 3: This ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times" a newspaper of general circulation published in the City of Pleasanton.

Section 4: This ordinance shall be effective thirty (30) days after the date of its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on October 30, 1984.

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on November 13, 1984 by the following vote:

AYES: Councilmembers - Brandes, Butler, Mohr, Wood and Mayor Mercer
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


KENNETH R. MERCER, MAYOR


James R. Walker, City Clerk
By Doris George, Deputy City Clerk

APPROVED AS TO FORM:



Peter D. MacDonald, City Attorney

Exhibit A

ORDINANCE 1165

1. That the development be substantially as shown on the development plan, Exhibit A, on file with the Planning Department.
2. That the entire length of the loading dock on the east side of the super market shall be roofed.
3. That the area shown on the development plan as phase 2 shall be completely landscaped and that a landscape plan for this area shall be submitted to the Planning Department for approval prior to issuance of a building permit. Grass or other types of ground cover may be used in the area and trees and shrubs are not required.
4. That the development shall be separated from the Exxon service station by a masonry wall ranging in height between 3 ft. and 5 ft. which shall be terminated at least at its western end to allow vehicular access to the service station.
5. That a perpetual, nonexclusive easement for access and parking shall be established between the two parcels of the subject property and between the medical center and the Exxon station. Said easement to be approved by the City. This easement shall be entered into prior to issuance of a building permit.
6. That the developer be aware that the entire property is subject to the three standard assessment district conditions required of north Pleasanton development. These conditions were applied to site as part of cases PUD-82-2 and GP-83-13.
7. That the design of the 8 ft. high masonry wall to be constructed along the eastern property line of the subject site and the 3 ft. to 5 ft. high wall along the

Exxon station property line shall be submitted to the Planning Department for approval prior to issuance of a building permit.

8. That there shall be no truck deliveries to the market between the hours of 10:00 pm and 6:00 am.
 9. In granting approval of this development plan, it is recognized that 5 of the 9 black walnut trees located adjacent to the western property line shall be removed leaving the 4 trees shown on the development to remain, and that all of the eucalyptus trees along the eastern line shall be removed as well as the 5 small trees adjacent to the southern property line where the market will be located. The 12 inch and 10 inch deodars shown along the property line shall be retained. The final landscape plan shall show numerous 24 inch box trees in the 10 ft. wide planter along the eastern property line to replace the removed eucalyptus and the type of trees used here shall be subject to the approval of the City Engineer.
 10. That there shall be no liquor stores, fast food restaurants, electronic game arcades, convenience food stores or any all night businesses allowed in the shopping center.
 11. That during construction the applicant shall employ all necessary measures to preserve the trees shown on the plan to be retained on the subject site. Such measures shall include but not necessarily be limited to providing barricades around the trees to protect their trunks, roots and low hanging branches. These barricades shall be set far enough from the trees to protect them from soil compaction and excavation.
 12. That a minimum 3 ft. wide planter shall be constructed along the entire length of the southern edge of the parking lot of the shopping center.
 13. That the developer obtain a set of the approved improvement plans for the reconstruction of Santa Rita Road prepared by Bissell and Karn, Civil Engineers and redesign street tie-ins and driveway locations accordingly.
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14. The most northerly proposed driveway on Santa Rita Road (adjacent to the Exxon station) shall be deleted due to the potential conflicts with the existing Exxon driveway and the bus turn-out. This driveway may be relocated approximately 210 ft. to the south at a point which will line up with the proposed driveway south of the 24,000 sq. ft. phase 2 office building. This driveway should be designed with a street type opening with minimum 10 ft. radius curb returns.
15. The existing driveway on Santa Rita Road, opposite Navajo Court, is aligned with the existing median break. The proposed on-site drive shall be realigned to meet this driveway.
16. The existing 40 ft. wide driveway on Santa Rita Road (approximately 135 ft. south of the Navajo Court median break shall be removed unless otherwise approved by the City Engineer.
17. The existing driveway on Santa Rita Road just north of the Arroyo Mocho bridge, which provides access to the north bank of the Arroyo Mocho and which lies within an existing Zone 7 easement, shall remain unless otherwise approved by the City Engineer and Zone 7 and the proposed parking areas, within the easement shall be deleted if required by Zone 7 and the City Engineer.
18. The centerline of the proposed driveway on West Las Positas Boulevard shall be aligned with the centerline of Fairlands Drive.
19. The two parking stalls shown in the end of the parking island south of the "Urgent Care" center shall be deleted.
20. The masonry wall shown along the east property line, if installed, shall be entirely on the east side of the drainage easement to afford full access to the underground public utilities for maintenance purposes.

21. That approval of this case is subject to all Standard Conditions of Development, attached hereto and made part of this case by reference, except conditions 12, 28, 29, 33, 35, 36, 46, 49 and 50.
22. There shall be a northeast entrance to the complex from the Exxon service station.
23. That there shall be signs posted within the complex requesting trucks to stay on the west side of the market until 6:00 a.m. so that there will be minimum impact on the neighbors with regard to noise.
24. That approval of case PUD-84-4 does not include design approval for the two medical office buildings and that prior to construction of those buildings, separate design approval will be required from the Design Review Board.
25. That within one year the traffic circulation pattern of the loading dock area shall be reviewed by the staff to make sure there is little impact on the neighbors.
26. That the rear (east) of the Nob Hill Market shall have a plain wall rather than one with relief in it.

STANDARD CONDITIONS OF DEVELOPMENT

1. That the street number(s) of the building(s) be posted so as to be easily seen from the street at all times, day and night. Street numbers shall be clearly displayed on all rear doors when a building has more than one tenant.
2. That all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or elsewhere, be effectively screened from view with materials architecturally compatible with the main structure.
3. That all mechanical equipment be constructed in such a manner that noise emanating from it will not be perceptible at or beyond the property plane of the subject property in a normal environment for that zoning district.
4. That all lighting be constructed in such a manner that glare is directed away from surrounding properties and rights-of-way.
5. That all trash and refuse be contained completely within enclosures architecturally compatible with the main structure.
6. That all trees used in landscaping be a minimum of 15 gallons in size and all shrubs a minimum of 5 gallons.
7. That if signing for the development is desired, a comprehensive signing program shall be submitted to the City for consideration under separate application.
8. That 6" vertical concrete curbs be installed between all paved and landscaped areas.
9. That all parking spaces be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.

2/1/84

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10. That all utilities required to serve the development shall be installed underground.
11. That the applicant enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping included in this project will be maintained at all times in a healthful, attractive and weedfree manner. Said agreement shall run with the land for the duration of the existence of the structures located on the subject property.
12. That all dwelling units in the development be constructed to meet the latest P.G.&E. Energy Conservation Home Standards.
13. That the following water conserving plumbing fixtures be installed: a) low flush water closets; b) shower flow control heads; c) aerators in interior faucets; and d) insulation of hot water lines.
14. That the applicant be aware that design review approval lapses within one year unless a building permit is issued and construction has commenced and is diligently pursued toward completion or an extension has been requested from the City.
15. That the developer acknowledges that the City of Pleasanton does not guarantee the availability of sufficient sewer capacity to serve this development by the approval of this case, and that the developer agrees and acknowledges that building permit approval may be withheld if sewer capacity is found by the City not to be available.
16. That the location of any pad mounted transformers shall be subject to approval by the Planning Division prior to issuance of a building permit. Generally speaking such transformers shall not be located between any street and the front of a building.
17. That all buildings and/or structures must comply with all codes and ordinances in effect at the time required permits are issued by the Building Division.
18. That the development shall meet all requirements of the Pleasanton Fire Code.

2/1/84

Rev. 10/84

19. That the site be kept free of fire hazards from the start of construction to final inspection and that the Fire Department emergency number be provided adjacent to all telephones on the site.
20. That the project shall meet all requirements of the Pleasanton Security Code and the developer shall provide plans as specified by the Crime Prevention Bureau of the Pleasanton Police Department.
21. That if required by the Police Department, the building(s) shall be equipped with an alarm system, the type to be approved by the Police Department and that this system shall be installed prior to final building inspection.
22. That a final landscape plan be submitted to the Planning Division for approval prior to issuance of a building permit.
23. That the colors of the building(s) be submitted to the Planning Division for approval prior to issuance of a building permit.
24. That the developer pay any and all fees that the property may be subject to.
25. That only modular newspaper dispensers accommodating more than one newspaper shall be allowed outside of buildings within the development; the design of these dispensers shall be approved by the Planning Division.
26. That the developer submit a building permit survey and a site development plan in accordance with the Survey Ordinance (Article 3, Chapter 3, Title II), and that these plans be approved by the City Engineer prior to the issuance of a building permit. That the site development plan 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 storm, sewer and water systems are:
 - a. Type of pipes to be used (storm, sewer, water);
 - b. Length of pipes in linear feet (storm, sewer, water);
 - c. Slopes of pipes (storm and sewer);
 - d. Invert elevations at each inlet or junction structure (storm and sewer);
 - e. Horizontal control necessary to set relationships between buildings, parking, curb and gutter, storm, sewer and water;
 - f. Show top of pipe and bottom of pipe elevations where pipes cross under or over one another;

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- g. Differentiate between public and private systems.
- h. Landscape areas, parking stalls, driveway aisles, buildings, curbs and gutters shall have horizontal control dimensioning indicated on site development plan.
27. That the paving sections for the on-site parking and drive areas 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 2" A.C. on 6" of A.B. The minimum A.C. pavement slope shall be 1%. For pavement slopes of less than 1% the surface runoff shall be carried in a concrete gutter to an acceptable point of discharge. The minimum slope for concrete gutter shall be 0.5%.
28. That the developer install street frontage improvements per ordinance and to the satisfaction of the City Engineer. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, water facilities, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems.
29. That the property owner enter into an agreement with the City whereby he agrees to construct or finance the construction of street improvements adjacent to the site to the extent required by the Subdivision Ordinance at such time in the future as this is deemed necessary by the City Engineer. Said improvements may include, but are not necessarily limited to grading, curb and gutter, sidewalk, paving, street lighting, street trees, street monuments, underground utilities, storm drain facilities, sanitary sewer facilities, tree removal, traffic control devices, landscaping and automatic irrigation systems. This agreement shall be executed and approved by the City Council prior to the issuance of a building permit. The property owner/developer shall deposit a bond with the City to ensure future completion of the required improvements. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer. The City Engineer may accept or may require a cash payment in-lieu of bonding where circumstances warrant.
30. That the developer submit a refundable cash bond for hazard and erosion control prior to issuance of a building permit. The amount of this bond will be determined by the City Engineer.

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31. That a sanitary sewer sampling manhole be provided on the sanitary sewer lateral from each building, unless otherwise waived by the City Engineer.
 32. That prior to issuance of a building permit, the developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters (irrigation meters) not directly related to a building permit.
 33. That the developer dedicate to the City for street right-of-way purposes those parcels of land intended to be public streets.
 34. That the developer grant an easement to the City over those parcels shown as public service easements (P.S.E.) and which are approved by the City Engineer or other parcels which may be designated by the City Engineer.
 35. That approval of the design for the line, grade, and structural sections for the streets serving this development be withheld pending final engineering design and review by the City Engineer.
 36. That vertical P.C.C. curbs and gutters be constructed within this development unless otherwise approved by the City Engineer and that the curb and gutter be poured monolithically with the sidewalk when the sidewalk is adjacent.
 37. That all existing wells, septic tanks or holding tanks on the site be properly sealed, filled and abandoned prior to the start of grading operations unless Zone 7 retains specific wells for observation wells, or special approval is obtained from the City Engineer for temporary use of an existing well for construction water. Any wells designated for abandonment or any wells encountered during construction, are to be destroyed in accordance with a permit obtained from Zone 7 by calling (415) 443-9300.
 38. That the haul route for all materials to and from this development be approved by the City Engineer prior to the start of any construction.

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39. That the developer submit an erosion and sedimentation control plan or procedure as part of the improvement plans prior to the final approval of the development.
 40. That the developer submit a dust control plan or procedure as part of the improvement plans prior to the final approval of the development.
 41. That storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer be privately maintained by the property owners or through an association approved by the City.
 42. That approval of the water supply and distribution system be withheld pending final design and until the developer has demonstrated to the satisfaction of the City Engineer that the proposed system meets both the immediate and long-range requirements for supplying water in this area.
 43. That the developer comply with any and all applicable requirements of the cross-connections control and backflow prevention device programs required by the California Administrative Code, Title 17.
 44. That approval for the number, type and location of fire hydrants be withheld pending final design, review by the Fire Marshal, and final review by the City Engineer.
 45. That approval of the sanitary sewer system be withheld pending final design and until the developer has demonstrated to the satisfaction of the City Engineer that the proposed system is adequate, connects to an approved point of discharge, and meets both the immediate and long-range requirements of the sanitary system in this and all tributary areas.
 46. That if a sanitary sewer lift station is installed for use by the development and if it is accepted by the City for maintenance and operation, an agreement shall be completed between the City and the developer prior to the approval of the development to the effect that the developer will provide a maintenance and operation fund for a minimum ten year period.

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47. That approval of the storm drainage system be withheld pending final design and until the developer has demonstrated to the satisfaction of the City Engineer 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, and meets the immediate and long-range requirements of this development and all upstream areas intended to be drained through this development.
48. That electric power distribution, gas distribution, communication service, and any required alarm systems be installed underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
49. That the developer be responsible for the installation of the street lighting system serving the development. The street lights shall be 70 watt, high pressure sodium vapor units mounted on galvanized steel poles with poured in place bases, on the LS-1C schedule per City requirements and P.G.&E. standard details unless otherwise specifically approved. Approval for the number, location, and type of electroliers shall be withheld pending final design and review by the City Engineer.
50. That this development provide a safe and effective circulation system for bicycles and pedestrians. These facilities shall be designed and installed to the satisfaction of the City Engineer and shall be separated from vehicular traffic whenever possible.
51. That the developer submit detailed landscape and irrigation plans as part of the improvement plans. These plans should include, where applicable, a street tree planting plan and landscape plans for medians, buffer strips, and any right-of-way landscape areas. The irrigation plan shall provide for automatic controls.
52. That any damage to street improvements now existing or done during construction on the subject property 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.
53. That the developer's contractor(s) obtain an encroachment permit from the City Engineer prior to the start of construction.
54. That the developer install street trees as required per ordinance.

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55. That all access roads and driveways on the site are hereby declared fire lanes and must be maintained and accessible at all times. Curbs must be painted red and "No Parking" signs provided to the City Standards.

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CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 1215

ORDINANCE APPROVING A MAJOR MODIFICATION TO ESTABLISH A LISTING OF PERMITTED AND CONDITIONALLY PERMITTED USES FOR A SHOPPING CENTER COMPLEX ON 7.7 ACRES LOCATED AT THE SOUTHEAST CORNER OF SANTA RITA ROAD AND WEST LAS POSITAS BOULEVARD

WHEREAS, at its meeting of November 13, 1984, Council adopted Ordinance No. 1165 approving two medical office buildings and a retail shopping center on approximately 7.7 acres southeast of the intersection of Santa Rita Road and West Las Positas Boulevard; and

WHEREAS, a listing of permitted and conditionally permitted uses for the project was not reviewed and subsequently not included in the conditions of approval for the project; and

WHEREAS, it is appropriate at this time to specifically designate the permitted and conditionally permitted uses for the project;

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Approves the permitted and conditionally permitted uses set forth in Planning Commission Resolution 2691.

Section 2: This ordinance shall be published once within fifteen (15) days after its adoption in "The Tri-Valley Herald," a newspaper of general circulation published in the City of Pleasanton.

Section 3: This ordinance shall be effective thirty (30) days after the date of its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on September 3, 1985.

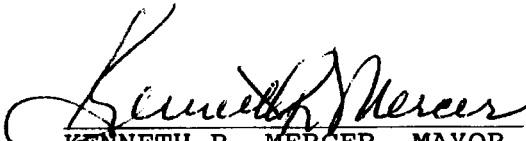
Ordinance No. 1215

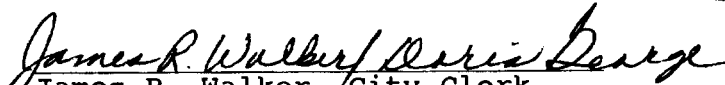
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ADOPTED at a regular meeting of the City Council of the City of Pleasanton on September 17, 1985 by the following vote:

AYES: Councilmembers - Brandes, Butler, Mohr, Wood and Mayor
Mercer
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


KENNETH R. MERCER, MAYOR


James R. Walker, City Clerk
By Doris George, Deputy City Clerk

APPROVED AS TO FORM:


Peter D. MacDonald, City Attorney

PLANNING COMMISSION
CITY OF PLEASANTON
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

RESOLUTION NO. 2691

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING APPROVAL OF THE USES FOR MEADOW PLAZA SHOPPING CENTER FILED UNDER CASE PUD-84-4-3M

- WHEREAS, the City of Pleasanton has applied for a major modification to an approved development plan to establish a listing of permitted and conditionally permitted uses for a shopping center complex on an approximately 7.7 acre site located at the southeast corner of the intersection of Santa Rita Road and West Las Positas Boulevard; and
- WHEREAS, zoning for the property is PUD (Planned Unit Development)-Commercial and Offices District; and
- WHEREAS, as the initial phases of the complex are nearing completion and are being made available for occupancy, zoning certificate applications for new uses at the complex have recently been submitted to the Planning Department for processing; and
- WHEREAS, in order to provide an appropriate listing of uses for the shopping center and to enable the City to evaluate and process zoning certificate applications, staff submitted an analysis and recommendation to the Planning Commission at their duly noticed public hearing of August 14, 1985; and
- WHEREAS, after taking all public testimony and considering the recommendations of the City Staff the Planning Commission recommended approval of Exhibit "A" which was attached to the staff report with changes.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Recommends the following permitted and conditionally permitted uses be adopted for the Meadow Plaza Shopping Center known as PUD-84-4:

Accessory uses and structures, not including warehouses, located on the same site as a permitted use

Accessory uses and structures located on the same site as a conditional use - C

Antique stores

Appliance sale and repair provided repair service shall be incidental to retail sales

Art galleries and artists' supply stores

Automobile supply stores

Barber shops and beauty shops

Beauty shops including massage services - C

Bicycle shops

Bookstores and rental libraries

Candy stores

Carpet, drapery and floor covering stores

Catalog stores

Catering establishments Christmas tree sales lots - TC

Clothing, shoe and accessory stores

Copying and related duplicating services, not including printing, lithographing, engraving, or such similar reproduction services

Delicatessen stores

Drug stores and prescription pharmacies

Dry goods stores

Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related service - C

Florists

Food markets, including supermarkets, and speciality stores

Gift shops

Gymnasiums and health clubs including massage - C

Hardware stores

Hobby shops

Ice cream sales

Interior decorating shops

Jewelry stores

Laundries and dry cleaners where service is provided

Laundries, self service

Leather goods and luggage stores

Music stores

Music and dance studios - C

Newsstands

Office supply and business machine stores

Offices, including but not limited to business,
professional and administrative offices

Outdoor art and craft shows - TC

Paint, glass and wallpaper shops

Photographic studios

Photographic supply stores

Picture framing shops

Plant shops

Record and recording and sound equipment stores - C

Restaurants and soda fountains not including drive-ins
or take out food establishments

Shoe repair shops

Shoe stores

Sporting goods stores

Stamp and coin stores

Stationery stores

Tailor or dressmaking shops

Television and radio sales and repair shops

Tobacco stores

Toy stores

Variety stores

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Video stores, including rental and sales of equipment
Watch and clock repair shops

Waterbed shops including the sale of small incidentals,
such as linens, wall hangings, and other similar items

C - Conditional Use Permit required

TC - Temporary Conditional Use Permit required

All other listed uses permitted

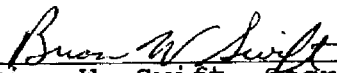
Section 2. This resolution shall become effective immediately
upon its passage and adoption.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF
PLEASANTON ON THE 14TH DAY OF AUGUST 1985 BY THE FOLLOWING VOTE:

AYES: Commissioners Hoyt, Innes, Michelotti, Wellman and
Chairman Wilson
NOES: None
ABSENT: Commissioner Lindsey
ABSTAIN: None

DATE: August 14, 1985

ATTEST:

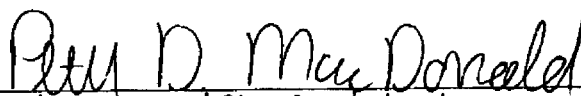


Brian W. Swift, Secretary



Dewitt C. Wilson, Chairman

APPROVED AS TO FORM:



Brian W. Swift, Assistant
City Attorney