

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF SAFEWAY, INC., TO REPLACE A 4,379-SQUARE-FOOT BANK/RESTAURANT BUILDING WITH DRIVE-THROUGH ON A VACANT SITE AT 6782 BERNAL AVENUE WITH A SELF-SERVICE GASOLINE STATION WITH NINE FUEL DISPENSERS AND A MONUMENT SIGN FACING BERNAL AVENUE; AS FILED UNDER CASE PUD-02-09M.**

**WHEREAS,** Safeway, Inc., has applied for a major modification of an approved Planned Unit Development (PUD-02-07M) on a vacant site at 6782 Bernal Avenue to replace a 4,379-square-foot bank/restaurant building with drive-through with a self-serve gasoline station with nine fuel dispensers and a monument sign facing Bernal Avenue; and

**WHEREAS,** zoning for the property is PUD – C (Planned Unit Development – Commercial) District; and

**WHEREAS,** pursuant to Resolution No. 10-407, the City Council adopted the Initial Study and Mitigated Negative Declaration for PUD-02-07M, the PUD Development Plan for the Pleasanton Gateway Commercial/Office Development (of which this site is part); the traffic mitigation measures that were completed in advance of the construction of the shopping center will handle the peak-hour trips generated by the service station; no newer information or changed circumstances which require additional CEQA review have been identified to the City; and

**WHEREAS,** at its meeting of September 4, 2012, the City Council received information in the staff report, testimony from members of the public, and the Planning Commission's July 25, 2012 recommendation for approval of the PUD major modification application; and

**WHEREAS,** after a review of the materials and consideration of the testimony presented at the public hearing, the City Council determined that the proposed PUD major modification is appropriate for the site; and

**WHEREAS,** as set forth in the report presented to the City Council on September 4, 2012, the City Council finds that the PUD major modification is consistent with the Pleasanton General Plan, Bernal Property Specific Plan, and purposes of the PUD ordinance.

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

**SECTION 1.** Approves Case PUD-02-09M, the application by Safeway, Inc., for a Major Modification of an approved Planned Unit Development (PUD-02-07M) to modify the approved development plan on a vacant site (6782 Bernal Avenue) to replace a 4,379-square-foot bank/restaurant building with drive-through with a self-serve gasoline station with nine fuel dispensers and a monument sign facing Bernal Avenue and related on-site modifications subject to the conditions shown on Exhibit A, attached here and incorporated herein by reference.

**SECTION 2.** A summary of 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, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

**SECTION 3.** This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on September 4, 2012, and adopted at a regular meeting of the City Council of the City of Pleasanton on September 18, 2012, 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**

**PUD-02-09M  
Draft Conditions of Approval**

**Safeway Fuel Center  
6782 Bernal Avenue  
September 4, 2012**

**STANDARD CONDITIONS OF APPROVAL  
Planning**

1. The proposed Safeway Fuel Center shall be constructed in substantial conformance to Exhibit D, dated "Received, July 12, 2012," 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.
2. Except as modified below, all other Conditions of Approval of PUD-02-07M and PUD-02-08M shall remain in full force and effect.
3. The PUD development plan approval covered by this modification shall lapse two years from the effective date of this ordinance unless a building permit is obtained.
4. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
5. Prior to issuance of a building permit, the project developer shall pay the required commercial development school impact fee as prescribed by State law and as adopted by the Pleasanton Unified School District.
6. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
7. Planning Division approval is required before any changes are implemented in site design, grading, design, colors or materials, landscape material, etc.
8. Prior to occupancy, the landscape architect or landscape designer 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 concept.
9. Before project final, all landscaping shall be installed, review, and approved by the Planning Division.

10. The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.

**SPECIAL CONDITIONS OF APPROVAL**  
**Planning**

11. Condition No. 48.a.7. of Ordinance 2014 shall be revised as follows: "Self-service gasoline station; no carwash or convenience market except for the service station kiosk building allowed with Exhibit D for PUD-02-09M."
12. The service station will share the trash enclosure to be provided with the Shops #8 building site. The project developer shall replace the proposed trash enclosure shown on the northwest corner of the project with a combination of trees and shrubs matching the tree and shrub species on the approved plant palette. This detail shall be shown on the building permit plans to the satisfaction of the Director of Community Development before issuance of a building permit.
13. If construction of the service station precedes the construction of the Shops #8 building and site, the service station contractor shall construct the trash enclosure shown on the Shops #8 plans. The enclosure design, materials, and colors shall match the design of the existing trash enclosures constructed on the Pleasanton Gateway development and shall be shown on the building permit plans to the satisfaction of the Director of Community Development.
14. The project developer shall install shrub species from the plant list in Exhibit D in the landscape area on the west side of the site between service station and the Shops #8 sites. This detail shall be shown on the building permit plans to the satisfaction of the Director of Community Development before issuance of a building permit.
15. The project developer shall redesign the planter areas located on the south end of the landscape area between the service station and the Shops #8 building sites to transition the alignment of the east/west driveway aisle between the two sites. This detail shall be shown on the building permit plans to the satisfaction of the Director of Community Development before issuance of a building permit.
16. The building permit plan check package will be accepted for submittal only after the PUD development plan modification becomes effective, generally measured 30 days from the date of the City Council's adoption, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the effective date of the ordinance.
17. The queuing lanes shall be striped. This detail shall be shown on the building permit plans to the satisfaction of the Director of Community Development before issuance of a building permit.
18. The project developer shall effectively screen from view all ducts, meters, fire sprinkler risers, and any other mechanical equipment, whether on the structure or on the ground, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which

shall be determined by the Planning Division. All required screening shall be installed or provided prior to final inspection.

19. The project developer shall locate the fire sprinkler risers within the buildings. This detail shall be shown on the building permit plans to the satisfaction of the Director of Community Development prior to issuance of a building permit.
20. As project developer shall use the same building light fixture designs on the kiosk building and canopy structure that were installed on the grocery store. This detail shall be shown on the building permit plans to the satisfaction of the Director of Community Development before issuance of the building permit.
21. The developer shall install water conservation devices in the building and landscape areas to the satisfaction of the Director of Community Development. The water conservation devices shall be stated on the building plans and the landscape plans submitted with each building permit within each project phase.
22. Prior approval from the Planning Division is required before any changes are made in site design, building design, grading, etc. In lieu of a PUD Development Plan modification, the Director of Community Development may authorize the design review process for minor building additions, site and landscape plan modifications, grading/engineering modifications, and/or modification(s) to signs.
23. All HVAC equipment, antennas, satellite receiving stations, etc., shall be located within the kiosk building's roof-equipment wells, and shall project no higher than a horizontal plane defined by the top-edge of the parapet walls.
24. The project applicant or developer shall install Energy Star appliances and/or systems, such as HVAC equipment, refrigerators and freezers, food preparation equipment, and water heaters in the kiosk building. The appliances and/or systems and how they adhere to the Energy Star standards shall be stated on the building plans submitted for the issuance of a building permit and shall be subject to review by the Planning Division.
25. The kiosk building and the pump island canopy building shall have white cool roofs which are designed to reflect the heat of the sun away from the building, thus reducing its cooling load.
26. The service station canopy lights shall be recessed within the canopy such that the lens is flush with the underside surface of the canopy. The project developer shall submit a final lighting plan with drawings and sections and manufacturer's specification sheets showing the canopy light fixtures with the building permit plans for review and approval by the Director of Community Development.
27. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas. Six-inch wide openings shall be provided in the curb to the satisfaction of the City Engineer to allow stormwater to drain into bio-swaes between the site and Bernal Avenue. This detail shall be shown to the satisfaction of the Director of Community Development on the building permit plans.
28. The project developer shall have a qualified archaeologist present on site during the grading and trenching for the foundation(s), utility services, or other on-site excavation, in

order to determine if any bone, shell, or artifacts are uncovered. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. The archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of Appendix K of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the construction plans.

29. The project developer shall prepare a Construction Best Management Plan before issuance of the building permit and shall include, but is not limited to, the following:
- a) All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and between the hours of 8:00 a.m. to 5:00 p.m. on Saturday. Construction activities taking place within the completely enclosed kiosk structure shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday only.
  - b) No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier construction "start times" for specific construction activities (e.g., concrete foundation/slab pours) 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.
  - c) A construction staging plan shall be designated for all materials, equipment, and vehicles including parking for construction works and personnel.
  - d) A construction truck route shall be designated to keep all construction traffic away from nearby residential streets. Prior to construction, the construction traffic route, construction hours, and contact names and telephone numbers shall be posted on the driveway entrances, throughout the construction site, and in any construction trailer(s).
  - e) Comprehensive traffic control measures shall be implemented, including scheduling of major truck trips and deliveries, to avoid peak travel hours. If necessary, as determined by the Traffic Engineer, proper lane closure procedures such as flagger stations, signage, cones, and other warning devices shall be implemented during construction.
  - f) The haul route for all materials to and from this development shall be from Bernal Avenue, shall be approved by the City Engineer prior to the issuance of an encroachment permit, and shall include the provision to monitor the street surfaces used for the haul route so that any damage and debris attributable to the haul

trucks is identified and corrected at the expense of the project applicant or developer.

- g) All internal combustion engines on grading or construction equipment used shall be equipped with a muffler equal to or better than that supplied by the vehicle manufacturer. All equipment shall be maintained in good mechanical condition so as to minimize noise and air pollution from faulty engine, drive train, and other components. No muffler or exhaust system shall be equipped with cutout, bypass, or similar device intended to thwart quieting.
  - h) Dust control best management practices, as approved by the City Engineer, shall be followed at all times during grading and construction operations. Such measures may include watering of exposed surfaces twice a day, and more frequent watering when wind speeds exceed 15 mph; covering of stockpiled earth; covering of trucks hauling dirt if windy conditions prevail. Failure to keep dust under control may result in the stoppage of all work until a modified plan acceptable to the City Engineer is approved and implemented.
  - i) All Urban Storm Water Construction Requirements listed further in these conditions of approval shall be implemented.
- 30. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
  - 31. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
  - 32. A final landscape plan and irrigation plan shall be submitted to and approved by Director of Community Development as part of the improvement plans prior to issuance of an on-site permit. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of a drought tolerant nature with an irrigation system that maximizes water conservation throughout the development (e.g., drip system).
  - 33. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and shall implement Bay Friendly Basics. 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.
  - 34. The State of California's Green Building Standards Code, "CALGreen," shall apply, if applicable.
  - 35. The project developer shall show a best effort to implement the Building Council's (USGBC), "Leadership in Energy and Environmental Design (LEED)" 3.0 rating system in the design and construction of project. The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. Each point identified shall have a notation indicating the sheet the point can be found, and each sheet shall note where the point is located. All proposed green building measures shall be shown throughout the plan set as determined by the Planning Division.

Notwithstanding the foregoing, the State of California's Green Building Standards Code, "CALGreen", as amended, shall apply.

**SPECIAL CONDITIONS OF APPROVAL**  
**Engineering**

36. All roof leaders and on-site storm drains shall drain towards the existing vegetative treatment swales before being piped to the existing stormwater retention/treatment ponds located on the south side of the overall Pleasanton Gateway property on the Bernal Property to the satisfaction of the City Engineer.
37. The project developer shall install a grease interceptor on the kiosk building sewer lateral. This detail shall be shown on the building permit to the satisfaction of the City Engineer.
38. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria, storm drain treatment calculations, and hydromodification worksheets, etc., shall be submitted with the site improvements. The calculations shall demonstrate to the satisfaction of the City Engineer that there is sufficient capacity within the existing detention pond on the Bernal Property to allow for both hydromodification and storm water treatment for the entire Pleasanton Gateway development.

**STANDARD CONDITIONS OF APPROVAL**  
**Engineering**

39. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
40. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
41. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures and all supporting information and design criteria including, but not limited to, any peer review comments, storm drain treatment calculations, hydromodification worksheets, etc., prior to the issuance of a grading permit.
42. The minimum grade for the gutter flowline shall be set at one percent where practical, but not less than .75% unless otherwise approved by the City Engineer.
43. The project developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place.
44. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer.

45. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
46. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
47. 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 shall be privately maintained by the property owners or through an association approved by the City.

### **STANDARD URBAN STORMWATER CONDITIONS OF APPROVAL**

The project shall comply with the "Alameda Countywide NPDES Permit #CAS612008 dated October 14, 2009 and amendments to this permit" issued the by California Regional Water Quality Control Board, San Francisco Bay Region, a copy of which is available at the Community Development Department, Public Works/Engineering section at City offices, Alameda County Clean Water Program and at State Water Board

([http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml);

and

[http://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agendas/2007/march/alameda%20final%20order%20r2-2007-0025.pdf](http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2007/march/alameda%20final%20order%20r2-2007-0025.pdf))

The project shall also comply with the "Construction General Permit" by the California Regional Water Quality Control Board, San Francisco Bay Region.

([http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml))

### **Design Requirements**

48. The Permit design requirements include, but are not limited to, the following:
  - a) Source control, site design measures, and design and implementation of stormwater treatment with Low Impact Development treatment (LID) measures, Industrial and Commercial Site Control, Pesticides Toxicity Control, Trash Load Reduction, Mercury Controls, PCB (Polychlorinated Biphenyls) Controls, Copper Controls, etc.
  - b) Hydro-modification standards are required when a new development or redevelopment project creates and/or replaces (total) impervious area of one acre or more.
  - c) The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.

- d) The Permit requires compliance with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.
49. 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 bio-swales. Irrigated bio-swales 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 bio-swale 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 pre-treat 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.
- c) The project developer shall submit sizing design criteria to treat stormwater runoff and for hydromodification, if required, at the time of PUD plan submittal and an updated detailed copy of calculations with subsequent submittals.
- d) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
  - 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. (See planting guide line by Alameda County Clean Water Program.)
  - 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.
- e) 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 ridge or a berm shall be constructed 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 Planning Department.

- f) All metal roofs, if used, shall be finished with rust-inhibitive paint.
  - g) Roof drains shall discharge and drain away from the building foundation to the existing bio-swaales. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.
50. Fuel dispensing areas shall be covered with canopies; canopy downspouts shall be routed to prevent drainage flow across the fuel dispensing area. Fuel dispensing areas shall be located on concrete surfaces, which extend at least eight feet from the face of the fuel dispenser and at least four feet from the nose of the pump island. The surface must be graded and constructed to prevent drainage flow across the fueling area. The fuel dispensing area shall be graded to drain accidental spills into a containment area.
51. The food preparation uses and activities in the kiosk building shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by the Dublin San Ramon Services District (DSRSD), or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control such as a sand filter or oil/ water separator shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Chief Building Official. The project developer and the property owner shall instruct its employees to conduct all washing activities in this area.

### **Construction Requirements**

The Construction General Permit's construction requirements include, but are not limited to, the following:

Construction activities (including other land-disturbing activities) that disturb one acre or more (including smaller sites that are part of a larger common plan of development) are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement stormwater pollution prevention plans and to obtain a construction general permit (NOI) from the State Water Resources Control Board to discharge stormwater.

**[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/finalconst\\_permit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconst_permit.pdf)**

### **Stormwater**

52. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPP) for review by the City Engineer/Chief Building Official prior to issuance of building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site

until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.

53. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
54. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
  - 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 sorted construction debris on a regular basis and place it in the appropriate container for recycling; to be emptied at least 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 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.
- i) Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- j) Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.
- k) Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

### **Operation Requirements**

The Permit's operation and maintenance requirements include but are not limited to the following: The operation and maintenance of treatment measures including but not limited to bio-swales, lawns, landscaped areas with deep-rooted plants, oil/water separator, filterra units, etc., requires completing, signing and recording an agreement with Alameda County recorder's office in a format approved by the State and Alameda County.

- 55. 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. On-site 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.
56. 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.

### **STANDARD CONDITIONS OF APPROVAL**

#### **Fire**

- 57. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
- 58. Prior to any construction framing, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
- 59. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system.
- 60. All commercial, industrial, and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company U.L. certificate. Fire alarm control panel and remote annunciation shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device and annunciated by device type and point.
- 61. A Hazardous Materials Declaration form for this use, signed by property owner or by the company manager occupying the building, shall be submitted to the Hazardous Materials Coordinator, LPFD Fire Prevention Bureau. No building permit will be issued until the

Hazardous Materials Declaration is provided. The form is available through the permit center or from the LPPD Fire Prevention Bureau.

62. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:
  - Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.
  - Backflow prevention or connections to the public water mains.
63. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.
64. Fire hydrants shall be installed at spacing not to exceed 300 feet from an existing on-site hydrant.
65. On-site access ways and internal drives shall be designated as fire lanes and identified as such by red curb striping and posted with signs at locations approved by the Fire Department. Signs shall be according to state standards and read "No Parking - Fire Lane" and must be shown on the plans.
66. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. If building is located greater than 50 feet from street frontage, character size shall be 16" high by 1 ½" stroke minimum. Where multiple access is provided, address or tenant space number shall be provided on each access and/or warehouse door and character size shall be no less than 4" high by ¾ " stroke. In all cases address numerals shall be of contrasting background and clearly visible in accordance with the Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping or other obstructions. conditions of approval checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
67. The following items will be provided prior to any construction above the foundation or slab. NOTE: Periodic inspections will be made for compliance.
  - a) Emergency vehicle access shall be provided to the site. 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. Inside turning radius of 45 feet and outside turning radius of 55 feet shall be provided.
  - b) 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.

- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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.

**STANDARD CONDITIONS OF APPROVAL**  
**Building**

- 68. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
- 69. Prior to issuance of building or demolition permits, the project developer shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.
- 70. The project developer shall install a check valve on the sanitary sewer lateral before the City main. The location and type of check valve shall be approved by the Chief Building Official and shall be shown on the building permit plans.

**STANDARD LANDSCAPING CONDITIONS OF APPROVAL**  
**Landscaping Requirements**

- 71. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas included in this project 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 subject property.

72. The project developer shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.

**STANDARD CONDITIONS OF APPROVAL**  
**Community Development Department**

73. The project applicant/developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
74. The project developer shall submit a written dust control plan or procedure as part of the improvement plans.
75. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

**CODE REQUIREMENTS**  
**Planning**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

76. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties. The project/building developer shall submit a final lighting plan, and include drawings and/or manufacturer's specification sheets showing the size and types of light fixtures proposed for the exterior of the buildings.

**CODE REQUIREMENTS**  
**Fire**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

77. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
78. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies NFPA 13D for residential occupancies and NFPA 13R for multifamily residential occupancies.

79. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with the CFC currently in effect.
80. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
81. 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."
- 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.
  - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
  - All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
82. Dead-end fire service water mains shall not exceed 500 feet in length and/or have more than five Fire Department appliances\* shall be looped around the site or building and have a minimum of two points of water supply or street connection. Zone valves shall be installed as recommended under NFPA, Pamphlet 24 and the Fire Marshal. (\*Note: Fire Department appliances are classified as fire sprinkler system risers, fire hydrants and/or standpipes.)
83. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
84. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.
85. The building (s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow 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).

**CODE REQUIREMENTS**  
**Building**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

86. The project developer 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 and Safety 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.
87. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
88. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
89. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
90. Any tenant improvement plans proposed under a separate permit shall be submitted to the Building and Safety Division for review and approval.

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