

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**P17-0036
3020 Bernal Avenue, Suites 150 & 160, Bottle Taps, LLC
April 26, 2017**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The proposed business activities and operations approved by this Conditional Use Permit shall conform substantially to the narrative and project plans, Exhibit B, marked "Received April 11, 2017," 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 Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. If additional hours of operation or activities beyond those proposed in the applicant's written narrative, Exhibit B, marked "Received April 11, 2017," on file with the Planning Division, are desired, prior City review and approval is required. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
3. The approved hours of operation are as follows:

Outdoor Patio

Sunday through Thursday from 11:00 a.m. to 9:00 p.m.

Friday and Saturday from 11:00 a.m. to 10:00 p.m.

Interior Restaurant

Sunday through Wednesday from 11:00 a.m. to 10:00 p.m.

Thursday from 11:00 a.m. to 11:00 p.m.

Friday and Saturday from 11:00 a.m. to 12:00 a.m.

Requests to extend indoor or outdoor hours of operation beyond those stated above for single day special events or holidays such as New Year's Eve may be submitted in writing to be reviewed and approved by the Director of Community Development on a case-by-case basis.

4. Live music within the restaurant is limited to 11:00 a.m. to 10:00 p.m. daily. When live music is being played, all exterior doors must remain closed except during ingress and egress. At no time is the restaurant permitted to maintain a dance floor or area for dancing. Outdoor performances are prohibited unless requested in writing to be reviewed and approved by the Director of Community Development on a case-by-case basis.

5. The final design/layout of the outdoor patio including dining furniture, barrier, heaters, lighting, etc. needs to be submitted and approved under a separate Outdoor Dining Application prior to installation.
6. All activities shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulations).
7. Self-closing door mechanisms shall be installed on all exterior doors. The exterior doors of the establishment shall remain closed when not being used for ingress/egress purposes.
8. The establishment's windows shall remain closed during business hours.
9. The applicant (or designated representative of the business) shall regularly monitor the area outside the restaurant and any nearby parking area and take the appropriate action to pick up litter and ensure peace and quiet.
10. All employees shall dispose of waste or recyclables in the trash enclosure area on-site. Employees shall not dispose of waste or recyclables in the trash enclosure area prior to 8:00 a.m. or after 11:00 p.m.
11. There shall be no truck deliveries, parking lot sweeping, or garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m.
12. Prior to initiation of business operations, small signs shall be installed in the interior of the building or near the exit doors requesting that customers not loiter outside and be courteous and quiet when leaving the business and any parking areas.
13. Employees shall maintain the area surrounding the tenant space/building in a clean and orderly manner at all times.
14. The applicant (or designated representative of the business) shall adhere to a "good neighbor" policy, meaning that the applicant/business representative/employees must respect the rights of neighboring properties and be aware of the impact of customers leaving late at night and their potential disturbance of residential neighbors. The applicant/business representative/employees shall:
 - Ensure the patrons comply with the noise, parking, and outdoor smoking area requirements;
 - Pick up litter created by the business and the patrons on a regular basis in front of the business and by the adjacent neighboring businesses and residences, and, if needed, request City staff's assistance with enforcement on neighboring private properties;
 - Ensure the patrons do not loiter in front of the business and by adjacent neighboring businesses and residences, and, if needed work with City staff regarding the installation of enforceable no loitering signage;
 - Post signage near exit doors alerting patrons to residential neighbors.

15. The applicant shall obtain all necessary approvals from the Department of Alcoholic Beverage Control (ABC) prior to operation.
16. Except for the designated outdoor area at the side of the subject site, food and alcohol shall not be consumed outside the establishment. Alcohol service and consumption in the designated outdoor area is allowed only upon specific approval by the Department of Alcoholic Beverage Control (ABC) and shall be subject to all ABC requirements. The applicant shall be responsible for supervising and controlling the activities of its customers within the designated outdoor area. The applicant shall ensure that no disorderly behavior occurs in the designated outdoor area, that food and drinks are not taken outside of the designated outdoor area, and that there are no more customers in the designated outdoor area than there are seats.
17. Prior to the start of employment, employees that serve alcohol shall undergo an alcohol training program, such as TIPS (Training for Intervention Procedures), designed to prevent intoxication, underage drinking, and drunk driving.
18. Food service shall remain open, with at least limited food service available to patrons, during the operating hours of the business.
19. The business shall comply with Chapter 9.24 (Smoking in Public and Work Places). The applicant shall provide a designated smoking area including ash/cigarette receptacle and related directional signage, if deemed necessary by the Director of Community Development after the business is in operation based on customer demand and/or complaints received from adjacent property owners/tenants regarding smoking. Any designated smoking area shall be approved by the Director of Community Development.
20. Any new building- or ground-mounted equipment, ducts, vents, blowers, satellite dishes, etc. shall be installed and located to not be visible from any public street, sidewalk, or parking area within a one block radius of the site. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
21. No outside washing of floor mats, containers, equipment, etc. shall be conducted unless a contained wash area is provided on-site. The location of the wash area shall be subject to review and approval by the Director of Community Development and Chief Building Official. The wash area shall be covered and 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 Director of Community Development and Chief Building Official. The applicant shall instruct employees to conduct all such washing activities in this area.

Building and Safety Division

22. The applicant or responsible party shall pay for additional sewer capacity for the subject use as determined by the Chief Building Official. The sewer fee shall be paid prior to issuance of a building permit and/or prior to operation.

Police Department

23. As deemed necessary, the applicant shall provide security staff to the satisfaction of the Chief of Police.

STANDARD CONDITIONS

Community Development Department

24. The applicant shall pay all fees to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
25. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

Planning Division

26. This Conditional Use Permit approval will lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.
27. If operation of the restaurant results in conflicts pertaining to parking, interior or exterior noise, traffic circulation, or other factors verified by City enforcement staff, then notification of Conditional Use Permit and noise standard violations verified by the City enforcement staff shall be provided to the Planning Commission by City staff; the Planning Commission may schedule a public hearing to re-review the Conditional Use Permit; and at the public hearing the Planning Commission may revoke or may modify

the Conditional Use Permit to require additional measures as necessary to address any issues.

28. This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation.
29. No changes to the exterior of the building or site shall be made without prior approval from the Planning Division.

Building and Safety Division

30. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.
31. Tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
32. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design and/or operation is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.

CODE REQUIREMENTS

Applicants/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.

33. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

<END>

EXHIBIT C

ORDINANCE NO. 2075

AN ORDINANCE OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF RING FINANCIAL, INC. FOR PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-87

WHEREAS, Ring Financial, Inc. has applied for Planned Unit Development development plan approval to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements on an approximately 16-acre site located at 3150 Bernal Avenue (“the Project”); and

WHEREAS, zoning for the property is Planned Unit Development – High Density Residential (PUD-HDR) and Planned Unit Development – Commercial (PUD-C) Districts; and

WHEREAS, the Planning Commission adopted Resolution 2013-35, determining that the proposed development plan is appropriate for the site, making findings, and recommending to the Pleasanton City Council that PUD-87 be approved; and

WHEREAS, on August 6, 2013, the Pleasanton City Council held a duly noticed public hearing on this application and considered all public testimony, agenda reports, and related materials, and the recommendations of City staff and the Planning Commission; and

WHEREAS, the City Council finds that the exceptions to the Housing Site Development Standards and Design Guidelines as stated on pages 15-17 of the July 10, 2013, Planning Commission staff report are appropriate; and

WHEREAS, the City Council determined that the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 have not occurred and found that the previously prepared Supplemental Environmental Impact Report (SEIR), including the adopted CEQA Findings and Statement of Overriding Considerations in City Council Resolution 12-492, and the Addendum to the SEIR for the Project are adequate to serve as the environmental documentation for the Project and satisfy all the requirements of CEQA; and

WHEREAS, the Pleasanton City Council finds that the proposed PUD development plan is consistent with the City’s General Plan and purposes of the PUD ordinance, and by this reference adopts and reaffirms all of the considerations and findings set forth in Planning Commission Resolution 2013-35.

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

SECTION 1. The City Council approves Case PUD-87, the application of Ring Financial, Inc. for Planned Unit Development development plan to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements on an approximately 16-acre site located at 3150 Bernal Avenue, subject to the conditions as shown in Exhibit A, attached hereto and made part of this ordinance by this reference.

SECTION 2. A summary of this ordinance shall be published once within 15 days after its adoption in the "Valley Times", a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for 15 days in the City Clerk's Office within 15 days after its adoption.

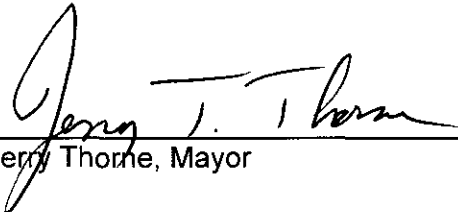
SECTION 3. This ordinance shall be effective 30 days after its passage and adoption.

The foregoing Ordinance was introduced at a special meeting of the City Council of the City of Pleasanton on August 6, 2013, by the following vote:

Ayes: Councilmembers Brown, Cook-Kallio, Narum, Pentin, Mayor Thorne
Noes: None
Absent: None
Abstain: None


And adopted at a regular meeting of the City Council of the City of Pleasanton on August 20, 2013, by the following vote:

Ayes: Councilmembers Brown, Cook-Kallio, Narum, Pentin, Mayor Thorne
Noes: None
Absent: None
Abstain: None



Jerry Thorne, Mayor

ATTEST:



Karen Diaz, City Clerk

APPROVED AS TO FORM:



Jonathan P. Lowell, City Attorney

**EXHIBIT A
CONDITIONS OF APPROVAL
PUD-87
Auf der Maur / Rickenbach / Vintage
3150 Bernal Avenue
August 6, 2013**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The permitted uses for the Planned Unit Development – High Density Residential (PUD-HDR) zoned portion of the property shall include multifamily residential, leasing office, business center, fitness center, and community room for the apartment complex.
2. The uses for the Planned Unit Development – Commercial (PUD-C) zoned portion of the property shall be the permitted and conditionally permitted uses of the C-N (Neighborhood-Commercial) District.

Notwithstanding the permitted and conditionally permitted uses in the C-N District, the following use shall be prohibited on the Planned Unit Development – Commercial (PUD-C) zoned portion of the property:

- a. Tobacco stores

Notwithstanding the permitted and conditionally permitted uses in the C-N District, the following uses shall be permitted on the Planned Unit Development – Commercial (PUD-C) zoned portion of the property:

- a. Building materials sales, including showrooms, shops, and stores with ancillary design services and indoor display and storage only.
- b. Carpet, drapery and floor-covering stores, with design services.
- c. Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24. This use is limited to individual tenant spaces less than 5,000-square-feet in buildings identified as Retail Shops 1 and Retail Shops 2 on Exhibit B.
- d. Food market including supermarkets, convenience markets and specialty stores. The hours of operation for a convenience market shall be limited to 5:00 a.m. to 11:00 p.m.
- e. Drugstore and prescription pharmacies with 24-hour drive-through operation. Drive-through sales shall be limited to prescription medications only.

- f. Furniture stores
 - g. Interior decorator shops and design services, including showrooms
 - h. Electronic retail sales with no repair services, of telephones, pagers, cellular telephones, personal computers and software, televisions, radios, stereos, and similar items
 - i. Kitchen supply stores and accessories with ancillary demonstration, classes, and cutlery sharpening.
 - j. Medical offices including dental, optometry, chiropractic and other such uses typically found in neighborhood shopping centers. Total square footage of medical office tenants in the subject shopping center shall not exceed 5,000 square feet.
 - k. Wine shops and tasting rooms for wineries, excluding liquor stores.
3. There shall be no truck deliveries, parking lot sweeping, or leaf blowing between the hours of 10:00 p.m. and 6:00 am.
 4. The PUD development plan shall expire two years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued or pursuant to an approved Development Agreement.
 5. Unless otherwise approved by the Director of Community Development, plans submitted for permits to the Building and Safety Division shall show the sidewalk along the southern side of Drive A moved to the south to allow for landscaping between the Drive A/parking spaces and front of sidewalk.
 6. At the time of submittal to the Building and Safety Division for permits, the applicant/project developer shall indicate which commercial retail project will be utilized (the commercial project on Sheet RA-03 of Exhibit B or "Alternative 1" shown on Sheet RA-04 of Exhibit B). If Alternative 1 as depicted on Sheet RA-04 of Exhibit B is utilized, the applicant shall submit for Design Review approval. Application materials shall include architectural drawings, civil drawings, landscape drawings, and any other materials deemed required by the Director of Community Development. Said Design Review application materials are subject to the review and approval of the Director of Community Development, and may, at the discretion of the Director of Community Development, be forwarded to the Planning Commission and/or City Council for review.
 7. Prior to issuance of a building permit, the applicant/developer shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters, including irrigation meters, applicable to the portion or phase of the project covered by the permit. Additionally, the developer shall pay any applicable Dublin-San Ramon Services District (DSRSD) sewer permit fee.

8. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits or as provided for in a development agreement. The type and amount of fees shall be those in effect at the time the permit is issued unless otherwise provided in a Development Agreement covering the project.
 9. The applicant/developer shall execute the Development Agreement within 10 days of the City Council's second reading of the ordinance approving the development agreement.
 10. The applicant/developer shall pay the applicable City and Tri-Valley regional traffic impact fees for the project as set forth in the Development Agreement between the City and developer.
 11. The applicant/developer shall pay the applicable in-lieu park dedication fees as set forth in the Development Agreement between the City and developer.
 12. The applicant/developer shall pay school fees in accordance with the written agreement as required pursuant to the Development Agreement.
 13. This approval does not guarantee the availability of sufficient water capacity to serve the project. Prior to issuance of a grading permit, or utility extension approval to the site, whichever is sooner, the applicant/developer shall verify with the City of Pleasanton Engineering that water is available for this project's demand.
 14. The project shall meet all requirements of the City's Growth Management Ordinance, as described in a Growth Management Agreement for the project.
 15. The parking/storing of boats, campers, recreational vehicles, and/or trailers on site or in any parking space (i.e., carport, garage, or uncovered space) shall be prohibited. The garages and carports shall not be modified or used for storage in a manner that would interfere with the ability to park cars within the garage. In addition, the storage of materials in the carports or uncovered parking spaces shall be prohibited. The applicant/property manager shall be responsible for enforcing these restrictions, which shall be stated clearly in all leases.
 16. All parking spaces shall be striped. Wheel stops shall be provided for the surface parking spaces unless the spaces 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.
 17. Plans submitted to the Building and Safety Division for permits shall include detail drawings, specification sheets, section drawings, or other to demonstrate how the entries of the apartment units meet section C1 (page 37) of the Housing Site Development Standards and Design Guidelines, dated August 21, 2012. Said measures (e.g. exterior lighting, unit numbers, etc) shall be subject to the
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review and approval of the Director of Community Development prior to building permit issuance.

18. The apartment windows shall be "punched" in from the exterior building wall or defined by well-designed trims subject to the satisfaction of the Director of Community Development. Window specifications and typical installation details shall be included with the plans submitted for issuance of building permits and shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
19. The carport colors shall be subject to the review and approval by the Director of Community Development prior to painting. The carport colors shall match and/or complement the apartment building colors.
20. The project developer shall select either natural turf or synthetic turf in the open space area within Cluster 2. Said turf shall be shown on plans submitted to the Building and Safety Division, and is subject to the final approval of the Director of Community Development.
21. Outdoor dining furniture may be installed for the retail building tenants. The final design and location of the retail furniture shall be submitted for review and approval by the Director of Community Development prior to installation. A four-foot (48 inches) unobstructed sidewalk clearance shall be maintained at all times from any portion of the dining furniture, and a minimum unobstructed clear area shall be maintained around the business entrances which extends two feet beyond each door jamb and eight feet perpendicular from a door in a closed position.
22. Unless otherwise approved by the Director of Community Development, the applicant/project developer shall incorporate potted plants adjacent to entryways of the commercial tenant spaces. Said modification is subject to the review and approval of the Director of Community Development prior to building permit issuance.
23. Unless otherwise approved by the Director of Community Development, plans for the commercial buildings submitted to the Building and Safety Division for permits shall include detail or section drawings that indicates: (1) all windows have trim; and (2) all windows are recessed (not flush with surrounding stucco or brick). Said drawings are subject to the review and approval of the Director of Community Development prior to building permit issuance.
24. Awnings utilized on the commercial buildings shall consist of fade-resistant material. If at any time an awning becomes discolored, torn, tattered, or otherwise appears to be in poor condition as determined by the Director of Community Development, the applicant shall repair or replace the awning within

30 calendar days, subject to the review and approval of the Director of Community Development.

25. Restaurant/food service tenants with cooking facilities shall be equipped at all times with filtering devices to minimize odors and fumes. Details of said devices shall be shown on the tenant improvement plans submitted for issuance of building permits and shall be subject to review and approval by the Director of Community Development and Chief Building Official prior to issuance of building permits for the tenant improvements.
26. Only modular newspaper dispensers accommodating more than one newspaper dispenser shall be allowed outside of the buildings within the development. The design of these dispensers shall be approved by the Director of Community Development. Dispensers within the public right-of-way shall require an encroachment permit by the Engineering Division.
27. The applicant/developer shall provide garage door design and material details in the plans submitted to the Building and Safety Division for plan check. The garage doors shall be subject to the review and approval of the Director of Community Development prior to the issuance of a building permit.
28. Plans submitted to the Building and Safety Division for permits shall include detail drawings, specification sheets, section drawings, or other to demonstrate how the garages meet section A5.b. (page 22) of the Housing Site Development Standards and Design Guidelines, dated August 21, 2012. Said measures shall be subject to the review and approval of the Director of Community Development prior to building permit issuance, but may consist of the following for every three garage doors: a minimum 1-foot recess and at least 1 enhanced feature (e.g. trellises, enhanced balconies, exterior lighting) as illustrated on Sheet A-26 of Exhibit B.
29. Unless otherwise approved by the Director of Community Development, plans submitted to the Building and Safety Division for permits shall include an updated planting plan that indicates the olive tree at the corner of Stanley Boulevard and Bernal and Valley Avenues to be at least 48-inch box size.
30. The applicant/developer shall not install hose bibs at the project site which could be used by residents to wash vehicles. Should the applicant/developer wish to have a designated area to wash vehicles on-site, the applicant/developer and/or responsible party shall submit improvement and design plans of the wash area to the Planning Division for review and approval prior to designating, constructing, and/or allowing vehicles to be washed on-site.
31. Plans submitted to the Building and Safety Division for permits shall show 2 public bike racks per 50 dwelling units located within 100 feet of main entries (a minimum of 14 such racks are required).

32. The project developer shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
33. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
34. 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 including photometrics and drawings and/or manufacturer's specification sheets showing the size and types of light fixtures. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.
35. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
36. All trash and refuse shall be contained completely within the approved trash enclosures. Trash containers shall be stored within the trash enclosures at all times, except when being unloaded. The trash enclosures shall be sized to accommodate trash, recycling, and green waste containers. Elevation drawings and plan details, including color and material of the enclosures noted, shall be included in the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
37. The final location of pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping to the satisfaction of the Director of Community Development. All transformers shall be shown on the plans submitted for issuance of building permits.
38. Prior to installation of any retail tenant or apartment project identification signs, a comprehensive sign program shall be submitted for review approval by the Director of Community Development.
39. The applicant and/or developer shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying that the pad

elevations and building locations (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structures.

40. All excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
41. Prior to the issuance of a grading or building permit, whichever is sooner, the project applicant/developer shall submit an air quality construction plan detailing the proposed air quality construction measures related to the project such as construction phasing, construction equipment, and dust control measures, and such plan shall be approved by the Director of Community Development. Air quality construction measures shall include Basic Construction Mitigation Measures (BAAQMD, May 2011) and, where construction-related emissions would exceed the applicable thresholds, additional Construction Mitigation Measures (BAAQMD, May 2011) shall be instituted. The air quality construction plan shall be included on all grading, utility, building, landscaping, and improvement plans during all phases of construction, access roads, parking areas, and staging areas at construction sites.
42. Pre-construction Breeding Bird Surveys: Prior to development of the subject site and each phase of project activities that have the potential to result in impacts on breeding birds, the project applicant/developer shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:
 - a. If grading or construction activities occur only during the nonbreeding season, between August 31 and February 1, no surveys shall be required.
 - b. Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31).
 - c. During the breeding bird season (February 1 through August 31) a qualified biologist shall survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys shall include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.
 - d. Based on the results of the surveys, avoidance procedures shall be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.

- e. Bird nests initiated during construction are presumed to be unaffected, and no buffer is necessary except to avoid direct destruction of a nest or mortality of nestlings.
 - f. If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed.
43. Pre-construction Bat Surveys: Prior to issuance of a building or grading permit, a qualified biologist shall conduct a pre-construction special status bat survey when large trees are to be removed or underutilized or vacant buildings are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary.
44. No new grading or development shall be allowed within 20 feet of the edge of riparian vegetation or top of bank of the Arroyo del Valle, whichever is further from the creek centerline, as delineated by a qualified, City-approved biologist that shall be hired by the applicant/developer. Prior to issuance of a building or grading permit, the biologist shall certify in writing to the Director of Community Development that the project is in compliance with this condition.
45. Prior to issuance of grading permit, the applicant shall submit for review and approval to the Director of Community Development an archeological mitigation program that has been prepared by a licensed archeologist with input from a Native American Representative. The applicant shall implement the requirements and measures of this program, which will include, but not be limited to:
- Submission of periodic status reports to the City of Pleasanton and the NAHC.
 - Submission of a final report, matching the format of the final report submitted for CA-Ala-613/H, dated March 2005, to the City and the NAHC.
 - A qualified archeologist and the Native American Representative designated by the NAHC will be present on site during grading and trenching for the foundations, utility services, or other on-site excavation, in order to determine if any bone, shell, or artifacts are uncovered.
46. In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified

paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated and approved by the City of Pleasanton. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources. These requirements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development.

47. In the event that human remains are discovered during grading or construction, work shall stop immediately. There shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. These requirements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development.
48. The applicant/developer shall implement construction best management practices to reduce construction noise, including:
 - a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.
 - b. Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
 - c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and federal holidays. If complaints are received regarding the Saturday construction hours, the Director of Community Development may modify or revoke the Saturday construction hours. The Director of Community Development may allow earlier "start times" for specific construction activities (e.g., concrete foundation/floor pouring), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction and construction traffic noise will not affect nearby residents. Prior to construction, the hours of construction shall be posted on site.
 - d. All construction equipment must meet DMV and City noise standards and shall be equipped with muffling devices.

- e. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise sensitive areas.
- f. Construction activities conducted on the subject property shall not exceed 86 dBA at any point outside of the property plane of the subject property (Pleasanton Municipal Code Section 9.04.100.B.).

These requirements shall be printed on the construction plans to the satisfaction of the Director of Community Development.

- 49. All noise control mitigation measures and assumptions as identified in the project noise analysis shall be incorporated into plans submitted to the Building and Safety Division for permits.
- 50. Prior to issuance of a building permit, the applicant's noise consultant shall certify in writing to the Director of Community Development that the construction drawings comply with the applicable City and State interior noise standards.
- 51. The leases for the apartment units shall include a disclosure of possible noise sources in the project vicinity. In addition, for any on-site noise disturbances the applicant/developer shall establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints. The disclosure and procedures shall be submitted to the City Attorney for review and approval before leasing the first apartment unit.
- 52. Prior to issuance of a grading or building permit, whichever is sooner, the project applicant/developer shall submit verification from the FAA, or other verification to the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460) review for construction on the project site.
- 53. Rain gutters shall discharge into landscaping planter areas where feasible. These details shall be shown on the plans submitted to the Building and Safety Division for plan check and are subject to the review and approval of the Director of Community Development prior to building permit issuance.
- 54. The project shall comply with the State of California's Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Requirements. A licensed landscape architect shall verify the project's compliance with the ordinance and checklist: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
- 55. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior

to issuance of a building permit. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought-tolerant nature and the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible.

- Irrigation system shall meet all requirements for compatibility with future recycled water supply per City of Pleasanton Recycled Water Standards.
 - The final landscape plan shall be revised to reflect the following changes:
 - i. Under the Planting Plan: eliminate tree selection of *Sapium sebiferum* (Chinese tallow)
 - ii. Irrigation Note on LI.4 #4 should be changed to “per City of Pleasanton Recycled Water Specifications”
 - iii. Planting Notes on LI.4 #2 should be changed to “Planting to comply with Bay Friendly Basics Landscaping Requirements”
56. Unless otherwise shown on the approved PUD landscape plan, all trees used in landscaping be a minimum of 24” box in size and all shrubs a minimum of five (5) gallons.
 57. The State of California’s Green Building Standards Code, “CALGreen,” shall apply, if applicable.
 58. Water conservation devices shall be installed as part of the proposed project. The water conservation devices shall be stated on the plans submitted for the issuance of a building permit.
 59. Energy Star appliances shall be installed in each apartment unit if available. The proposed appliances shall be stated on the plans submitted for the issuance of a building permit.
 60. Developer shall comply with the Affordable Housing Agreement between the City and developer.
 61. The applicant/project developer shall provide a dedicated electrical circuit for electric vehicles in a minimum of 35 garages. Said locations shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
 62. The locations of the proposed electric vehicle charging stations including those on the commercial property shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.

63. The locations of the proposed light-colored paving material for streets and parking areas shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
64. The apartment buildings shall be constructed to allow for future installation of a Photovoltaic (PV) system and pool area be designed for solar water heating systems. The project applicant/developer shall comply with the following requirements for making all apartment buildings photovoltaic-ready and solar-water-heating-ready:
- Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;
 - An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current;
 - Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a prototypical photovoltaic system beyond that anticipated for roofing;
 - Plumbing shall be installed for solar-water heating of the pool; and
 - Space shall be provided for a solar-water-heating tank for the pool.

These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit.

65. Energy efficient lighting shall be installed for the retail buildings. The energy efficient lighting shall be shown on the plans submitted for the issuance of a building permit.
66. The applicant/project developer shall provide residential renewable energy installation. This condition is satisfied by providing solar water heating systems to the pool, the Leasing Center, and the Community Room buildings.
67. The applicant/project developer shall develop and implement measures, through economically feasible installations, that will achieve the greater of the following for the project:
- 25 percent better energy efficiency over that required by 2010 Title 24; or
 - If at the time of building permit submittal the required level of energy efficiency is greater than 25 percent beyond 2010 Title 24 energy efficiency requirements, the required level of energy efficiency shall apply.

68. The applicant/project developer shall incorporate solar tubes, skylights, and/or other daylighting systems, subject to the satisfaction of the Director of Community Development, within the design of the community/leasing buildings. The method used and plan details shall be incorporated into the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
69. The developer and/or property management shall use reclaimed water for landscape irrigation when available. Details and/or plans shall be provided for review and approval by the Director of Community Development before use of the reclaimed water.
70. The applicant/project developer shall develop and implement a program for reclaimed water, grey water and/or rainwater harvesting systems for the subject site or as otherwise approved by the Director of Community Development. The program shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.
71. Regardless of whether the commercial portion of the project is constructed before, after, or concurrently with the residential portion, the project developer shall construct the "corner treatment" at the northwest corner of the site and all landscaping immediately adjacent to Stanley Boulevard and Bernal Avenue along commercial project frontage, subject to the satisfaction of the Director of Community Development. If the commercial portion is constructed after the residential portion, these elements must be installed prior to the last final inspection by the Building and Safety Division for the residential buildings. If the commercial portion is constructed before or concurrently with the residential portion, these elements must be installed prior to the last final inspection by the Building and Safety Division for the commercial buildings.

Engineering Division

72. The proposed retail buildings shall have a minimum of one master water meter per building. Each retail tenant space and each residential unit shall be sub-metered for sewer and/or water billing purposes.
73. The project developer shall improve the existing streets abutting the project in accordance with the City of Pleasanton Municipal code 19.36.050, Streets and thoroughfares-Developer's obligation for improvement.
74. If a restaurant/food preparation facility occupies any of the buildings within this development, the private sanitary sewer lateral from the building shall have a grease interceptor installed on the building lateral.
75. The retail commercial buildings shall connect to the public sanitary sewer via separate service lateral (from the residential development).

76. The applicant shall pothole each utility lateral/main stubbed to the property to verify the laterals/mains have not been abandoned. This work shall be done prior to formal submittal of improvement plans for the development.
77. The applicant shall create a maintenance agreement for the joint storm drain lines that run between commercial and residential development. This agreement shall be reviewed and approved by the City Attorney Office prior to any grading permit being issued.
78. The developer shall conduct a hydraulic analysis of the existing storm drain pipe system stubbed to the site to ensure there is adequate capacity for the project. Said study shall be included with the plans submitted for plan check. If said study identifies necessary capacity improvements, developer shall be solely responsible for improvements.
79. The trash receptacle at the bus pullout on Bernal Avenue and the transit shelters with trash receptacles on Stanley Boulevard shall be maintained by the property owners or his/her representative of commercial and residential developments.
80. Section H-H shown on Sheet C6 of Exhibit B shall be revised to drain on the project site unless recorded copy of the drainage easement has been provided for the City Engineer's review and approval.
81. Work within the existing PG&E easement area shall not interfere with the PG&E easement.
82. Where the street sidewalks abut slope banks, a minimum of two (2') feet of flat area is required from back of sidewalk to the hinge point of the slope unless otherwise approved by the City Engineer.
83. If utilities are to be installed within the Public Service Easement (PSE), the eight foot PSE shall have a 2% slope in such locations.
84. All existing utility vaults within the Public Right of Way shall be surveyed and shown on the project construction plans including size, owner's name, etc. in reference to public sidewalk for the City Engineer's review and approval. Before considering vaults within proposed sidewalk all other vault location options must be considered and documentation shall be provided for review and approval of the City Engineer.
85. The public sidewalks next to bio-swale and hydro-modification areas shall have retaining wall and sub drains as required by the City Engineer.
86. All sidewalks other than city standard sidewalk, including decorative sidewalk, and all sidewalk within private property shall be maintained by the property owner or his/her authorized representative.
87. The project Maintenance Agreement shall have exhibits showing locations and list of all items to be maintained by property owner or his/her authorized representative for City Attorney's office, Planning Division and Engineering staff's review and approval before issuance of encroachment permit for public improvements.

88. The project developer will be required, at its own sole expense, to develop plans and specifications for improvements outlined in sewer study by BKF Engineers dated July 1, 2013 at the time of project improvement plan check for the City Engineer's review and approval. The developer shall construct the said improvements prior to any sewer flow from this project is released into the public sanitary sewer lines.
89. The driveways to be constructed on Nevada Street, Bernal Avenue and Stanley Boulevard shall have commercial driveway approaches as per City Standards. The driveways on Bernal Avenue and Stanley Boulevard shall be constructed with concrete valley gutter and apron as per city standard detail.
90. All landscaping within public right of way along project frontage shall be maintained by the property owner or his/her authorized representative of commercial and residential developments.

Urban Stormwater

91. The project developer shall include erosion control measures, prepared and signed by the Qualified Storm Water Pollution Prevention Plan Developer (QSD), on the final grading plan, subject to the review of the City Engineer. This erosion control measures shall be as required by the state's Construction General Permit. 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 project QSD and the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place, site is stabilized and Notice of Completion (NOC) has been filed with the State Regional Water Board and/or accepted by City.
92. Restaurant/food service tenants 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 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, property owner, and/or restaurant/food service owner shall instruct employees to conduct all washing activities in this area.
93. The developer or applicant shall install trash capture devices within the project's storm drain inlets or storm drain piping to capture trash within the development. These devices shall trap particles of 5mm or greater and have treatment capacity not less than the peak storm from a "one year, one hour" event within the

drainage area. The developer's or applicant's engineer shall submit calculations and product submittals to the City Engineer for review and approval prior to the issuance of a grading or building permit, whichever is sooner.

Traffic Division

94. Comprehensive traffic control measures shall be implemented during construction, 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.
95. The haul route for all materials to and from the project shall be approved by the Deputy Director of Community Development, Transportation prior to the issuance of a 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.
96. Plans submitted to the Building and Safety Division for permits shall show a trail gate and path for access to the Arroyo del Valle trail subject to review and approval by the Deputy Director of Community Development, Transportation. The access point shall be located on the south eastern edge of the property and path shall be ADA compliant. Project developer is encouraged to work with PG&E to obtain the necessary easements for access through PG&E property to the Arroyo del Valle Trail.
97. Unless otherwise approved by the Deputy Director of Community Development, Transportation, all residential parking spaces shall conform to the dimensions required by the Housing Site Development Standards and Design Guidelines. Commercial parking spaces shall conform to the dimensions required by the City of Pleasanton Municipal Code. Plans submitted to the Building Division for permits shall have the dimensions noted on the plans.
98. Unless otherwise approved by the Director of Community Development, all residential drive aisles shall conform to the dimensions required by the Housing Site Development Standards and Design Guidelines. Commercial drive aisles shall conform to the dimensions required by the City of Pleasanton Municipal Code. Plans submitted to the Building Division for permits shall have the dimensions noted on the plans.
99. Prior to issuance of the building permit, the applicant shall submit a phasing plan for the project subject to review and approval by the Director of Community Development. The phasing plan shall include plans and details showing the residential and commercial structures and verification that adequate parking will be maintained such that site parking does not spill over into the surrounding area.

100. The project developer shall construct a bus stop with pullout and trash receptacle(s) on northbound Bernal Avenue adjacent to the project as shown on the project plans. A bus stop with pullout, trash receptacle(s), and shelter shall be constructed on eastbound Stanley Boulevard adjacent to the project. A bus stop with pullout, trash receptacle(s), and shelter shall be constructed on westbound Stanley Boulevard approximately 400 feet west of the intersection of Stanley Boulevard at Valley Avenue/Bernal Avenue.
101. The project developer shall provide LAVTA transit passes to the residents and employees of the development at a fifty percent (50%) ticket price discount for the first year of occupancy for use of the LAVTA transit system.
102. The project developer shall include bike parking racks at the retail development to accommodate 15 bicycles. Design and location of the bike racks is subject to review and approval by the Director of Community Development.
103. The applicant shall modify the submitted plans to include an enhanced pedestrian crossing through the retail parking lot. This design should include a raised crossing to control vehicle speed and encourage pedestrian activity. Said modifications shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval by the Deputy Director of Community Development, Transportation prior to issuance of building permits for the project.
104. The applicant shall dedicate 12 feet right of way along eastbound Stanley Boulevard for the entire project frontage for future roadway widening as shown on Exhibit B.
105. The applicant shall dedicate the required right of way for the bus pullout along northbound Bernal Avenue adjacent to the property.
106. The applicant shall dedicate the required right of way or easement for construction of the public sidewalk along Bernal Avenue.
107. The applicant shall construct a new left turn pocket to provide access from westbound Stanley Boulevard into the north driveway and a right turn deceleration lane on east bound Stanley Boulevard into the project's north driveway. The design shall be subject to the review and approval by the Deputy Director of Community Development, Transportation prior to issuance of building permits for the project.
108. The applicant shall install a traffic signal at the intersection of Bernal Avenue at Utah Street. Traffic signal design and materials are subject to approval by the Deputy Director of Community Development, Transportation prior to issuance of building permits for the project.
109. The applicant shall maintain landscaping at all project entrance/exits to 30 inches or lower or greater than 5 feet in height in order to maintain sight distance. This includes the landscaping installed in planter strips 300 feet south of intersection

of Bernal Avenue at Utah Street to provide adequate visibility to oncoming vehicles and pedestrians.

110. The project Maintenance Agreement shall include all necessary measures to manage retail and residential project parking supply and prevent project related parking from impacting adjacent public streets. Measures may include the ability to create short term parking spaces or shared use spaces within the development to encourage off street parking.
111. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.

Fire Department

112. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 10" high by 1" stroke. Where multiple access is provided, address or tenant space numbers shall be provided on each access door and the character size shall be no less than 4" high by 3/4" stroke. In all cases, address numerals shall be of contrasting background and clearly visible from the street or access way fronting. This may warrant field verification and adjustments based upon topography, landscaping, or other obstructions.
113. Automatic fire sprinklers shall be installed in all occupancies in accordance with the 2010 California Building, Fire Codes (or current California Codes) and City of Pleasanton Ordinance No. 2015. Installations shall conform to NFPA Pamphlet 13, Occupancy Hazard Approach for commercial occupancies and NFPA 13R for Multi-Family Residential Buildings.
114. Fire alarm systems shall be provided and installed in accordance with the 2010 CFC and NFPA 72 - National Fire Alarm Code. Notification appliances 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 2010 CFC.
115. Fire department aerial access is required for buildings with a height of 30 feet or more as shown on Exhibit B. Clear access width shall not be less than 24 feet. 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. Access routes proposed have been reviewed and accepted by the Livermore-Pleasanton Fire Department.
116. Utility drawings submitted are reviewed and accepted as conceptual layout. 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".

- Fire flow and duration shall be provided in accordance with 2010 CFC Appendix B.
- **Installation drawings can be identified as deferred submittal** for these plans. The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Building Department, to be reviewed by the 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, and C-36 or A.
- All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
- 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.

Building and Safety Division

117. The principles of Universal Design shall be incorporated into the apartment units wherever possible. Unless otherwise determined by the Chief Building Official, all required adaptable dwelling units shall provide the following features whenever possible:
- a. Audible & visual doorbell within unit.
 - b. Balcony/patio at same floor level as unit.
 - c. Windows for viewing shall have a 36" maximum sill height.
 - d. 44" minimum hallway width and 32" minimum clear door opening width for all doorways within units.
 - e. Lever type handles on all doors.
 - f. An 18" minimum clear floor space beside door on pull side at latch jamb.
 - g. All receptacle or other outlets, 18" minimum height above finished floor.
 - h. Rocker type light switches 40"- 48" above finish floor, and thermostats 48" maximum height.

- i. Variable height (28" - 42") work surfaces such as cutting boards, countertops, sinks, and/or cooktops.
 - j. Loop handle pulls on drawers and cabinet doors or touch hardware - no knobs.
 - k. Full-extension, pull-out drawers, shelves and racks in base cabinets.
 - l. Full height pantry storage with easy access pull-out and/or adjustable height shelves.
 - m. Front-mounted controls on all appliances.
 - n. Adjustable height closet rods and shelves.
 - o. Single-lever water controls at all plumbing fixtures and faucets.
 - p. Hand-held adjustable shower head.
 - q. Blocking in walls around toilet, tub, and shower for future placement and relocation of grab bars.
118. All ground-floor dwelling units and all dwelling units served by an elevator shall be adaptable and on an accessible route, as defined by the California Building Code Chapter 11A.

STANDARD CONDITIONS

Planning Division

119. Development shall be substantially as shown on the development plans, color/material board, Multifamily GreenPoint Checklist, LEED checklist, and related materials such as the traffic noise analysis and tree report, Exhibit B, on file with the Planning Division, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
120. The project developer shall provide a color and materials board for the residential project with plans submitted to the Building and Safety Division for permits. Said color and materials board shall be subject to the review and approval of the Director of Community Development.
121. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the

design has significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.

122. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorney's fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney's 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.
123. Prior to building permit submittal, a list of the green building measures used in the design of the units covered by this approval shall be provided to the Planning Division for the review and approval by the Director of Community Development.

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 appropriate, as determined by the Director of Community Development.

A special inspection by from the Planning Division shall be coordinated with regards to landscaping, irrigation, and exterior materials. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, a third party rater, or the applicant/developer shall provide written verification by the project engineer, architect, landscape architect, or designer.

124. The project applicant//developer shall implement the measures identified in the U.S. Green Building Council's (USGBC), "Leadership in Energy and Environmental Design (LEED)" rating system to achieve a "certified rating" in the design, construction, and operation of the commercial portion of the project. The green building measures shall be shown on plans submitted to the Building and Safety Division 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. The State of California's Green Building Standards Code, "CALGreen", shall apply.
125. All HVAC condensing units shall be shown on the plans and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.

126. The applicant/developer shall install trash and recycling receptacles within the retail plaza and within the sidewalk area in front of the retail buildings. The trash receptacle design and locations shall be shown on plans submitted to the Building and Safety Division for permits and shall be subject to review and approval by the Director of Community Development prior to issuance of building permits for the project.
127. The applicant/developer shall install a pedestrian-scale, lighted complex directory sign near the main driveway showing the location of apartment building clusters, addresses, units, parking areas, etc. Prior to the installation, the developer shall submit the design and location of the directory sign to the Director of Community Development for review and approval.
128. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed inside or outside of the structures.
129. All conditions of approval shall be attached to all building permit plan check sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet. These conditions of approval shall be attached at all times to any grading and construction plans kept on the project site. It is the responsibility of the applicant/developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant/developer to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans, and all conditions of approval. Prior approval from the Planning Division is required before any changes are constituted in site design, grading, building design, building colors or materials, green building measures, landscape material, etc.
130. Before project final, all landscaping shall be installed and reviewed and approved by the Planning Division.
131. Prior to building 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.
132. The developer and/or property management are encouraged to use best management practices for the use of pesticides and herbicides.
133. The height of the structures shall be surveyed and verified as being in conformance to the approved building heights as shown on Exhibit B or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.

134. The project developer shall comply with the recommendations of the tree report prepared by HortScience, Inc., dated "May 11, 2013." No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall certify in writing that such recommendations have been followed.
135. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for two years following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged.
136. The approved building colors and materials shall be indicated on the final building permit plans. Any proposed revisions to these approved colors or materials must be submitted for review and approval by the Director of Community Development prior to building permit issuance and/or painting/installation.
137. 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.
138. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
139. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.

Landscaping

140. 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.
141. Six-inch vertical concrete curbs shall be installed between all vehicular paved and landscaped areas.
142. 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.

143. The following statements shall be printed on the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:
- a. No existing tree may be trimmed or pruned without prior approval by the Director of Community Development.
 - b. No equipment may be stored within or beneath the driplines of the existing trees to be saved.
 - c. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
 - d. No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees.
144. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) generally outside of the driplines of the existing trees to be saved that are located near construction. The final location of said fencing shall be subject to the review and approval of the Director of Community Development. The fencing shall remain in place until final landscape inspection by the Community Development Department. Removal of such fencing prior to that time may result in a "stop work order."

Bicycle Parking

145. The public bicycle racks shall:
- a. Be visible and accessible.
 - b. Support the frame of the bicycle and not just one wheel.
 - c. Allow the frame and one wheel to be locked to the rack.
 - d. Allow the use of either a cable or U-shaped lock.
 - e. Be securely anchored.
 - f. Be usable by bikes with no kickstand.
 - g. Be usable by a wide variety of sizes and types of bicycles.

Prior to the installation, the applicant/developer shall submit the design and location of the bicycle racks to the Director of Community Development for review and approval.

Building and Safety Division

146. 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.
147. At the time of building permit plan submittal, 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 to prevent stormwater runoff onto adjoining properties.
148. Prior to issuance of building permits, the applicant/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 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 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.

Engineering Division

149. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
150. If a parcel map is requested by applicant/developer to subdivide the property into lots for Residential, Commercial, and Right of Way and Public Service Easement dedication, the parcel map shall be processed in conformance with the City's Subdivision Ordinance and the Development Agreement between the City and developer.
151. The project developer shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.
152. The project developer shall create public service easements (PSE) and private utility easements as necessary across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.

153. Disclosures, maintenance agreement or other required documents shall be recorded by the developer's title company as separate documents with or without project Parcel Map. After the recording of these documents the City shall be provided with a legible recorded copy.
154. The property owner/ applicant shall deposit a bond with the City's Engineering Division to ensure completion of any required improvements within public right of way and public service easement. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer.
155. The project developer shall comply with the recommendations of the project's geotechnical consultant. The project developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the plans or as otherwise acceptable to the City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
156. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydro modification worksheets, all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow, etc., shall be submitted as part of the improvement plans. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit by Building Division.
157. If existing drainage swales are filled shall have sub drains installed unless otherwise approved by the City Engineer and the developer's soils engineer. All sub drains shall have tracer wire along entire length of the sub drains and cleanouts installed with metal cap at the beginning of the pipe and at locations needed for maintenance. The end of the pipe shall terminate in a storm drain or other storm drain outfall, subject to the approval of the City Engineer. The applicant's engineer shall submit a final sub drain location map to the City Engineer prior to acceptance of the public improvements and/or project. It shall be the responsibility of the Maintenance Association/Owner to relocate a sub drain, if during the excavation of a pool or other subsurface structure, a sub drain is encountered. All owners within the subdivision shall receive notice of the presence of these sub drains. The City Attorney shall approve said notice.
158. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.

159. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
160. For new streets, the minimum grade for the gutter flow line shall be set at one percent where practical, but not less than .75% unless otherwise approved by the City Engineer. The existing streets shall have grade to match existing site conditions subject to review by the City Engineer.
161. The curb and gutter along the street shall have a sub drain installed at either the back of the curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.
162. The applicant's engineer shall investigate the structural section of the existing streets fronting the development. If the structural section is not adequate for the anticipated traffic demand, the structural section of the roadway shall be increased, as determined by the City Engineer. If the street section is adequate the entire street frontage shall be slurry sealed, unless otherwise determined by the City Engineer.
163. All existing septic tanks or holding tanks, if any shall be properly abandoned, pursuant to the requirements of the Alameda County Department of Health Services prior to the start of grading operations, unless specifically approved by the City Engineer.
164. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
165. 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.
166. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.
167. The encroachment permit for work in public right of way shall be approved by the City Engineer prior to the issuance of any permit by City Building Division or Engineering Division. Any damage to existing street improvements during

construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to project developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

Fire Department

168. All multifamily 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 UL certificate.
169. 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.
170. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
171. 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.
172. 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.
173. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPFD prior to commencing operations. Please contact the Hazardous Materials Coordinator at (925) 454-2361.
174. 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.
175. 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.

176. 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, including the area where construction is occurring. If Public Works improvements are part of the project to access the site, an emergency vehicle access plan shall be submitted for review and approval.
 - b. Multifamily residential developments: Projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
 - c. Emergency vehicle access shall be a minimum of 20 feet in clear width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) is required. 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.
 - d. The carrying capacity of the access route(s) shall be 69,000 pounds under all weather conditions.
 - e. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
 - f. On-site fire hydrants shall be in service. Fire hydrants shall be flushed and all valves open.
 - g. On-site fire hydrants shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.
 - h. Where a project is phased as part of the development approved by the City, specific access, water supply and fire hydrant installations will be required as part of each phase. As needed a phasing plan with these improvements will be required.
 - i. 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.

Community Development Department

177. 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.
178. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
179. 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. A qualified 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 improvement plans.
180. All existing wells on the site shall be removed or sealed, filled and abandoned pursuant to Alameda County Ordinance 73-68, prior to the start of grading operations. Wells shall be destroyed in accordance with the procedures outlined on the permit obtained from Zone 7. Zone 7 may request the developer/subdivider to retain specific wells for monitoring the ground water. The developer/subdivider shall notify the City of Zone 7's desire to retain any well and make provisions to save the well. Additionally, the developer/subdivider may request special approval for temporary use of an existing well for construction water or a more permanent use such as non potable outdoor landscaping. The developer/subdivider shall make such request in writing to the City Engineer.

CODE CONDITIONS

(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.)

Planning Division

181. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060 K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

Building and Safety Division

182. 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.

183. The project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.

184. The buildings covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.

185. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

Fire Department

186. All construction 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. All required permits shall be obtained.

187. Fire alarm systems 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.

188. 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/developer is responsible for obtaining approval for the location and the number of boxes from the Fire Prevention Bureau. Information and application for the Knox Box is available through their website or the Fire Prevention Bureau. The applicant/developer and/or responsible party 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.
189. 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 and 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.
190. 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.
191. 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.

192. 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.

URBAN STORMWATER CONDITIONS

193. The project shall comply with the City of Pleasanton's Stormwater NPDES Permit #CAS612008, dated October 14, 2009 and amendments (hereafter referred to as NPDES Permit). This NPDES Permit is issued by the California Regional Water Quality Control Board, San Francisco Bay Region (hereafter referred to as Regional Water Quality Control Board). Information related to the NPDES Permit is available at the City of Pleasanton Community Development Department, Engineering Division, and on line at:

- <http://www.ci.pleasanton.ca.us/business/planning/StormWater.html>
- [http://www.waterboards.ca.gov/sanfranciscobay/water issues/programs /storm water/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water%20issues/programs/storm%20water/Municipal/index.shtml)

Design Requirements

194. NPDES Permit design requirements include, but are not limited to, the following:
- a. Source control, site design implementation, and maintenance standards when a regulated project (such as a commercial development, and residential subdivision) creates and/or replaces 10,000 square feet or more of impervious surface, including roof area, streets, and sidewalk.
 - b. Hydromodification standards when a regulated project creates and/or replaces a total impervious area of one acre or more.
 - c. Compliance with a Diazinon pollutant reduction plan (Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
 - d. Compliance with a Copper Pollutant Reduction Plan and a Mercury Pollutant Reduction Plan.
195. 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 onsite drainage control measures including bioretention swales. Irrigated bioretention swales shall be designed to maximize stormwater entry at their most upstream point. The grading and drainage plans shall be subject to the review and approval of the City Engineer prior to the issuance of a grading or building permit, whichever is sooner.

- b. In addition to natural controls, the project developer may be required to install a structural control(s), such as an oil/water separator(s), sand filter(s), or approved equal(s) in the parking lot and/or on the site to intercept and pre-treat stormwater prior to reaching the storm drain. The design, location(s), and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. 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 to the City Engineer the sizing design criteria and calculations for a hydromodification facility, if required, and for the treatment of stormwater runoff. The design criteria and calculations shall be subject to the review and approval of the City Engineer and shall be submitted prior to the issuance of a grading or building permit, whichever is sooner.
- d. Building/Structures shall be designed to minimize the occurrence and entry of pests into buildings, thus minimizing the need for pesticides, as determined by the Chief Building Official prior to the issuance of a building permit.
- e. The project's landscape and irrigation plans shall be designed to:
 - 1) minimize the use of fertilizers and pesticides that can contribute to stormwater pollution; and 2) promote surface infiltration. Prior to the installation of project landscaping and irrigation, the project landscape architect shall submit a landscaping and irrigation plan to the City Engineer for review and approval and submit written verification stating the project incorporates the following:
 - i. Plants tolerant of saturated soil conditions and prolonged exposure to water in areas that provide detention of water.
 - ii. Plants and soil amendments appropriate to site specific characteristics such as topography and climate.
 - iii. Landscaping and irrigation consistent with Bay-Friendly Landscaping.
 - iv. Water conservation techniques to promote surface infiltration.
- f. Trash dumpsters and recycling containers shall be in an enclosed and roofed area to minimize water flowing in and from the area and to contain litter and trash to minimize disbursement by the wind or runoff. 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 with 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 of the sanitary sewer connection and provide written verification of such notification to the City Engineer/Chief Building Official prior to the installation of the connection.

- g. All paved outdoor storage areas shall be designed to minimize pollutant runoff. Bulk materials stored outdoors that may contribute to the pollution of stormwater runoff must be covered as deemed appropriate by the City Engineer/Chief Building.
- h. All metal roofs, gutters, and downspouts shall be finished with rust-inhibitive finish/paint as determined by the Chief Building Official.
- i. All projects using architectural copper roofing, gutters, downspouts, etc., shall utilize the following Best Management Practices for the use and maintenance:
 - a. During installation, copper material shall be pre-patinated at the factory, if available. If patination is done on-site, collect the rinse water in a tank and haul off-site for disposal. With prior authorization from Dublin San Ramon Services District (DSRSD), the rinse water may be collected in a tank and discharged to the sanitary sewer. Consider coating the copper materials with a clear coating that prevents further corrosion and stormwater pollution. The clear coating, if utilized, shall be reapplied (as recommended by the coating manufacturer) to maintain its efficacy.
 - b. During maintenance (e.g., washing or re-patination), the following applies:
 - i. Minimize washing of architectural copper as it damages the patina and any protective coating.
 - ii. Block storm drain inlets as needed to prevent runoff from entering storm drains.
 - iii. Collect the wash or rinse water in a tank and dispose off-site or (with prior authorization from DSRSD), discharge the wash or rinse water to the sanitary sewer.

- j. Roof drains shall drain away from the building foundation. Flow shall drain to a bio-retention area for treatment prior to leaving the site as determined by the City Engineer/Chief Building Official.
- k. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.

Construction Requirements

The project shall comply with the "Construction General Permit" requirements of the NPDES Permit for 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).

Information related to the Construction General Permit is on line at:

- <http://www.waterboards.ca.gov/waterissues/programs/stormwater/construction.shtml>
- <http://www.waterboards.ca.gov/waterissues/programs/stormwater/docs/financialstpermit.pdf>

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

- a. The project developer shall obtain a construction general permit (NOI) from the Regional Water Quality Control Board to discharge stormwater, and to develop and implement stormwater pollution prevention plans.
- b. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. A copy of the approved SWPPP, including all approved amendments, shall be available at the project site for City review until all engineering and building work is complete and City permits have been finalized. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentations. SWPPP for projects shall be kept up to date with the projects' progress. Failure to comply with the most updated construction SWPPP may result in the issuance of correction notices, citations, and/ or stop work orders.
- c. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measures, shall be included in the SWPPP and implemented as approved by the City.

- i. The project developer shall include erosion control/stormwater quality measures on the project grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the public storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and shall be 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 a building permit, and shall be 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.
- ii. 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 vegetated areas 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.
- iii. Gather all sorted construction debris on a regular basis and place them 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.
- iv. 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.
- v. 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.
- vi. 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 by being windblown or in the event of a material spill.

- vii. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- viii. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into a street, gutter, or storm drain.
- ix. Equipment fueling area: Use an off-site fueling station.
- x. Concrete wash area: 1) locate wash out area away from storm drains and open ditches; 2) construct a temporary pit large enough to store the liquid and solid waste; 3) clean the pit by allowing concrete to set; 4) break up the concrete; and then 5) recycle or dispose of properly.
- xi. Equipment and vehicle maintenance area: Use an off-site repair shop.

197. Within 30 days of the installation and testing of the stormwater treatment and hydromodification facilities, the designer of the site shall submit a letter to City Project Inspector/Construction Services Manager certifying the devices have been constructed in accordance with the approved plans for stormwater and C3 design for the project. The letter shall request an inspection by City staff.

Operation and Maintenance Requirements

The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as a commercial development and residential subdivision) that create and/or replace 10,000 square feet or more of impervious areas shall enter into a recorded Stormwater Operation and Maintenance (O&M) Agreement for treating stormwater runoff from the site in perpetuity. The agreement is required to be recorded at the Alameda County Recorder's Office in a format approved by City.

198. The Operation and Maintenance Agreement shall clarify that the property owner(s) of the site shall be responsible for the following in perpetuity:
- a. Maintaining all private stormwater treatment measures on the project site.
 - b. Annually submitting a maintenance report to the City Operations Services Department, Utilities Division, addressing the implementation of the Operation and Maintenance Agreement requirements.

The final Operation and Maintenance Agreement shall be submitted to the Engineering Division prior to the issuing grading or building permit, whichever comes first. The Agreement is subject to review and approval of the City Engineer/City Attorney, prior to recordation.

199. The Operation and Maintenance Agreement responsibilities shall include, but not be limited to the following:
- a. Repainting text near the drain inlets to state "No Dumping – Drains to Bay."
 - b. Ensuring maintenance of landscaping with minimal pesticide and fertilizer use.
 - c. Ensuring no one is disposing of hazardous materials into storm drains.
 - d. Cleaning 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.
 - e. Sweeping regularly but not less than once a month, 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.
 - f. Mowing and removing clippings from vegetated swales with grasses on a regular basis.



March 1, 2017

Eric Wall
Bottle Taps, LLC
2505 Yolanda Court
Pleasanton, CA 94566

Subject: PUD-87-02M, Minor Modification
Effective Date: March 22, 2017

Dear Mr. Wall:

The City has completed its review of your application for a Planned Unit Development (PUD) Minor Modification to the approved development plan (PUD-87) for the Vintage Shopping Center to designate restaurants which sell alcohol after 11:00 p.m. and before 6:00 a.m. as conditionally permitted uses within the center located at 3010-3040 Bernal Avenue. Zoning for the property is PUD-C (Planned Unit Development - Commercial) District.

In accordance with City Council policy, notice of the proposed PUD minor modification was sent to the surrounding property owners on **February 17, 2017**. No request was made for a formal hearing.

Based upon the information submitted, it is my determination that the above changes are not substantial in nature since the overall plan for the site will remain the same. Therefore, in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton, I am granting a minor modification, Case PUD-87-02M, subject to the following conditions:

1. Condition 2. of PUD-87 (Ordinance 2075) is amended to include the following:

Notwithstanding the permitted and conditionally permitted uses in the C-N District, the following use shall be conditionally permitted on the Planned Unit Development - Commercial (PUD-C) zoned portion of the property:

- a) Restaurants which sell alcohol after 11:00 p.m. and before 6:00 a.m..
2. 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

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

Eric Wall, Bottle Taps, LLC, PUD-87-02M
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March 1, 2017

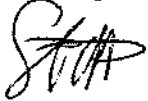
any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

3. Except as modified by Conditions 1 and 2 above, all conditions of Cases PUD-87 through PUD-87-01M shall remain in full force and effect.

In accordance with the PUD ordinance, the Planning Commission and City Council are being notified of this approval. **Any Planning Commission or City Council member has twenty (20) calendar days from the date of approval of this letter to appeal this decision if they so desire.** Such an appeal would be subject to a public hearing before the Planning Commission and City Council.

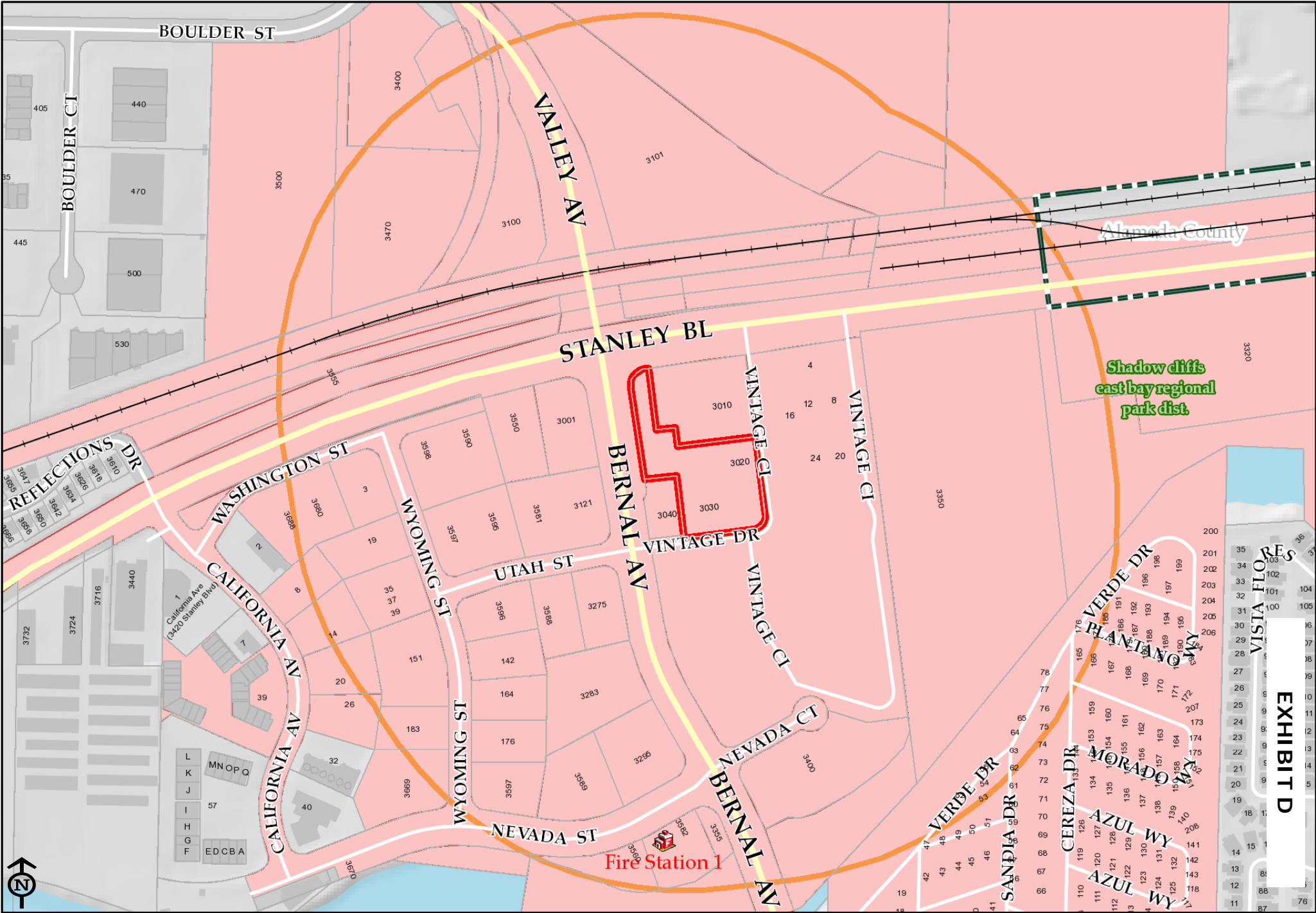
If you have any questions with regard to this matter, please do not hesitate to give me a call.

Sincerely,



Steve Otto
Acting Planning Manager

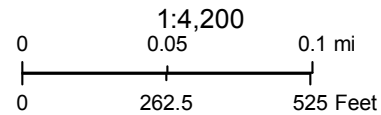
c: Jim Howard, CPIV Vintage, LLC c/o Carmel Partners, 1000 Sansome Street, 1st Floor,
San Francisco, 94111



Alameda County

Shadow hills
east bay regional
park dist.

EXHIBIT D



P17-0036; 3020 Bernal Avenue, Suites 150 and 160; Bottle Taps, LLC