

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**P16-1771  
30 West Angela Street, Larry McColm  
February 8, 2017**

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

**Planning Division**

1. The project developer shall obtain a Building Permit from the Building and Safety Division and any other applicable City permits for the project prior to the commencement of any construction.
2. The design of the proposed outdoor furniture shall be reviewed and approved by the Director of Community Development prior to installation.
3. Plans submitted to the Building and Safety Division shall include detail drawings and specifications of any proposed building-mounted lighting, including soffit lighting and building wash lighting, subject to the review and approval by the Director of Community Development. Plans shall demonstrate to the satisfaction of the Director of Community Development that the lighting is of low-intensity that the lighting source is concealed, and that the lighting is directed downward and designed or shielded so as to not shine onto neighboring properties. The project/building developer shall submit a final lighting plan with the plans submitted to the Building and Safety Division for permits, and include drawings and/or manufacturer's specification sheets showing the intensity, size, design, and types of light fixtures proposed for the exterior of the building and the site.
4. The trash enclosure shall be sized to accommodate trash, green waste, and recycling containers, and be on an accessible route. The trash enclosure bins shall be kept inside the enclosure except when being unloaded.
5. The State of California's Green Building Standards Code, "CALGreen", shall apply to the project, if applicable.
6. Energy efficient lighting shall be installed for the building. The energy efficient lighting shall be shown on the plans submitted for the issuance of a building permit.
7. Water conservation devices shall be installed as part of the project. The water conservation devices shall be stated on the plans submitted for the issuance of a building permit.
8. No signage is part of this approval. Prior to installation of any signage, an application shall be submitted for Sign Design Review.

9. 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 by temporary conditional use permit as part of a decorating plan in conjunction with Downtown promotional events. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.
10. Details of the windows and window treatments, folding doors, support posts, columns, trellis, and raised planters shall be shown on the plans submitted for issuance of building permits and shall be subject to the review and approval of the Director of Community Development prior to issuance of a building permit. These elements shall be compatible with the architectural style of the building.
11. Restaurant 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.
12. Detailed landscaping/irrigation plans shall be submitted to the Planning Division for review and approval prior to the issuance of building permits. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and shall implement Bay Friendly Basics. Plant species shall be of a drought-tolerant nature with an irrigation system that maximizes water conservation throughout the development (e.g. drip system).
13. The building permit plans shall accurately show all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bicycle racks, benches, planter pots, street trees, tree grates, etc.) and shall clearly indicate any proposed modifications to the existing public improvements. Proposed modifications to the public improvements shall be subject to review and approval by the City Engineer and Director of Community Development prior to issuance of a building permit.
14. All proposed mechanical units, air conditioning equipment, blowers, make-up air units, ducts, etc. shall be shown on the building permit plans. The project developer shall effectively screen from view all ducts, blowers, 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.

15. The project developer shall provide a construction plan with the building permit plan set for review and approval by the Director of Community Development and Chief Building Official before issuance of a building permit. The construction plan shall show the proposed location of materials and equipment storage, scaffolding, safety measures to protect the public from construction activities, temporary fencing, construction trailers, parking of construction vehicles, location of portable toilets, etc. Said plan shall be designed to minimize the loss of public parking spaces and, if any need to be lost, to minimize the length of the time they are used for construction-related activities.

### **Landscape**

16. No trees may be removed as part of this application. Prior to issuance of a building permit, the applicant 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 adjacent to the construction area, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following completion of construction and shall be forfeited if the trees are destroyed or substantially damaged.
17. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other alternative fence type approved by the Director of Community Development) generally outside of the driplines of the existing trees that are located near construction. The fencing shall remain in place until final inspection by the Community Development Department. Removal of such fencing prior to that time may result in a "stop work order."
18. 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.
  - 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.

19. The applicant shall comply with the following tree root cutting requirements:
  - a. Roots that are one inch (1") in diameter and smaller are not considered to be significant and may be removed by the most efficient means.
  - b. Within eight feet (8') of the tree trunk, no roots larger than two inches (2") in diameter shall be cut or ground unless prior approval has been received from the Director of Community Development.
  - c. Farther than eight feet (8') from the tree trunk, roots of any diameter may be ground a maximum of one-half (1/2) of their diameter if they are in conflict with the proposed work. Work of this nature shall only be performed using a mechanical stump grinder and only by personnel experienced with its operation.
20. Farther than eight feet (8') from the tree trunk, roots up to six inches (6") in diameter may be removed if they are in conflict with the proposed work. Roots that are removed shall be cleanly cut using a hand saw.
21. All backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened to minimize their visual impacts. These devices with their proposed screening shall be shown on the landscaping and utility plans submitted with the building permit plans, clearly marked "above ground" or "below ground" on the plans, and shall be subject to the review and approval of the Planning Division prior to their installation. If above-ground, they shall be painted forest green or an equivalent dark-green color. Screens shall consist of berms, walls, or landscaping satisfactorily integrated into the landscape plan. Landscape screens shall include shrubbery designed by species and planting density to establish a complete screen within one year from the date of planting. Weather protection devices such as measures to protect pipes from freezing shall require approval by the Planning Division prior to use; at no time shall fabric or other material not designed and/or intended for this purpose be wrapped around or otherwise placed on these devices.

### **Traffic Engineering Division**

22. The new concrete walkway between the parking lot and the outdoor seating area (defined by trellis and planter boxes) shall allow sufficient space for vehicle overhang while also providing the minimum accessible path of travel complying with ADA requirements. The final dimensions and design of the walkway, parking spaces, and drive aisle shall be subject to the review and approval by the City Traffic Engineer and Director of Community Development prior to issuance of a building permit.

23. The applicant/project developer shall work with staff on the final location and design of the new trash enclosure to try and retain the parking space west of the new trash enclosure if feasible. The final location and design of the trash enclosure shall be subject to the review and approval by the City Traffic Engineer and Director of Community Development prior to issuance of a building permit. As an initial step, the applicant/property owner shall present diagrams identifying potential trash enclosure alternative sites that would reduce the removal of parking. If such alternatives are not feasible, the applicant/property owner shall present diagrams that illustrate the infeasibility.
24. Plans submitted to the Building and Safety Division for permits shall include a bicycle rack accommodating a minimum of one bicycle where feasible. The location and style of the bicycle rack shall be subject to the review and approval by the City Traffic Engineer and Director of Community Development.

### **Engineering Department**

25. The applicant and/or the project applicant's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site for any work to be constructed within the public right of way or public service easement.
26. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve the development shall be installed in underground conduit in a joint utility trench unless otherwise specifically approved by the City Engineer.
27. Pursuant to Section 14.04.050, Connections to Water System, of the City of Pleasanton Municipal Code, the applicant shall provide a separate meter and water system for irrigation purposes. Any such meter shall be installed in a manner and location satisfactory to the Director of Operations and Water Utilities. The applicant may request a waiver of this requirement subject to the review and approval of the Director of Operations and Water Utilities.

## **STANDARD CONDITIONS OF APPROVAL**

### **Planning Division**

28. The proposed development shall conform substantially to the project plans and colors/materials board, Exhibit B, dated "Received, January 13, 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 Director of Community Development.
29. This design review approval will lapse within one (1) year from the date of approval unless a building permit is issued and construction has commenced and is diligently pursued toward completion or the City has approved an extension.

30. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
31. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
32. Planning Division approval is required before any changes are implemented in site design, grading, building design, exterior colors or materials, landscape material, etc.
33. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.
34. The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.
35. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
36. Portable toilets used during construction shall be kept as far as possible from adjacent buildings and shall be emptied on a regular basis as necessary to prevent odor.

## **Engineering Department**

37. The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit, and shall address the need to schedule major truck trips and deliveries during off peak travel times, to avoid peak travel congestion. It shall also 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.
38. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer and includes but is not limited to slurry seal, overlay, restoration of landscaping and irrigation system, signing, striping, pavement marking or street reconstruction if deemed warranted by the City Engineer.
39. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
40. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.

## **Livermore-Pleasanton Fire Department**

41. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
42. Prior to any construction, 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.
43. Plans submitted for permits shall include a suppression system for the commercial kitchen hood.
44. Prior to any construction, the location of designated construction material storage and construction worker parking shall be provided to the City's Fire Department show that they do not obstruct the emergency vehicle access route.
45. All exterior portions of buildings must be within 200 feet of an emergency access road. Yard and parking areas may be able to be located farther than 200 feet from access roads, depending on the specific use.
46. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LFPD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.

47. 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.
48. 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
49. Address numbers shall be installed on the front or primary entrance for the building. Minimum building address character size shall be 12" high by 1" stroke. If building is located greater than 50 feet from street frontage, character size shall be 16" high by 1 ½" stroke minimum.

### **Building and Safety Division**

50. After the issuance of a building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division through ([www.GreenHaloSystems.com](http://www.GreenHaloSystems.com)). The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

### **Community Development Department**

51. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
52. 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 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.

### **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.)*

#### **Fire**

53. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2083. All required permits shall be obtained.
54. Fire safety shall be in accordance with Chapter 33 of the 2013 edition of the California Fire Code.
55. Automatic fire sprinklers shall be installed in the trash enclosure in accordance with City ordinances. Installations shall conform to NFPA Pamphlet 13 with local amendments.
56. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection".
  - The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department, Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type, license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
  - All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
  - All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.
57. 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.

58. 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.

### **Building and Safety Division**

59. 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.
60. The building(s) covered by this approval shall be designed and constructed to the Title 24 Building Standards, including Building, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building and both State and Federal accessibility requirements in effect and as amended by the City of Pleasanton at the time of Building Permit submittal.
61. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
62. 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.

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

#### **A. Design Requirements**

1. The following requirements shall be incorporated into the project:
  - a) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
    - I. Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
    - II. Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required. (See planting guide line by Alameda County Clean Water Program.)
    - III. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and

timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.

- IV. Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- b) Trash areas, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project developer shall notify the Dublin-San Ramon Services District (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Department.
  - c) All metal roofs, if used, shall be finished with rust-inhibitive paint.
  - d) Roof drains shall discharge and drain away from the building foundation. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.

## **B. Construction Requirements**

The project developer is responsible for implementing the following Best Management Practices (BMPs):

1. The project developer shall include erosion control/stormwater quality measures on the on the site plan submitted for an on-site permit, subject to the review and approval of the Building and Safety Division. The site plan shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
2. Gather all sorted construction debris on a regular basis, place it in the appropriate container for recycling, and empty 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.
3. 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.

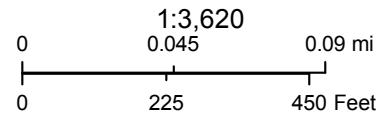
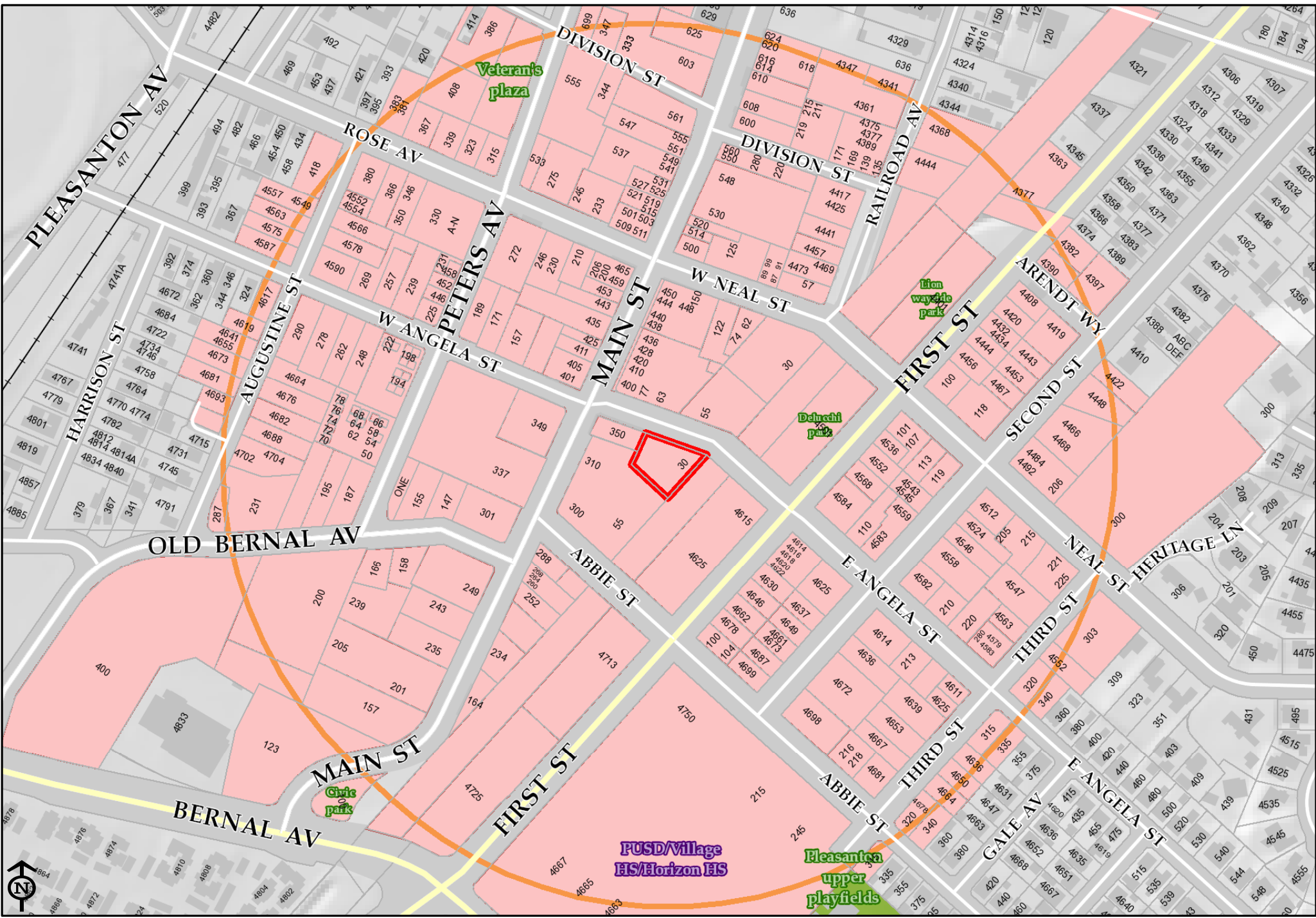
4. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
5. Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
6. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
7. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
8. Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
9. Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.
10. Equipment and vehicle maintenance area: Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

### **C. Operation Requirements**

The restaurant shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by the 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 owners and business owners shall instruct employees to conduct all washing activities in this area.

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P16-1771, 30 West Angela Street, Larry McColm