

**Exhibit A**  
**Draft Conditions of Approval**

**P15-0429 and P15-0501**  
**3550 Bernal Avenue, Suite 100B**  
**October 28, 2015**

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

**Planning Division**

1. The preschool and daycare facility activities and operations and the construction of an outdoor play area approved by this Conditional Use Permit and Design Review shall conform substantially to the narrative and project plans, Exhibit B, marked "Received September 18, 2015," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance to the approved exhibits.
2. Prior to final inspection, the preschool and daycare facility shall obtain the appropriate license from the State Department of Social Services-Community Care Licensing Division. The preschool and daycare facility shall maintain the appropriate license at all times during its operation. Failure to maintain the appropriate license from the State Department of Social Services-Community Care Licensing Division may result in this application being reviewed by the Director of Community Development for possible future action by the Planning Commission.
3. If additional hours of operation, number of students or staff, or activities beyond that proposed in the applicant's narrative, Exhibit B, dated "Received September 18, 2015," 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.
4. The preschool and daycare capacity shall be limited to a maximum of 120 students and 11 staff present on-site at any one time.
5. If operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, at the discretion on the Community Development Director, this conditional use permit may be submitted to the Planning Commission for its subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, including imposing traffic impact fees, or may revoke said conditional use permit. Possible mitigation measures can include, but are not limited to: modifying the hours of operation, reducing the number of persons inside the subject building, or other measures deemed necessary by the Planning Commission.
6. The exterior doors of the building shall remain closed when not being used for ingress/egress purposes.

7. The applicant shall inform all students/parents/staff not to loiter or make loud noises outside the buildings before or after instruction.
8. Prior to an individual working and/or providing services at the facility, said person shall complete and pass a criminal background check. The applicant shall submit a letter to the Planning Division stating that all persons at the facility have satisfied this condition.
9. Prior to an individual working and/or providing services at the facility, said person shall undergo first-aid and CPR training. The applicant shall submit a letter to the Planning Division stating that all persons at the facility have satisfied this condition. The applicant shall ensure that these certifications are current at all times.
10. Prior to issuance of a business license, the applicant shall prepare and submit a disaster plan to the Planning Division and shall ensure it is in place for the facility/patrons.
11. All facility vehicles used to pick up students shall have access to a means of communication so that the driver can be in direct contact with staff at the facility when needed in case of emergency.
12. Drivers for the facility shall have a student roster to verify students' names and grades.
13. Parents and employees shall park in designated parking stalls in front of the subject suite when dropping off or picking up students. No double parking or parking in non-designated stalls shall be permitted.
14. Prior to issuance of a building permit, the applicant shall submit a final landscape and irrigation plan showing additional trees to be planted along the eastern edge of the outdoor play area at a spacing of one tree at every five to six feet on center to the satisfaction of the Director of Community Development. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of drought tolerant nature with an irrigation system that maximizes water conservation (e.g., drip system).
15. The applicant shall comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. A licensed landscape architect shall verify the compliance with the ordinance and checklist prior to the issuance of a building permit, and then prior to the final inspection conducted by the Planning Division. The verifications shall be provided to the Planning Division.
16. A final inspection by the Planning Division is required prior to the final inspection by the Building and Safety Division.
17. All new exterior lighting shall be directed downward or designed or shielded so as to not shine onto neighboring properties or streets. The applicant shall submit a final lighting plan including photometrics and manufacturer's specification sheets for the light fixtures and light poles/standards. The lighting plan shall be subject to review and approval by

the Director of Community Development prior to issuance of building permits for the project.

## **STANDARD CONDITIONS**

### **Community Development Department**

18. The applicant shall pay all fees to which the use may be subject prior to operation. The type and amount of the fees shall be those in effect at the time the permit is issued.

### **Planning**

19. 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 (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.
20. If the applicant wishes to relocate the use to a new address and/or suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
21. This Conditional Use Permit and Design Review 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, the applicant initiates the use, 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.
22. The applicant and/or employees shall maintain the area surrounding the subject tenant space in a clean and orderly manner at all times.
23. Except as approved under Case P15-0501, changes to the exterior of the building shall not be made without prior approval from the Planning Division.
24. 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.
25. 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.

26. 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.
27. 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.
28. Campers, trailers, motor homes, or any other similar vehicles are not allowed on the construction site except when needed as sleeping quarters for a security guard.
29. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
30. Portable toilets used during construction shall be kept as far as possible from existing businesses and shall be emptied on a regular basis as necessary to prevent odor.

## **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.*

### **Planning**

31. 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.

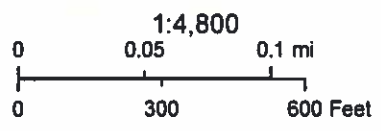
### **Building**

32. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
33. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

34. Prior to occupancy, the applicant shall contact the Building and Safety Division and Fire Marshal to ensure that the proposed use of the subject building/structures meet Building and Safety and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

**<END>**





P15-0429/P15-0501, Genius Kids, 3550 Bernal Ave., Ste. 100B