

**P14-0970**  
**Exhibit A, Draft Conditions of Approval**  
**5460 Sunol Boulevard, Suites 3 and 4**  
**November 12, 2014**

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

**Planning Division**

1. The proposed Heritage School and tutoring activities and operations approved by this Conditional Use Permit Modification shall conform substantially to the narrative and project plans, Exhibit B, marked "Received September 17, 2014," 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. The Conditional Use Permit Modification and Design Review related to the outdoor playground area is denied.
3. The Heritage School and tutoring capacity shall be limited to a maximum of 30 students present at any one time and eight staff members at any one time.
4. If additional hours of operation or activities beyond that proposed in the applicant's narrative, dated "Received September 17, 2014," 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.
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 their subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, 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 students or classes, or other measures deemed necessary by the Planning Commission.
6. All doors of the subject Heritage School shall remain closed when not being used for ingress/egress purposes.
7. The applicant shall inform all students/parents 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. Students 12 years and younger shall be signed in and out of the facility by a parent and/or legal guardian at all times. Students 12 years and younger transported by the facility van shall be escorted and signed in by a designated staff member and signed out by a parent and/or legal guardian at all times.
12. 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.
13. Drivers for the facility shall have a student roster to verify students' names and grades.
14. Parents, volunteers and employees shall park in designated parking stalls when dropping off or picking up students. No double parking or parking in non-designated stalls shall be permitted.
15. 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.

## **STANDARD CONDITIONS**

### **Community Development Department**

16. The applicant shall pay all fees to which the use may be subject prior to operation.
17. 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.

## **Planning**

18. 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.
19. 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, 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.
20. The applicant, employees and/or volunteer staff shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
21. 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.

## **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.*

22. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
23. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.
24. 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}

OAK HILLS, LLC

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RECEIVED

AUG 14 2014

CITY OF PLEASANTON  
PLANNING DIVISION

P14-0970/P14-1173

August 7, 2014

Mr. Eric Luchini  
City of Pleasanton  
Planning Department

Re: File No. P14-0970

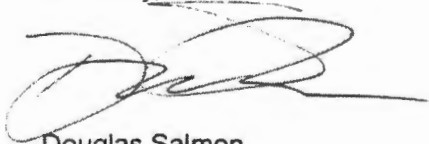
Dear Mr. Luchini,

I am writing to ask that the City reconsider the necessity of a Bond guaranteeing the removal of the proposed playground as mentioned in item #11 in your letter to Mr. Wang dated July 15, 2014.

The Property Owner and the Tenant are in agreement that no construction can be initiated prior to a new comprehensive lease agreement being executed. This new agreement will require a plan for the restoration of the parking lot area to its original configuration upon the termination of the lease. As such, the Property Owner is willing to accept ultimate responsibility for said removal of the playground pending the execution of the new lease.

Please contact me at the number listed above if you have any questions.

Sincerely,



Douglas Salmon

*Oak Hills Shopping Center*  
*Property Manager*

**From:** [Hengameh Broumand](#)  
**To:** [Eric Luchini](#)  
**Subject:** Heritage school  
**Date:** Saturday, October 11, 2014 10:28:04 PM

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To whom it may concern,

I live right across from Young Ivy Academy.

I am writing this email to voice my concern and objection regarding the conversion of tutoring center located at 5460 Sunol Boulevard in to a Heritage School with playground.

My concerns are as follows:

1. Increased traffic congestion
2. Loss of parking lot on back of the shopping center ( conversion to playground ) and on the street
3. Loss of short cut access to the shopping center and inconvenience for disabled
4. Increased level of noise from playground
5. Possibility of increased neighborhood crime activities as any place with young children is a target for child abuser.

I hope my concerns will be addressed in approving/ disapproving this conversion.

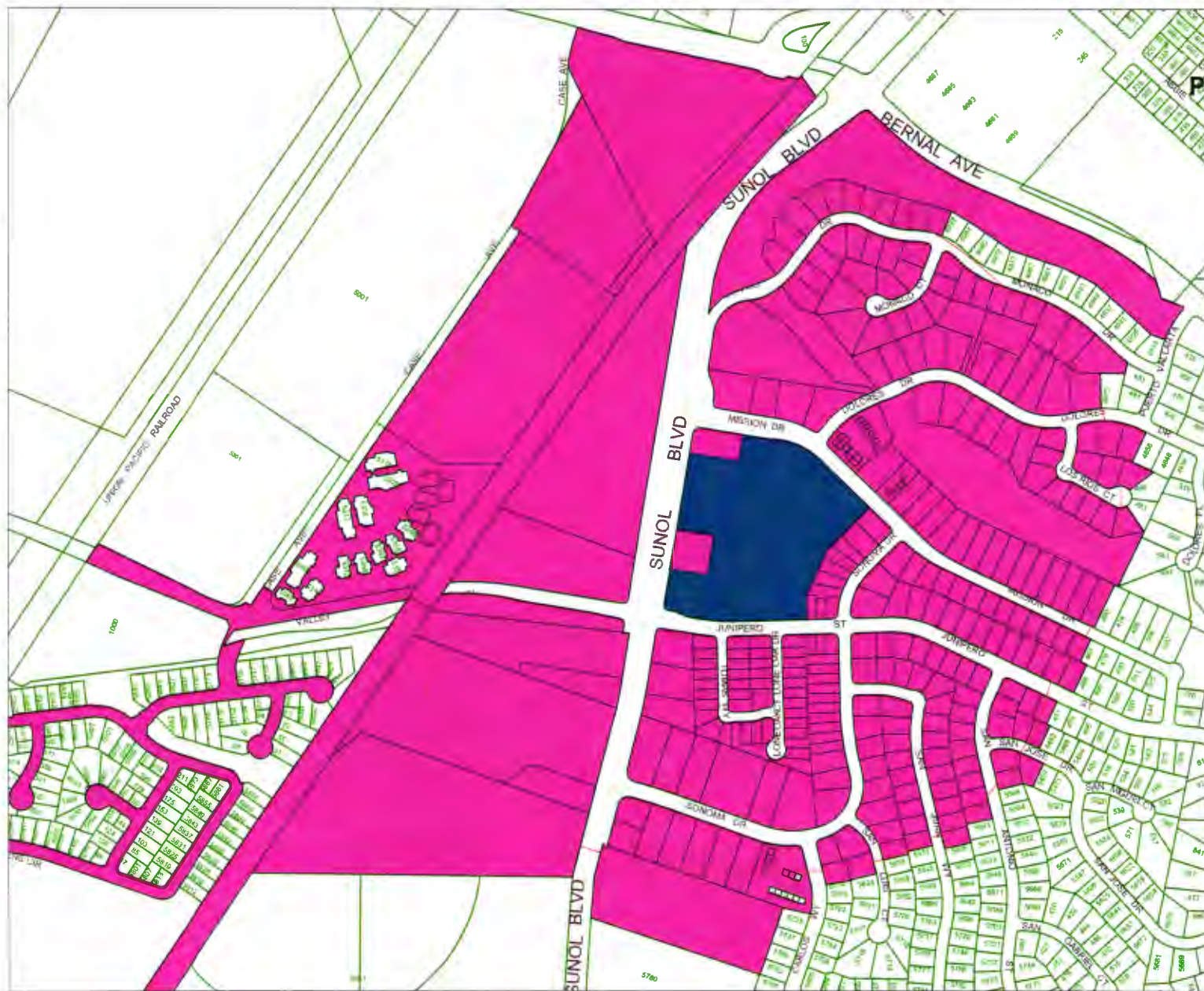
Regards,  
Hengameh Broumand

Click

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to report this email as spam.



**EXHIBIT E**



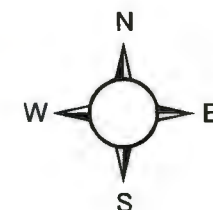
**P14-0970/P14-1173, Young**

**City of Pleasanton**

**GIS**

**Department**

**5460 Sunol Bl Stes 3-4**



Printed 10/16/2014