

**EXHIBIT A**  
**DRAFT CONDITIONS OF APPROVAL**  
**PUD-106**  
**Chrysler-Jeep-Dodge**  
**Staples Ranch**  
**August 27, 2014**

**PROJECT SPECIFIC CONDITIONS**

**Community Development Department**

1. Access from El Charro Road is not permitted. Plans submitted to the Building and Safety Division for plan check shall omit said access. At the time the remainder of the Auto Mall site is developed, access from El Charro Road will be considered, subject to the Pre-Development and Cooperation Agreement.

**Planning Division**

2. Permitted uses on the subject PUD include: sales and purchasing of pre-owned and new vehicles, vehicle inspections, vehicle servicing and repair, vehicle detailing, vehicle appraisals, and non-public carwash with reclaimed water system.
3. Unless otherwise approved by the Director of Community Development, the following is prohibited on the subject property:
  - a. Outdoor music;
  - b. Banners, pendants on light poles, balloons, temporary signage, inflatables, and similar items as determined by the Director of Community Development;
  - c. Tents;
  - d. Raised display areas;
  - e. The parking of display vehicles within landscape areas; and
  - f. Outdoor tire storage, within the service canopy or elsewhere on the site.
4. No signage is approved with this application.
5. Prior to occupancy, landscaping and irrigation (suitable to accommodate recycled water) shall be installed along the street frontage of the 16-acre site. Plans submitted to the Building and Safety Division for plan check shall demonstrate compliance with this condition.
6. Any phasing of project improvements, such as drive aisles or interior sidewalks, shall be noted on plans submitted to the Building and Safety Division for plan check, and is subject to the review and approval of the Director of Community Development.

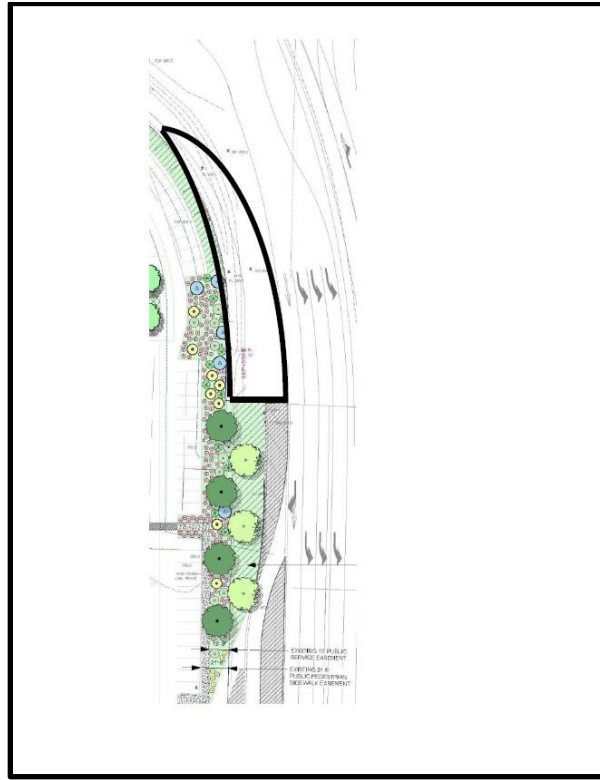
7. Construction of the western exit between Lot 1 and Lot 2 shall occur when Lot 1 is developed and shall accordingly be reflected on plan check plans submitted to the Building and Safety Division.
8. Construction of the drive aisle that runs east-west and is located between Lots 1 and 2 shall occur when Lot 1 is developed and shall accordingly be reflected on plan check plans submitted to the Building and Safety Division.
9. The project developer shall contribute to the design and construction of a roadway entry feature near the southeastern corner of the 16-acre site. Plan check plans submitted to the Building and Safety Division shall indicate the entry feature if specifications are available at such time. If specifications for the entry feature are not available at time of plan check submittal, the applicant shall cooperatively work with the City to amend the plans when specifications become available.
10. The hours of operation for the subject use shall be in accordance with the table below. The applicant shall secure prior City review and approval for additional hours or activities beyond those described in the written narrative and plans, dated "Received July 30, 2014." The Director of Community Development may approve proposed modifications or refer the matter to the Planning Commission and/or City Council if judged to be substantial. In the event the City receives complaints, it will investigate the matter and attempt to resolve the complaints. If the resolution is unsuccessful, the Director of Community Development may reduce these hours.

<b>Operation</b>	<b>Monday-Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>Auto Sales</b>	9:00 a.m. to 9:00 p.m.	9:00 a.m. to 9:00 p.m.	9:00 a.m. to 8:00 p.m.
<b>Auto Service</b>	7:00 a.m. to 6:00 p.m.	8:00 a.m. to 5:00 p.m.	Closed.
<b>Truck Deliveries</b>			
<b>Loading/ unloading of vehicles</b>		8:00 a.m. to 8:00 p.m.	
<b>Parking Lot Sweeping</b>			
<b>Leaf Blowing</b>			

11. No test driving shall occur on residential streets.
12. 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 as otherwise vested by an approved Development Agreement.

13. 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.
14. The subject project shall be developed in accordance with the Neighborhood Park/Detention Basin Funding and Improvement Agreement.
15. The subject project shall be developed in accordance with the Cost-Sharing and Pre-Development and Cooperation Agreements.
16. All future additions, site design changes, and new structures shall be reviewed on a case-by-case basis in accordance with the purposes and requirements of Chapter 18.68 of the Pleasanton Municipal Code, unless otherwise governed by an approved Development Agreement. All future site design changes, landscaping changes, building additions, and new buildings shall be subject to this process, except as otherwise conditioned.
17. Plans submitted to the Building and Safety Division for plan check shall demonstrate compliance with the measures listed below. Said measures shall be subject to the review and approval by the Director of Community Development.
  - a. Landscaping Along the Private Drive. Landscape species and spacing along the private drive shall be clearly identified and similar to that shown on the approved CarMax Auto Superstores plans for overall consistency.
  - b. Landscaping Along El Charro Road. Landscaping, particularly tree species, along El Charro Road shall be coordinated with the landscaping along the eastern side of El Charro Road north of Jack London Boulevard to provide a unifying effect.
  - c. Landscaping at northeast corner of Auto Mall Site. Unless otherwise approved by the Director of Community Development, a significant cluster of perennial shrubs shall be provided at the intersection of the El Charro Road off-ramp and El Charro Road.
  - d. Landscaping and Irrigation within I-580 Right-of-Way. Unless otherwise approved by the Director of Community Development, and if permitted by CalTrans, the applicant shall provide landscaping and irrigation within the site's freeway right-of-way. Plan check plans submitted to the Building and Safety Division shall include an approval letter from CalTrans for said landscaping and irrigation, shall indicate that the selection of plant materials is coordinated with the landscaping in the freeway right-of-way on other Staples Ranch properties, and shall verify that the species are long-lasting, maintenance free California or adapted native drought tolerant plants by a licensed landscape architect. The species shall be subject to the review and approval of the City's landscape architect. The species shall not include palm trees.

- e. Landscaping North of Tree Planting. Unless otherwise approved by the Director of Community Development, and if permitted by CalTrans, the applicant shall provide landscaping within the “triangle-shaped” area outlined below.



- f. Landscaping Species. All landscaping species shall be identified with the associated planting plan.
- g. Lighting Standards Along the Private Drive. Lighting standards along the private drive shall be identical to those shown on approved CarMax plans for overall consistency.
- h. Lighting Standards Along I-580. Unless otherwise approved by the Director of Community Development, lighting standards along I-580 shall be setback the same distance from the northern property as those approved for the CarMax site.
18. Plan check plans submitted to the Building and Safety Division shall indicate locations of property lines and all easements on architectural, civil, and landscaping plans.
19. Plan check plans submitted to the Building and Safety Division shall include written verification from Zone 7 that improvements, including but not limited to parking, lighting, landscaping and irrigation in Zone 7's easement are acceptable.

20. Plan check plans submitted to the Building and Safety Division shall include written verification from PG&E that improvements, including but not limited to parking, lighting, landscaping and irrigation in PG&E's easement are acceptable.
21. All roll-up doors shall be recessed a minimum of 7.5-inches into the building wall, unless the building wall is a concrete-tilt-up wall in which case the roll-up doors shall be recessed approximately two or three inches into the building wall. Plan check plans submitted to the Building and Safety Division shall address this condition of approval.
22. Unless otherwise approved by the Director of Community Development, plan check plans submitted to the Building and Safety Division shall include a modified southern façade showing vertical trellises above the roll-up doors with trained vines or alternative enhancement subject to the review and approval by the Director of Community Development. Signage shall not be considered an enhancement.
23. The area indicated as "Sales Display" on the lighting plan in Exhibit B is acceptable as the "designated display area" as long as lighting plans submitted to the Building and Safety Division for plan check are identical in lighting levels as shown on Exhibit B. If greater lighting levels are shown on plan check plans, the Directory of Community Development may require a smaller area to be identified as a "designated display area." In accordance with the Mitigation Monitoring and Reporting Program (MMRP), lighting shall be reduced during non-operational evening hours.
24. Prior to installation, the design of any outdoor furniture or potted plants shall be submitted for review and approval by the Director of Community Development.
25. All parking spaces used by the public shall be striped.
26. The use of exterior loud speakers shall be prohibited.
27. Tires stored at the subject site shall not be visible. All tire storage shall occur within an enclosed and covered area that meets applicable stormwater requirements.
28. All proposed trellises must be painted metal (not wood), or approved equal.
29. The applicant shall secure all applicable permits from the Bay Area Air Quality Management District.
30. The lighting fixture and lighting pole shall be the same color. Said color shall be neutral, shall be noted on a specification sheet or detail identifying the design and pole height on plan check plans submitted to the Building and Safety

Division, and shall be subject to the review and approval of the Director of Community Development.

31. All vehicles on the site shall be parked in an orderly manner.
32. At no time shall outdoor storage of vehicle parts occur on the site.
33. The project developer shall be responsible for its proportionate share of the maintenance of the Staples Ranch Neighborhood Park Detention Basin as specified in the Funding and Improvement Agreement (Staples Ranch Neighborhood Park/ Detention Basin).
34. The fence along I-580 shall match the specifications for the fence on the CarMax property to the west, and shall not exceed 6-feet. Barbed wire shall not be allowed. Plan check plans submitted to the Building and Safety Division shall include verification of CalTrans' approval/denial, and shall show said fence if approved by CalTrans.
35. Walls and solid privacy fencing shall not be located on the existing PG&E and Zone 7 easements by Interstate-580.
36. Except as otherwise modified by the conditions of approval for this case, compliance with the City's noise standards shall be achieved.
37. The project developer shall obtain a Building Permit from the Building Department and any other applicable City permits for the project prior to the commencement of any construction.
38. 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.
39. Conveyance documents for all parcels on the Staples Ranch Site shall include the required disclosures listed below. Each property owner on the Staples Ranch Site shall provide all of its future tenants and any purchaser of any property on the Staples Ranch Site with copies of the required disclosures listed below. The property owner will disclose to all potential tenants and property owners conditions that may not be readily apparent which may occur on or near the Staples Ranch Site:
  - a. The presence of and typical activities and physical characteristics associated with the auto mall planned on the Staples Ranch Site including vehicle servicing, washing, and vacuuming, bright lighting,

illuminated freestanding freeway sign, noise, early and late hours of operation, and large truck deliveries.

- b. The presence of and typical activities and characteristics associated with park uses on the Staples Ranch Site including bright lights, noise, large buildings, large delivery trucks, early and late use hours of park use.
  - c. The presence of typical activities and characteristics associated with retail and/or office uses on the Staples Ranch site including bright lighting, noise, early and later hours of operation, and large delivery trucks.
  - d. The future extension El Charro Road to Stanley Boulevard, as shown in the General Plan.
  - e. The anticipated I-580 freeway widening by CalTrans.
40. The trash enclosure shall be sized to accommodate both trash and recycling containers, and be on an accessible route. The trash enclosure bins shall be kept inside the enclosure except when being unloaded.
  41. All HVAC equipment, antennas, satellite receiving stations, etc., shall be located within the building's roof-equipment wells, and shall project no higher than a horizontal plane defined by the top-edge of the parapet walls.
  42. The project developer shall effectively screen views from a person standing at ground level 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.
  43. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
  44. The project landscaping and irrigation shall be designed for and utilize recycled water.
  45. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and shall implement Bay Friendly Basics. A licensed landscape architect shall verify the project's compliance with the ordinance prior to the issuance of a building permit, and prior to final inspection. The verification shall be provided to the Planning Division.
  46. Prior to occupancy, the landscape architect for the project 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.

47. 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.
48. 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 recycled water supply per City of Pleasanton Recycled Water Standards.
49. The State of California's Green Building Standards Code, "CALGreen", shall apply to the project, if applicable.
50. Appliances meeting Energy Star standards shall be installed as part of the project. The proposed appliances shall be indicated on the plans submitted to the Building and Safety Division for the issuance of a building permit.
51. 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.
52. The proposed building shall be constructed to allow for future installation of a Photovoltaic (PV) system. The project/building developer shall comply with the following requirements for making the building photovoltaic-ready. Making the building photovoltaic-ready shall require the following measures to be implemented with the construction of the structure:
  - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels:
  - b. 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: and
  - c. 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 building permit.
53. 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.
54. Any excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No temporary stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.



55. All backflow prevention devices and double check detector valves installed with the development shall be painted forest green (Pantone Color System Number 357) and shall be screened from view from public/private streets. 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 date of planting. Weather protection devices such as measures to protect pipes from freezing shall require approval by the Director of Community Development 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. All backflow prevention devices shall be shown on the plans submitted for issuance of building permits together with screening mechanism and/or weather protection devices. Proposed screening and weather protection devices shall be reviewed for conformity to these requirements and approved by the Director of Community Development prior to issuance of a building permit.
56. Pre-Development & Cooperation Agreement:
- a. Applicant acknowledges that the City has provided to applicant a copy, and the applicant is aware of the existence, of that certain Pre-Development and Cooperation Agreement by and among the City of Livermore, the County of Alameda, the Surplus Property Authority of the County of Alameda, the City of Pleasanton, and CaiMat Co., d/b/a Vulcan Materials Company, Western Division ("Vulcan"), dated as of September 18, 2007 (the "Cooperation Agreement"), and further acknowledges that applicant has reviewed and understands the provisions of the Cooperation Agreement, including but not limited to the provisions thereof that prohibit the City's issuance of certain permits for applicant's project unless and until the City complies with its obligations under the Cooperation Agreement, and allow Vulcan to join applicant as a real party in interest in any action to enforce the City's obligations under the Cooperation Agreement. Applicant consents to the recordation of the Memorandum of Agreement on title to Applicant's property and shall execute and deliver to City all documents required to evidence the consent to recordation.
  - b. Applicant shall provide each potential tenant or purchaser of the project site with the following written disclosure:

This property is located in the vicinity of operating quarries on land designated by the County of Alameda for sand and gravel quarry and related operations, including asphalt and concrete plants, landfill, recycling of construction materials, reclamation and other similar uses (the "Quarry Lands"). The Quarry Lands have been designated by the State of California as containing aggregate and mineral resources of regional significance. Operations and reclamation activities at the Quarry Lands are projected to continue until at least 2030. Quarry

operations may result in airborne particulate matter, bright lights, noise and vibration, unattractive visual appearance, and heavy truck traffic. El Charro Road serves as the main access route to the Quarry Lands and is subject to a high volume of heavy truck traffic related to the Quarry Lands.

- c. All property owners shall attach the following rider to each deed for any property within the Staples Ranch Site:  
Grantee hereunder acknowledges and agrees that the subject property is located in the vicinity of active and operating quarries and processing facilities. Grantee also acknowledges that quarry operations may result in airborne particulate matter, bright lights, noise and vibration, unattractive visual appearance, and heavy truck traffic on El Charro Road and adjacent streets and roadways within or outside the quarries. Grantee accepts possible inconvenience of discomfort from any of the foregoing and Grantee hereby acknowledges and agrees that no claim of nuisance shall lie based on any of the foregoing. Grantee hereby covenants to include this same paragraph, in its entirety, in any subsequent deed by Grantee of all or any portion of the subject property. Grantee further covenants to include this same paragraph within any lease for all or any portion of the subject property.

### **Climate Action Plan**

57. In accordance with Climate Action Plan Measure LU3-3, the project developer shall encourage transit use and provide pedestrian and bicycle facilities on-site.
58. In accordance with Climate Action Plan Measure TR1-9, the applicant or responsible party shall ensure that drivers of diesel vehicles on the subject site do not idle their vehicles.
59. In accordance with Climate Action Plan Measures NM1-4, NM1-5, and NM1-8, the applicant or responsible party shall provide safe and convenient bicycle parking and bicycle-related improvements. Said improvements may include bicycle storage (wall mounted racks in covered areas for employees), work-place provision for showers, or other alternative approved by the Director of Community Development.
60. In accordance with Climate Action Plan Measure TDM1-6, the applicant shall provide at least one electric charging station for plug-in vehicles. Said charging station shall be identified on plans submitted to the Building and Safety Division for permits.
61. In accordance with Climate Action Plan Measure TDM2-7, the applicant or responsible party shall provide transit passes or other transit use incentives for a period of one year to new employees establish transit use patterns for employees.

62. In accordance with Climate Action Plan Measure TDM2-10, the project shall provide dedicated parking spaces for carpool, vanpool, alternative-fuel and car-share vehicles.
63. In accordance with Climate Action Plan Measure TDM2-11, the project shall incorporate a car-sharing service.
64. In accordance with Climate Action Plan Measure EC1-1, the project shall meet the LEED "*Certified*" rating level and incorporate shade trees, light-colored roofing, or energy efficient landscaping lighting. Alternative measures may be proposed and are subject to the review and approval of the Director of Community Development.
65. In accordance with Climate Action Plan Measure EC1-3, the project shall provide parking lot shade trees.
66. In accordance with Climate Action Plan Measure EC4-4, the project shall incorporate solar tubes, skylights, and other daylighting systems within the design. Said systems shall be identified on plans submitted to the Building and Safety Division for permits.
67. In accordance with Climate Action Plan Measure ER2-3, the project shall incorporate distributed generation (e.g. one of the following: photovoltaic, solar thermal, solar hot water, or solar cooling), and/or provide bloom box or other fuel cell technologies. Said measure(s) shall be identified on plans submitted to the Building and Safety Division for permits.
68. In accordance with Climate Action Plan Measure ER2-5, the project shall include a solar grid to power one or more EV charging stations.
69. In accordance with Climate Action Plan Measure SW2-12, the project shall incorporate adequate space and logistics for handling of recyclable and compostable materials.
70. In accordance with Climate Action Plan Measure WA1-7, the project shall incorporate a water-saving landscape plan that includes xeriscaping and drought-tolerant planting instead of lawns. Plans submitted to the Building and Safety Division for permits shall include a final planting plan that incorporates this measure.
71. In accordance with Climate Action Plan Measure WA3-2, the project shall utilize reclaimed wastewater.
72. In accordance with Climate Action Plan Measure WA-3-4, the project shall incorporate rain harvesting. Acceptable methods to achieve this measure

include directing roof leaders into landscaping areas, and using recycled water for irrigation purposes in lieu of potable water.

**Stoneridge Drive Specific Plan Amendment/Staples Ranch Project  
Mitigation Monitoring and Reporting Plan**

73. The subject project shall be implemented as required by the EIR and Mitigation Monitoring and Reporting Plan (MMRP). All mitigation measures of the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR are hereby incorporated by reference and shall be implemented as required by the EIR and MMRP. If any of the conditions of approval conflict with any applicable EIR mitigation measures, the requirements of EIR mitigation measures apply.
74. Prior to the issuance of a building permit, the project developer shall pay all traffic fees to which the property may be subject, as set forth in the MMRP.
75. In accordance with measure VQ-3.1 of the MMRP, all exterior lighting shall be directed downward and shall be shielded or utilize equivalent technology to avoid shining on neighboring properties. Energy efficient lamp technologies shall be incorporated wherever feasible (mercury vapor shall be avoided, and incandescent lights shall be avoided unless they are integrated with a control mechanism that limits their operation time). The use of such lighting shall help minimize impacts on reduced visibility of the night sky. Plans submitted to the Building and Safety Division for permits shall demonstrate compliance with this measure to the satisfaction of the Director of Community Development.
76. In accordance with measure VQ-3.2, the project developer shall design lighting systems to provide appropriate light illumination for the proposed project and protect surrounding uses from spillover light and glare by incorporating the following guidelines and specifications. The lighting plan submitted to the Building and Safety Division with plan check plans shall demonstrate compliance with these measures:
  - a. Prior to the issuance of a building permit, a lighting plan that includes specifications for signs and exterior lighting shall be submitted for review and approval by the Director of Community Development. The plan shall include a photometric diagram, prepared by a certified lighting professional, showing predicted maintained lighting levels produced by the proposed lighting fixture facilities that achieve the following during hours of operation:
    - i. The first row of light standards shall not exceed a foot candle level of 50.0 by the northern boundary and 35.0 by the eastern and southern boundaries of the Auto Mall site as measured at ground level.

- ii. The foot candle level for the remainder of the project site shall not exceed 10.0 foot candles as measured at ground level, except:
    - In approved designated display areas where merchandise is presented to customers, the foot candle level may be up to, but not exceed, 30.0 at ground level; and
    - At the senior continuing care community, foot candle spill over from the project site shall not exceed 1.0 foot candle at ground level.
  - iii. Lighting fixtures for automobile sales and services shall not exceed 25 feet in height for ground mounted poles.
- b. During non-operational evening hours, all exterior parking lot lighting levels shall be designed such that they do not exceed 10 foot candles.
77. In accordance with measure VQ-3.3, all interior lighting shall be turned off during non-operational evening hours, with the exception of lighting needed for security reasons.
78. In accordance with measure AQ-2.1, the applicant shall implement the following mitigation measures during all construction phases to reduce impacts associated with construction dust to the extent feasible, as determined by the City Engineer. These measures shall be incorporated into the construction documents describing procedures and specifications for contractors to follow.
- a. Water all active construction areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials to or from the Project Area or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in distributed areas as quickly as possible.
  - k. Suspend excavation and grading activities to the extent feasible when instantaneous wind gusts exceed 25 mph.
  - l. Limit, to the extent feasible, the number of areas adjacent to residences subject to excavation, grading and other construction activity at any one time.

79. In accordance with measure AQ-3.1, the applicant shall employ measures as described within Operational Air Emissions Plan included as Exhibit B.
80. In accordance with measure BIO-5.1, prior to the beginning of tree removal or mass grading, between February 15 and August 15, including grading for major infrastructure improvements, an avian nesting survey shall be conducted of all habitat within 350 feet of any grading or earthmoving activity. The survey shall be conducted by a qualified biologist, as determined by the City, and occur no more than 21 days prior to disturbance. If no active nests are found, no further action is required.

If active nests for special status avian species or raptor nests are found within the construction footprint, construction activities shall be delayed within a minimum 500-foot buffer zone surrounding active raptor nests and a minimum 250-foot buffer zone surrounding nests of other special status avian species until the young have fledged. This buffer zone shall not extend beyond the Staples Ranch site. The appropriate buffer can be modified by the City in consultation with qualified biologists and the California Department of Fish and Wildlife (CDFW). No action other than avoidance shall be taken without CDFG consultation. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist, as determined by the City.

The buffer zone shall be delineated by highly visible temporary construction fencing, and no intensive disturbance (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest.

If the project is built in phases, this condition of approval shall be implemented for each phase of development.

81. In accordance with measure HZ-2.1, prior to initiation of any on-site construction activities, the project developer shall contact the Underground Service Alert (USA) whose purpose is to receive planned excavation reports from public and private excavators and to transmit those planned excavation reports to all participating excavation. The USA will contact local utilities and inform them that construction is about to begin in their service area. This notice allows local utilities to mark the areas where their underground facilities are located near the construction site so that they may be avoided during project construction.
82. In accordance with measure HZ-2.1, prior to construction activities within 50 feet of the PG&E gas line, the project contractor shall identify and demarcate the location of the natural gas pipeline using highly visible markers that will

remain in place throughout project construction in the vicinity of the pipeline and ensure that all construction workers are aware of the location of the line. The location of the pipeline shall be noted on the site and construction plans. Further, the project contractor shall take all appropriate measures necessary to ensure that the line is not disturbed.

83. In accordance with measure HZ-2.1, the project developer shall develop an emergency response plan prior to construction that will include response measures in the event that there is disturbance of any underground utilities. The plan will be subject to review and approval by the Building and Safety Division and/or City Engineer.
84. In accordance with measure HY-1.1, and in accordance with the applicable provisions of the Municipal Regional Permit (MRP)-NPDES Permit, implementation of and compliance with the stormwater quality BMPs are required. However, to ensure that implemented BMPs are effective for reducing potential pollutant loads to a sufficient level of protection, each project developer shall prepare and implement a site-specific Water Quality Management Plan (WQMP) with BMPs targeted to reduce post-construction pollutants listed in Table 3.5-5 of the EIR.

This WQMP shall identify specific stormwater BMPs for reducing potential pollutants in stormwater runoff. BMPs shall be selected to target pollutants listed in Table 3.5-5 of the EIR; selection criteria and documentation shall be incorporated into the WQMP. A qualified engineer shall prepare and submit, concurrently with the submittal of off-site or on-site improvement plans, (whichever comes first), the WQMP for review and approval by the City Engineer. The WQMP must be approved by a qualified engineer of the City's Engineering Division prior to the beginning of construction activities.

The WQMP shall include the following BMPs along with selected BMPs to target pollutant removal:

- a. Waste and materials storage and management BMPs (design and construction of outdoor materials storage areas and trash and waste storage areas, if any, to reduce pollutant introduction).
- b. Spill prevention and control BMPs.
- c. Slope protection BMPs.
- d. Water efficient irrigation practices.
- e. Permanent erosion and sediment controls (e.g., hydroseeding, mulching, surface covers).

Projects within the Project Area will be required to comply with the applicable provisions C3.c of MRP, including Low Impact Development (LID) source control, site design, and stormwater treatment if applicable.

The WQMP shall not include infiltration BMPs unless they comply with design guidelines and requirements specified in TC-1: Infiltration Basins in the CASQA Stormwater Quality BMPs Handbook for New Development and Significant Redevelopment (2003) and/or are specifically approved by the City Engineer and shall meet MRP - NPDES Permit minimum requirements including adequate maintenance and that the vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least 10 feet.

85. In accordance with the requirements of measure HY-1.2, an Integrated Pest Management Plan shall be prepared and implemented to minimize the risk of pollutants associated with landscape establishment and maintenance practices in surface water runoff and infiltration to groundwater. All Integrated Pest Management Plan guidelines shall comply with California Department of Pesticide Regulation and Alameda County Agricultural Commissioner rules and regulations in regards to pesticide storage, use, transportation, reporting, and safety. The plan shall encourage minimization and efficiency of chemical and fertilizer use. Because the receiving water has been listed as impaired by diazinon, diazinon use shall be prohibited. Each property owner shall be responsible for implementation of the Integrated Pest Management Plan. The plan must be approved by the City Engineer prior to the beginning of occupancy.
86. In accordance with measure LU-5.2, conveyance documents for all parcels on the Staples Ranch Site shall include the required disclosures, deed riders, and easements listed below. Each property owner shall provide all of its future tenants and any purchaser of any property on the Staples Ranch Site with copies of the required disclosures, deed riders, and easements listed below.

All Staples Ranch Site property owners, other than the property owner of the senior continuing care community site(s), shall either record the deed rider below or Livermore's standard Avigation Easement, a copy of which is attached as Exhibit G of the Cost-Sharing Agreement.

Grantee hereunder acknowledges and agrees that the subject property is located in the vicinity of an active and operating general aviation airport, outside the City of Livermore's designated Airport Protection Area and 65 CNEL impact area. Grantee accepts possible and normal consequences including noise, light and vibration arising out of the proper operation of aircraft for current and future operations consistent with the 1975 Livermore Airport Master Plan and Grantee hereby acknowledges and agrees that no claim of nuisance shall lie based on the foregoing. Grantee shall not be deprived of any right it might have against any individual or private operator for negligent or unlawful operation of aircraft. Grantee hereby covenants to include this same paragraph, in its entirety, in any subsequent deed by Grantee of all or any portion of the subject property. Grantee further covenants to include this same paragraph within any lease for all or any portion of the subject property.



87. In accordance with measure LU-5.2, the applicant shall include deed riders/disclosures about the Livermore Municipal Airport consistent with Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353.
88. In accordance with measure NO-1.1, prior to the City's issuing of building permits for the project, the project developer shall submit to the City noise analyses prepared by a qualified acoustical consultant that demonstrate that all structures will meet City interior noise level standards. Commercial and office uses will need to meet the City standard of 45 dBA peak hour Leq that would allow the conduct of normal business activities inside these facilities. Noise reduction features may include, but are not limited to, building siting, upgraded insulation, sound rated windows and doors, sound rated exterior wall assemblies, and acoustical caulking.
89. In accordance with measure NO-1.5, all car washes shall be located and designed such that noise from the car washes, including the vacuuming areas, shall not exceed 60 dBA at any habitable structure. The project developer shall submit a noise study to the Director of Community Development verifying that the carwashes adhere to this requirement, prior to the issuance of a building permit.
90. In accordance with measure NO-3.1, the project developer shall implement construction best management practices, including the following, to reduce construction noise:
  - 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.
  - d. All construction equipment must meet Department of Motor Vehicle (DMV) noise standards and shall be equipped with muffling devices.
  - e. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.

- f. The property owner shall 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 Director of Community Development.
  - g. Additional best management practices may be required by the Building and Safety Division and/or City Engineer. All additional best management practices shall be reviewed and approved by the Building and Safety Division and/or City Engineer, prior to implementation.
91. In accordance with measure TR-5.1, no buildings shall be located within 32-feet of the northern property line.
92. In accordance with measure TR-7.1, the project site shall include a minimum of two points of emergency vehicle access consistent with the City of Pleasanton's Circulation Element (Policy 5, Program 5.2). The location and the design of the emergency vehicle access and gate and lock shall be subject to the review and approval of the Fire Marshal, Director of Community Development, and City Engineer.
93. In accordance with measure TR-9.1, the project shall include acceptable on-site bicycle and pedestrian facilities, including access to Stoneridge Drive. The bicycle and pedestrian connections shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of building permit.
94. In accordance with measure TR-12.1, prior to the issuance of final improvement plans or grading permits, the project developer shall develop and provide a construction access plan to be reviewed and approved by the City Engineer. This plan will include, at a minimum, the following construction traffic management strategies for each phase of development:
- a. Using El Charro Road for construction related access for all phases of development, to the maximum extent feasible, rather than Stoneridge Drive.
  - b. A set of comprehensive traffic control measures, including the scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs and flag persons if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information will include a construction staging plan for any public right of way used of each phase of the proposed project.
  - c. Provisions of parking management and spaces for all construction workers for each phase of construction.
  - d. Notification procedures for adjacent property owners regarding when major deliveries, detours, and lane closures will occur.
  - e. The location of construction staging areas for materials, equipment and vehicles.

- f. The identification of haul routes for the movement of construction vehicles that would minimize impacts on vehicular traffic, circulation, and safety; and a provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul tracks can be identified and corrected by the project developers.
  - g. A process for responding to, and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager.
95. In accordance with measure CR-1, prior to the issuance of a grading permit or building permit for the project, the project developer shall retain the services of a qualified archaeological consultant having expertise in California prehistoric archaeology. The archaeological consultant shall determine if planned development could potentially impact important archaeological resources and shall then design an appropriate archaeological monitoring program. Upon completing the archaeological monitoring program, the archaeological consultant shall submit a written report of findings first and directly to the Director of Community Development. At a minimum, the archaeological monitoring program shall include the following:
- a. An archaeological monitor shall be on site during native soils disturbing activities.
  - b. The archaeological consultant shall advise all project contractors to be on the alert for evidence of expected resources, of how to identify the evidence of the expected resources, and of the appropriate protocol in the event of discovering an archaeological resource.
  - c. The archaeological monitor shall be present on the Staples Ranch site until the Director of Community Development, in consultation with the archaeological consultant, determines that project construction activities could have no effects on significant archaeological resources.
  - d. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.
  - e. If an intact archaeological deposit were to be encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The City shall empower the archaeological monitor to temporally redirect demolition/excavation/construction crews and heavy equipment until the resource is evaluated. The archaeological consultant shall immediately notify the Director of the Community Development of the encountered resources.
  - f. Should archaeological resources be encountered during construction, the project developer shall consult with City and tribal representatives to determine the appropriate disposition of findings. Mitigation measures shall include one of the three alternatives below:
    - i. In-Situ Preservation: The project developer shall preserve artifacts and resources as found and shall apply suitable open space, capping, or monumentation to the site. The project developer shall alter development plans to accommodate this alternative, as necessary.
    - ii. Excavation/Recovery: The archaeological consultant shall

excavate the site, evaluate the site for historical references, recover artifacts as appropriate, and cover the site to preserve remaining artifacts. The project developer shall maintain sufficient buffering between development subsurface construction and the location of resources.

- iii. Excavation/Removal: The archaeological consultant shall excavate and recover the cultural resources as described above and remove artifacts as necessary. However, due to the depth of development excavation, the site would be permanently disturbed.

If the City requires data recovery, the archaeological consultant shall first prepare an Archaeological Data Recovery Plan that s/he shall submit to the Director of Community Development for review and approval.

If development plans call for trenching within 200 feet of the Arroyo Mocho, a program of subsurface mechanical trenching along the impacted route shall precede project trenching in an attempt to locate additional archaeological sites and/or the original meander of the Mocho, where such sites would most likely be. If additional sites were to be found, the project developer shall adhere to the above mitigation measures.

If human remains are discovered, the project developer shall contact the County Coroner immediately. If the coroner determines that the human remains are Native American remains, the project developer shall notify the California State Native American Heritage Commission.

The archaeological consultant shall prepare a Final Archaeological Resources Report, meeting City and state standards, evaluating the historical importance of the archaeological resource and describing the archaeological and historical research methods employed in the testing, monitoring, and data recovery programs. The Director of Community Development shall review and approve this document. The project developer shall file the report with appropriate state offices.

96. In accordance with measure UT-1, plans submitted to the Building and Safety Division for plan check shall incorporate low-flow irrigation head and/or drip irrigation with electric controllers set to water after 7:00 p.m. and before 10:00 a.m., and property soil preparation for landscaped areas that includes a minimum of two inches of mulch and two inches of organic soil amendment, as recommended by a qualified landscape architect.
97. If it is determined through field inspections and/or monitoring that a site is not in compliance with an EIR mitigation/improvement measure, the responsible party for implementation of the mitigation/improvement measure is the responsible party to bring the mitigation/improvement measure into compliance. The responsible party is listed in the EIR Mitigation Monitoring and Reporting Plan.

The City of Pleasanton may require the responsible party to conduct a peer review report by a consultant chosen by the City of Pleasanton to determine compliance and to recommend measures to correct noncompliance. All peer review costs shall be borne by the party responsible for the implementation of the mitigation/improvement measure.

As parcels are sold, new property owner(s) will be responsible for all of the their parcel's "Project Developer" mitigation responsibilities as listed in the EIR Mitigation Monitoring and Reporting Plan, including but not limited to: implementing mitigations, monitoring, reporting, bringing mitigation/improvement measures in nonconformance into conformance, and reimbursing the City of Pleasanton for costs borne by the City of Pleasanton to review monitoring reports and conduct other monitoring activities related to their parcel(s).

Prior to the issuance of a building permit, a Mitigation Monitoring fund (or other funding mechanism acceptable to the City of Pleasanton) shall be established by the City of Pleasanton. The applicable Project Developer shall deposit funding into the Mitigation Monitoring fund (or other funding mechanism acceptable to the City of Pleasanton) to cover estimated City of Pleasanton costs to review future monitoring reports, contract with peer review consultants, conduct field inspections, attend meetings, and conduct other monitoring activities related to the Project Developer's mitigation related responsibilities. The initial deposit amount shall be determined by the City Engineer. In the event that the Mitigation Monitoring fund (or other acceptable funding mechanism) does not adequately cover future costs borne by the City of Pleasanton, the property owner of the project development site will be responsible for the City of Pleasanton's costs to review monitoring reports, contract with peer review consultants, conduct field inspections, attend meetings, and conduct other monitoring activities related to the Project Developer's PUD site.

### **Building and Safety Division**

98. Building and site plans are to be submitted to the Building and Safety Division on a computer disk in a format approved by the Chief Building Official. Digitized information shall be submitted before requesting a final inspection and should reflect as built site and architectural information as approved by the Chief Building Official.
99. The applicants shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official, certifying that the pad elevations and building location (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.
100. The height of the building shall be surveyed and verified as being in conformance to the approved building height 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 Building and Safety Division before the first framing inspection by the Building and Safety Division.

### **Engineering Division**

101. The licensed Civil Engineer shall provide storm water calculations for extension of storm water system shared by all three lots. These calculations are subject to review and approval of the City Engineer.
102. The project developer's consultant shall provide AS BUILTS of the project improvement plans in AutoCAD and PDF format for City use.
103. The proposed fire service shall have Double Check Detector Check valve installed within Public Service Easement as per City Standard Detail.
104. The proposed domestic water meter and irrigation meter shall have Reduced Pressure Backflow Device installed within Public Service Easement as City Standard Detail.
105. The licensed Civil Engineer shall provide pavement design calculations for all Emergency Vehicle Access Areas, Water Line Easement Areas, and Sanitary Sewer Easement Areas. It should be capable of all-weather access for fire truck loading and maintenance vehicle loading whichever is greater.
106. All work within existing PG&E and Zone 7 easements shall be reviewed and approved in writing by authorized representative to the satisfaction of the City Engineer.
107. The project developer shall extend curb, gutter, and a six foot separated sidewalk from the northwest corner of Stoneridge Drive and El Charro Road, along west side of El Charro road, in northerly direction, up to northerly project limit, in close proximity to the eastbound I-580 off-ramp. The exact location of the improvements of curb, gutter, and sidewalk shall be to the satisfaction of the City Traffic Engineer and the City Engineer. If required by the City Traffic Engineer and City Engineer, the sidewalk shall be closed with a pedestrian barricade, and notification of the termination of the sidewalk shall be installed at the intersection of Stoneridge Drive and El Charro Road to provide sufficient warning to pedestrians of the end of the sidewalk. The landscaping and irrigation along west side of El Charro Road, fronting the property shall be as required by the Director of Community Development. This condition may be deferred until such time as the remainder of the Auto Mall site is developed, or until such time the City may require it. If the project developer chooses to defer the condition as allowed herein, prior to issuance of building permit the developer must provide a

cash deposit or a surety bond equal to 125% of the cost of the deferred construction, as determined by the City Engineer.

### **Urban Stormwater**

108. The applicant shall utilize source control requirements as they apply to the operations of this project for auto service operations. All service operations involving fluid changes must occur indoors; all fluids shall be disposed of in an appropriate manner and shall not be placed in the storm drain or sanitary sewer but shall drain to a sump. Applicant must refer to Source control requirements, available at [www.cleanwaterprogram.org](http://www.cleanwaterprogram.org), for all other applicable source control requirements.
109. 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**

110. Car-carrier delivery trucks shall access the site through the intersection of I-580 at El Charro Road southbound to Stoneridge Drive. The property owner and/or business operator shall inform each delivery company or party delivering to the site that its drivers are not to use Stoneridge Drive west of the project entry drive when accessing or leaving the subject site.
111. The applicant or responsible party shall pay any traffic impact fees for the subject use as determined by the City Traffic Engineer. This fee shall be paid prior to issuance of a building permit.
112. 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.
113. The haul route for all materials to and from the project shall be approved by the City Traffic Engineer 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.
114. 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.

115. Unless otherwise approved or required by the Director of Community Development, project sidewalks shall be 5-feet wide and separated from the roadway by landscaping.
116. 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 strip to provide a clear visual path to oncoming vehicles and pedestrians. This restricts plantings to 30 inches in height or above 5 feet in height (tree canopy).
117. All truck deliveries, loading, and unloading shall take place on the subject property (and not on any public streets). Said delivery, loading/unloading areas must be shown on the plan check plans submitted to the Building and Safety Division.
118. Plan check plans submitted to the Building and Safety Division shall include a plan showing the truck turning path through the project site for the car-carrier delivery trucks, subject to the review and approval by the City Traffic Engineer.
119. If the subject Chrysler-Jeep-Dodge project is constructed prior to the CarMax Auto Superstores project, then the Chrysler-Jeep-Dodge project applicant shall provide stop signs at the northern "end" of the entry drive. Plan check plans submitted to the Building and Safety Division shall show a stop sign provided in the median and on the right-hand side of the roadway; final locations are subject to the review and approval by the City Traffic Engineer.
120. If the subject Chrysler-Jeep-Dodge project is constructed prior to the CarMax Auto Superstores project, then the Chrysler-Jeep-Dodge project applicant shall provide an overhead illuminated street name sign at the traffic signal at the project driveway entry on the east leg of the intersection. Said sign shall meet specifications required by the City Traffic Engineer.
121. If the subject Chrysler-Jeep-Dodge project is constructed prior to the CarMax Auto Superstores project, then the Chrysler-Jeep-Dodge project applicant shall stripe a crosswalk on the north leg of the signalized intersection of Stoneridge Drive at the project driveway to facilitate pedestrian crossing, prior to occupancy. Said crosswalk shall meet specifications required by the City Traffic Engineer.
122. The project applicant shall repair any damage to the green bike lane crossing the entry drive at Stoneridge Drive due to project-related vehicular traffic during construction, as determined by the City Traffic Engineer.



## **STANDARD CONDITIONS**

### **Community Development Department**

123. 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.
124. 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 and all of the project work is accepted by the City, unless otherwise approved by the City Engineer or Director of Community Development.
125. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
126. 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.

### **Planning Division**

127. The proposed development shall conform substantially to the project plans, LEED checklist, Project Narrative, Transportation Management Plan, Colors/materials board, Exhibit B, dated "Received, July 30, 2014," 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 to the approved exhibits.
128. 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.

129. 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.
130. Prior to issuance of a building permit, the developer shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District.
131. 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.
132. 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.
133. Planning Division approval is required before any changes are implemented in site design, grading, building design, exterior colors or materials, landscape material, etc.
134. Before project final, all landscaping shall be installed, review, and approved by the Planning Division.
135. The project developer must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
136. The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.

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.

### **Engineering**

140. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
141. A parcel map shall be required to subdivide the property into 3 lots. With the map, the project developer shall set forth the maintenance areas of the 3 Lots proposed development and maintenance responsibilities. The project developer shall record Maintenance Agreement at the time of recordation of the map. The Maintenance Agreement shall be subject to the review and approval of the City Attorney, Project Planner and the Utility Engineer prior to recordation of the map. The Maintenance Agreement shall include but not limited to the maintenance of all private utilities, the common access driveway, and other common areas not within the area of a dedicated public street and facilities on the site. The project Maintenance Agreement shall include exhibits showing the location of all the common private improvements to be maintained. The City shall be granted the rights and remedies but not the obligation, to enforce the maintenance responsibilities.
142. Storm water shall not flow from one lot to the other unless a storm drain easement created. Said easement shall be subject to the review and approval by the City Engineer.
143. The project developer shall create private storm drainage easements as necessary across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
144. The project developer shall create public service easements (PSE), private utility easements, and other easements as necessary across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
145. The project developer shall post with the City, prior to approval of the parcel map, a separate labor and material bond, performance bond and maintenance bond for the full value of all subdivision improvements. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer.

146. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
147. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
148. A sanitary sewer lateral with two-way cleanout (located at the back of the sidewalk or curb, whichever is applicable) shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
149. A stub for each dry utility (electric power, gas, communication service, Cable television, street lights and any required alarm systems) shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
150. 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.
151. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve new developments on the project.
152. 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.
153. The encroachment permit for haul route for all materials and equipment to and from this development shall be approved by the City Engineer prior to the issuance of any permit by City Building Division or Engineering Division.
154. 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. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

### **Fire**

155. All construction shall conform to the requirements of 2013 California Fire Code and City of Pleasanton Ordinance No. 2083. All required permits shall be obtained prior to work commencement.
156. 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 staff at 925/454-2332.

157. 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:

- a. 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.
- b. Backflow prevention or connections to the public water mains.

158. Emergency vehicle access roads:

- Shall be a minimum of 20 feet in width. A clear height free of obstructions (power, cable, telephone lines, tree limbs, etc.) shall be provided. This clearance shall be a minimum of 13 feet-6 inches. Inside turning radius of 41 feet and outside turning radius of 52 feet shall be provided.
- All exterior portions of buildings must be within 200 feet of an access road. Yard and parking areas may be able to be located farther than 200 feet from access roads, depending on the specific use.
- On-site access ways and internal drives shall be designated as fire lanes and identified as such by red curb striping and posted with signs at locations approved by the Fire Department. Signs shall be according to state standards and read "No Parking - Fire Lane" and must be shown on the plans.

159. Fire department aerial apparatus:

- Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.
- The following schedule for NO PARKING signs shall apply:

<u>Width</u>	<u>Requirements</u>
36 Feet or Greater	No Requirements
Between 28 and 36 Feet	Post one side
Between 20 and 28 feet	Post both sides
Less than 20 feet	Not permitted

<u>Aerial Ops - Width</u>	<u>Requirements</u>
42 Feet or Greater	No Requirements
Between 34 and 42 Feet	Post one side

Between 26 and 34 feet  
Less than 26 feet

Post both sides  
Not permitted

160. Dead-end access ways and internal drives shall in excess of 300 feet in length shall terminate in turnaround no less than 96 feet (80 feet clear width) in diameter or hammer-head (tee). Standards and options are available through the Fire Prevention Bureau.
161. 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 or tract, as specified in the approved Site Plan, 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. If permanent access or site paving is not provided, the carrying capacity of the emergency vehicle access shall be 69,000 pounds under all weather conditions.
  - C. Designated construction material storage and construction worker parking shall not obstruct the emergency vehicle access route(s).
  - D. Where on-site fire hydrant(s) are required, they shall be installed, flushed and all valves open prior to any construction above the foundation or slab. This includes concrete tilt-up and masonry buildings.
  - E. On-site fire hydrant(s) shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use
  - F. 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.
162. Fire hydrants shall be installed at spacing not greater than 300 feet. Hydrants in yard and parking areas may be able to be spaced farther apart, depending on the specific use.

### **Building**

163. 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 (with accurate elevations above sea level indicated) and on-site drainage control measures to prevent stormwater runoff onto adjoining properties.
164. Prior to issuance of building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of

a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins “trash materials only” and all recycling bins “recycling materials only.” The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

### **Landscaping**

165. 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.
166. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
167. 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.
168. For purposes of erosion control, the applicant/developer shall plant a hydroseed mixture that has been designed by the project Landscape Architect. The hydroseed mixture shall be specified on the building permit plans for review and approval by the Director of Community Development and shall be maintained by the applicant/developer until permanent landscaping is in place.

### **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 Division**

169. 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.

### **Fire**

170. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.

171. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies.
172. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2010 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.
173. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
174. 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.
175. 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.

### **Building**

176. 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.

177. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
178. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
179. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

### **Bicycle Parking**

180. The project shall provide a minimum bicycle parking equivalent to 5% of the total number of automobile parking spaces. The maximum required bicycle parking spaces is 20. 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. 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.

### **URBAN STORMWATER CONDITIONS**

181. 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/stormwater/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml)

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

1. 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 and industrial project)

- creates and/or replaces 10,000 square feet or more of impervious surface, including roof area, street, and sidewalk.
- b. Compliance with a Diazinon pollutant reduction plan (Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
  - c. Compliance with a Copper Pollutant Reduction Plan and a Mercury Pollutant Reduction Plan.
2. The following requirements shall be incorporated into the project:
- a. The project developer shall submit a final grading and drainage plan, including stormwater treatment calculations, prepared by a licensed civil engineer depicting all final grades, onsite drainage control measures, and bio-retention swales. Irrigated bio-retention 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 Trash Capture Devices (TCDs), 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. 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 Official.
- 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 use and maintenance:
- a. During installation, copper material shall be pre-patinated at the factory. 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), you may collect the rinse water in a tank and discharge to the sanitary sewer. Optionally, 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, the following applies during washing and patination:
    - i. Minimize washing of architectural copper as it damages the patina and any protective coating.

- ii. Block all storm drain inlets downstream of the wash.
  - iii. collect in a tank and dispose off-site, or discharge the wash water to the sanitary sewer (with prior authorization from DSRSD).
- c. During re-patination, collect the rinse water in a tank and dispose off-site or discharge to sewer (with prior authorization from DSRSD) .
- j. Roof drains shall drain away from the building foundation. Stormwater flow shall drain to a landscaped area or to an unpaved area wherever practicable as determined by the City Engineer/Chief Building Official.
- k. There shall be no direct roof leaders connected to the street gutter/parking lot or storm drain system, unless otherwise approved by the City engineer.

## **B. 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/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)
  - [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/finalconstpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf)
1. 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 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 by being spilled.

- 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 (if used at the construction site): use a designated area 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; check vehicles and equipment regularly for leaking oils and fuels; and dispose of rags and absorbent materials promptly and properly. Use of an off-site fueling station is strongly encouraged.
  - 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 is not permitted; use of an off-site repair shop is strongly encouraged.
2. Within 30 days of the installation and testing of the stormwater treatment and TCD 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.

### **C. Operation and Maintenance Requirements**

The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as commercial and industrial projects) 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 the City.

1. 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 signed and notarized Operation and Maintenance Agreement shall be submitted to the Engineering Division prior to project receiving final discretionary approval by the City Council. The Agreement is subject to review and approval of the City Engineer/City Attorney, prior to recordation.

2. 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.
  - d. Ensuring no one is disposing of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
  - e. 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.
  - f. 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.
  - g. Mowing and removing clippings from vegetated swales with grasses on a regular basis.

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**P14-0924/PUD-106, John Gutknecht for Habitec Architecture**

**Work Session to review and receive comments on applications for: (1) an amendment to the Stoneridge Drive Specific Plan Amendment/ Staples Ranch (P14-0924) to allow vehicular ingress to the subject site from El Charro Road; and (2) PUD Development Plan (PUD-106) for construction of an automobile dealership consisting of an approximately 31,792-square-foot building with a 2,175-square-foot service canopy and 1,250-square-foot car wash, and related site improvements on the Auto Mall site at Staples Ranch. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.**

Shweta Bonn presented the staff report and described the scope, layout, and key elements of the proposal.

**THE PUBLIC HEARING WAS OPENED.**

John Gutknecht, Habitec Architecture, Applicant, stated that staff did a good job of explaining the project in its staff report. He indicated that he did not plan to say anything and was present to listen to what the Commission had to say as far as suggestions and things they are doing well with the project and things they can improve on.

David Preiss, representing Vulcan Materials Company (Vulcan), referred to Ms. Bonn's statement that Vulcan had contacted the City when it learned of this proposal. He indicated that he had no issue with the auto dealership but wanted to provide some background about the Pre-Development and Cooperation Agreement which was entered into by the Cities of Pleasanton and Livermore, the Alameda County Surplus Property Authority, and Vulcan Materials Company in 2007 after years of negotiation. He stated that Vulcan owns El Charro Road as its private access road to reach its mining operations on Stanley Boulevard, some owned by Vulcan and others essentially leased through Pleasanton Gravel and the Jamieson Company. He noted that the Agreement was a very successful effort to open up these entire quadrants for development by reaching an accord as to how consumer and regular traffic could be mixed with the heavy truck traffic that accesses the quarry. He further noted that the Agreement included, in part, very specific details on how El Charro Road and the new improvements to Stoneridge Drive and on the Livermore side would be designed and constructed with no additional access taken on or off of El Charro Road other than the intersections, with one exception that dealt with the southern end of this property in the event there was a commercial portion much farther south on El Charro Road. He added that the Agreement also discussed one emergency vehicle access (EVA).

Mr. Preiss stated that basically, he would like to make sure that the Commission understands that under the Agreement, additional access off of El Charro Road requires not only the consent of all the parties to the Agreement but also an amendment to the Agreement. He pointed out that is not about putting one party's interests over the other but for safety concerns.

Mr. Preiss stated that Vulcan had some concerns regarding exactly why this additional access is being requested, what the need for it is, and why the City of Pleasanton would go



to an amendment of its Specific Plan even before this had been worked out among all the parties to the Pre-Development and Cooperation Agreement. He indicated that this is why Vulcan has requested an opportunity to sit down with staff and the applicant to really understand what is being proposed here in terms of design and safety and making sure it works, and to have full information and disclosure prior to the City of Pleasanton taking any action on the proposal.

Mr. Preiss thanked staff for its response to his email. He indicated that he has worked with a lot of Pleasanton staff over the years and noted that Pleasanton has an excellent staff. He added that he would be glad to answer any questions and that Vulcan is looking forward to responding to this proposal in a proper manner.

**THE PUBLIC HEARING WAS CLOSED.**

Commissioner Piper stated that she drove down El Charro Road today and noted that it is a short distance between the freeway off-ramp and the right turn into the Auto Mall from Stoneridge Drive. She indicated that there must have been some pretty compelling reasons why it was not approved the first time around and requested some background on that. She added that it seems like it made a whole lot of sense to have an access there so the dealership can be accessed more quickly.

Mr. Dolan stated that the applicants talked to staff about the project and expressed an interest in having an access there, and staff's first reaction was that, first, the Specific Plan did not allow it; and second, there is a private agreement that was put into place, as accurately described by Mr. Preiss. Mr. Dolan continued that the applicants then inquired what they would have to do if they wanted that access, and staff replied that they would have to get a Specific Plan Amendment and an amendment to the Pre-Development and Cooperation Agreement; and the applicants included this in the application they submitted.

Mr. Dolan stated that the City cannot approve this proposal without a Specific Plan Amendment and without the approval of all parties to the Agreement. He added that staff is not necessarily in favor of the additional access, and Mike Tassano, City Traffic Engineer, actually expressed some concerns about it, particularly as originally proposed. He requested Mr. Tassano to explain his concerns about safety and how the access is designed to at least minimize safety concerns.

Mike Tassano added a third reason that the General Plan discourages arterials from having new driveways. He stated that when the applicants brought this request forward, his initial reaction was a straight-forward "No." He indicated that it just does not make sense because this section of El Charro Road is very short from the freeway to the free-flowing right-turn lane that goes all the way up to the signal onto Stoneridge Drive. He noted that the applicants were pretty adamant that the access would help their business to have some sort of quick access there, and Mr. Tassano replied that the City would contemplate an "in-only" access as long as there was a design that moved the right-turn vehicles out of the southbound right-turn lane, giving them another additional pocket. He stated that he did not want to limit the applicants' business plan, and the "in" is what they are looking for; they

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want to get people in there and buy a car, and it is probably fine with them if it takes longer for the customers to get out. He added that the design still looks strange and is not one that he has really seen before; however, there are several locations where vehicles come off the freeway and make a right turn into a property.

Mr. Tassano stated that one of the things he wanted to stay away from was a "right-turn out." He indicated that a lot of auto dealerships most likely have a regional draw, so if the customers want to leave the property to get back to the freeway, what they would do is go across all those lanes to get into that triple left-turn lane, which is illegal but would probably still be done. He noted that the City does have a traffic study moving forward to see how that changes some of the circulation and what some of the safety elements are. He added that staff has asked the consultant to do additional study on a right-turn lane with another right-turn pocket, and he will look at other locations where this may have worked well.

Mr. Dolan added that the access is not necessarily only for the benefit of the current applicants. He noted that there are two other sites in the area that are not yet taken, and the applicant will be initially developing five acres in the back that would make the future acquisition and development of those other two locations more attractive to a future dealership or some other use that might want similar access. He stated that staff will figure out, following the traffic study, what its ultimate recommendation will be, but in the meantime, this is part of the application, and it cannot be ignored.

### **THE PUBLIC HEARING WAS REOPENED.**

Massoud Modjtchedi, ASE Construction Management, in response to Commissioner Piper's earlier question why the access was not originally approved, stated that, to the best of his knowledge, the previous applicants had never asked for access from El Charro Road. He indicated that staff should know that better than he would.

Commissioner Piper clarified that she was not implying that it was rejected but was asking why it was not originally planned for.

Mr. Modjtchedi stated that nobody had requested that before and that this is the first time that request was made. He noted that they were looking at the 16-acre lot with having only one access from a side street, so for obvious reasons, it was very important in terms of marketing to have that access from El Charro Road. He continued that with that being said, they made sure that the public safety is well thought-out, and that is the reason why they are hiring this consultant to make sure that they can take care of any issues as soon as possible. He emphasized that this is for ingress only; there are no exits. He added that they are dedicating some of their land to make the exit line wider so there is no through-traffic that would be obstructed by slowing down the cars at that intersection.

### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Balch referred to the site plan and noted that the proposed ingress off of El Charro Road would bisect Lot 3. He inquired if the parking lot to the south of Lot 3, on

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the corner of Stoneridge Drive and El Charro Road, would be part of the Lot 3 property and not of Lot 2.

Ms. Bonn replied that the applicant can correct her if she is mistaken, but she believes it is intended for Lot 3 in the future.

Commissioner Balch inquired if there is any way to have an ingress into the property off of Stoneridge Drive approximately where the property line between Lot 2 and Lot 3 is.

Mr. Dolan replied that the applicant asked for that too. He referred the question to Mr. Tassano.

Mr. Tassano confirmed that the applicants did ask for that ingress as well and that it was part of his concession to give them at least one, which he thought is probably not a good place either but would be the lesser of the two evils. He explained that upon exiting the freeway heading towards Pleasanton, vehicles would make a southbound right turn onto El Charro Road and start to accelerate and change lanes. He pointed out that those who do not want to go to the Auto Mall would then be looking over their left shoulders for bikes and other vehicles and would not necessarily be looking for some other vehicle in front of them heading toward the Auto Mall to slow down to make a right turn into a driveway right before the actual signal. He added that someone coming from Livermore would be in the same position with vehicles driving across right after they pass the island to get in and turn right into the driveway off of El Charro Road as opposed to going right up to the signal where everyone expects the movements to be. He indicated that he was more concerned with this ingress off of El Charro Road, and there was no amount of convincing for him on that one.

Commissioner Balch asked Mr. Tassano if, in his opinion, the ingress from Stoneridge Drive referred to as the lesser of two evils could be designed as a safe ingress into the property.

Mr. Tassano replied that he thinks it is possible. He explained that the design speeds are lower there, and there is a traffic signal. He continued that a lot of vehicles coming off of the freeway would be traveling at normal speeds and getting into that right-turn lane; if they just want to go to Pleasanton, it should not cause so much of an issue if the car in front of them slows down and moves over to the additional right-turn lane that would clearly be an Auto Mall entrance.

Commissioner Balch stated that he does not recall seeing on the bike/pedestrian plan that this is an area that has a trail connection point to Dublin, as Stoneridge Drive has to Livermore.

Mr. Tassano replied that one of the difficulties with any overcrossing is that Caltrans has some restriction on what it will and will not allow. He noted that, for example, Pleasanton tried to design a bike lane going northbound up over El Charro Road; however, because Caltrans has a right-turn lane that gets onto the freeway and another one that has an option

to turn right, a vehicle in the far right-turn lane can get on the freeway, but a vehicle on the second lane in can either go right or straight through. He added that Caltrans prohibits any bicycle markings with that type of design.

Mr. Tassano continued that the southbound direction has its own kind of constraints: coming over the freeway, there is a right-turn trap where that bicyclist will be, so there is nothing identified there for a bike/pedestrian. He noted that tackling those difficult intersections or interchanges is one of those things that the bike/pedestrian master plan will have to address.

Commissioner Balch then referred to the East Pleasanton Specific Plan process and noted that there is some type of plan being proposed there, with additional vehicular traffic theoretically on El Charro Road and only one lane currently, a dedicated southbound lane.

Mr. Tassano said that was correct.

Commissioner Balch asked Mr. Tassano if, in his opinion, this would become a two-lane southbound through intersection and if there is enough room for that even with this ingress into Lot 3.

Mr. Tassano said yes. He stated that the intersection is fully constructed and there are some striped-out areas which can be ground out into two southbound through lanes and a right-turn trap lane. He added that where there is not enough room for the additional right-turn pocket off of the freeway, and the applicants have indicated that they are donating that extra space to the City to get out of the actual southbound right-turn lane.

Mr. Dolan reminded the Commission that even if the City decides it is a good idea, there is still the private agreement plus other people to convince that it is a good idea.

Noting that the private agreement dealt originally with truck safety, Acting Chair Allen asked Mr. Tassano if he knew roughly how many trucks come through this area per hour.

Mr. Tassano replied that he does not have that off the top of his head but that it is several hundred. He indicated that there are people from the gravel sites in the audience, and they could probably tell. He stated that the problem he has with counting them with hoses is that the trucks are a lot stronger than the hoses. He added that they now have cameras up there counting vehicles, but his staff has not yet discriminated between trucks and cars.

Commissioner Piper noted that the staff report states on page 10 that the service areas would face Stoneridge Drive and would be visible until the landscaping to the south of the building matures; and on page 7 that the conceptual landscaping plans shows views of the landscaping at initial planting and with ten years of growth. She inquired if these two statements are related and that it would take ten years for the landscaping to mature.

Ms. Bonn replied that these are two distinct things. She explained that the renderings show what the planting would look like immediately after planting and then after ten years of

growth. She displayed the slide showing the view from the freeway off-ramp of the rollup doors on the south façade facing Stoneridge Drive and pointed out that the area behind those rollup doors would be visible from Stoneridge Drive until the landscaping proposed along the southern boundary of that five-acre lot matures or until a future building to the south is constructed.

Commissioner Piper inquired how long it would take for those trees to mature so the roll-up doors would not be visible.

Ms. Bonn replied that 24-inch box trees are proposed. She stated that she does not remember the tree species but that the landscape architect who is present tonight may be able to give a more precise answer.

Mr. Dolan stated that a new dealership or some other use will ultimately come in in front of the proposed building and will block it, but in the interim, at least some of the trees will have to be selected for their fast-growing capability.

The Commission then proceeded to discuss the Work Session topics.

A. Are the on-site circulation, parking layout, and positioning of the building acceptable?

Commissioner Balch inquired if the on-site circulation will include the entire 16 acres and not just the applicants' Lot 1.

Mr. Dolan said yes. He explained that the first one will be built exactly as proposed, but staff wants to make sure that the City is approving a site plan for Lot 1 that would work with the development of the rest of the site. He noted that the applicants designed the entire area with the anticipation of future users, and they have come up with a plan that staff agrees works for all three users. He added that when some individual user comes forward and has its own sort of corporate idea of which way it wants to face and things like that, the City might end up having to amend the more conceptual portion to accommodate a specific user.

Commissioner Balch stated that in terms of specifically Lot 1 and the building being proposed, his primary comment about the circulation is he thinks it is generally good; the one comment he has is in looking at one of the plans of the path of travel where a vehicle would go on a 90-degree right turn and then an immediate 90-degree left turn to get into the dealership. He expressed concern that it would mean rotating the steering wheel both ways quite far right at the entry. He indicated that he understood it is probably designed to slow vehicles down and give them direction as to where to go, but he considers that a pretty significant direction change. He added that the applicants might find that they do not like it after they build it, and it could be addressed by lopping off that corner.

Commissioner Balch stated that in terms of the building placement and the rest of the circulation, the design looks like a car dealership so it makes sense and he has no

problems with it. He noted that it has pretty good ingress and egress and that he is comfortable with that. With respect to Lot 2 and Lot 3, he indicated that he is a little concerned that the parking lot at the corner of Stoneridge Drive and El Charro Road is given to Lot 3, as people will be parking at Lot 3 and then walking to see cars across the primary ingress off of El Charro Road. He stated that it might be something to be looked at to make sure it is safe or to mitigate.

Regarding Lot 2, Commissioner Balch stated that he thinks it is well placed on the corner and that the applicants have done a fair job looking at that. He concluded that looking at all three, he thinks the difficulty would be getting to Lot 3 from the CarMax shared line. He noted that looking at the southern portion of Lot 1 which is also the northern portion of Lot 2, going to Lot 3 seems tight if that is going to become the primary entry for Lot 3 if there were no ingress from El Charro Road.

Commissioner Piper stated that it looked good and that she has no additional comments as she has a very limited knowledge of car dealerships.

Acting Chair Allen stated that it looked good and that Commissioner Balch raised some good questions. She agreed that people who go to an auto lot generally park and then walk to all the places. She asked what the pedestrian route is and if there is some kind of overlay circulation for pedestrians, and what that flow would look like in a way that would be safe.

Commissioner Balch commented that the applicants have done a good job between Lot 1 and Lot 2, where the parking for Lot 1 is designed so people specifically go to the Lot 1 dealer and not to another dealer; however, getting to Lot 3 through the CarMax entry off of Stoneridge Drive is a concern or something that needs to be looked at.

*B. Does the Planning Commission support the Specific Plan Amendment to allow vehicular ingress from El Charro Road, subject to agreement by parties of the Pre-Development and Cooperation Agreement?*

Commissioner Piper stated that she has mostly shared her thoughts on this and that it sounds like making those decisions are a bit far anyway. She indicated that she is very curious as to see how that traffic study goes.

Commissioner Balch asked Commissioner Piper if she would support the applicants' request for the ingress if they wanted it.

Commissioner Piper noted that the applicants want it.

Acting Chair Allen asked Commissioner Piper if she would support it if the parties agreed to it.

Commissioner Piper replied that she certainly would support it if everyone agreed and the traffic study stated it was safe. She stated that it makes sense why the applicants would

want that as it would be a lot to turn and then turn again to get into their car dealership. She pointed out that the whole idea of having a dealership right on the freeway is so people who drive by can get off the freeway and right into it; she just wants to ensure the safety of other vehicles.

Acting Chair Allen inquired where the exit would be.

Commissioner Balch stated that after hearing Mr. Tassano about how it could be designed safely, he is tentatively fine with it coming to fruition. He indicated that he also drove it and remembers it being a short distance between getting off the freeway and already being at Stoneridge Drive. He added that the other thing that threw him off a little bit when he drove it was that there was a lot of trucks traveling it at the time and a lot of people getting over to those left-turn lanes to get into the outlets. He noted that it is a little busier for all of this to come together, so he tentatively could see going forward with it. He indicated that he fully understands the desire for it, but it has to be safe to get there.

Acting Chair Allen stated that she agrees it makes sense from the applicants' perspective, and the key is to have a safe design that Mr. Tassano approves of and that all parties to the agreement support. She indicated that if all that happened, she would be in support of it unless a surprise came up somewhere else.

Commissioner Balch stated that Mr. Preiss' concern is valid. He agreed that Vulcan travels that road quite extensively, so it needs to not be hindered and to have safe access. He noted that he is sure Mr. Tassano would address that.

*C. Are the building design, colors and materials, and height acceptable?*

Commissioner Balch stated that he knows branding plays a big factor in the color, design, and materials and that he is quite fine with these in general and finds them pretty standard compared to similar dealerships. He added that his only comment, and that is because he has been blinded by it before, is that he noticed this aluminum which is only on the northern, eastern, and western facades of the building, and with that not being on the southern side is good as it will not be blinding people walking towards the building with the sunlight. In terms of the height, he stated that staff has probably worked through what they find is acceptable and that he has no further comments on that.

Commissioner Piper stated that the design looks very nice, and the building itself looks sharp and clean. She indicated that she is happy to have this in Pleasanton and added that she is good with it as long as they do not put a gorilla on top of the building.

Acting Chair Allen stated that the building looked clean and like a professional car dealership, and the only area she would like to see softened a little bit is on the Stoneridge Drive side. She noted no one knows how long it will take to have another building there, and the south side looked very, very stark with all the service bays. She added that Stoneridge Drive is traveled a lot by both cars and bicyclists, so she would like to see more

## **DRAFT**

trees and landscaping or something that makes the building look more interesting versus so institutional on that side.

Acting Chair Allen then stated that given the current water situation, she would like to see, as this building is designed, a water plan that will use recyclable water as much as possible.

Ms. Bonn stated that the landscaping is being designed with recycled water in mind. She added that the car wash would be required to re-circulate the water that it uses and also be designed to accept recycled water at the time the City's recycled water permit can accept recycled water specifically for car washes.

Commissioner Balch noted that neighbor to the west is on recycled water, and the City of Livermore is providing recycled water. He inquired if the applicants are starting with potable water and then switch to recycled water mid-way.

Mr. Dolan said no; the applicant will be using all recycled water.

Commissioner Balch inquired if water usage will be standard recycled irrigation and potable domestic.

Mr. Dolan replied that was correct.

Acting Chair Allen stated that she is not as knowledgeable as Commissioner Balch on recycled water and inquired whether or not water used for spraying down the asphalt and things like that is recyclable.

Mr. Dolan replied that the hope is that they are not spraying down the asphalt in this day and age, but obviously there will be potable water inside the building to drink, and then the landscaping will be recyclable. He added that all commercial-type car washes now have to recycle their own water.

Commissioner Balch noted that landscaping designs have to be Water Efficient Landscape Ordinance-compliant and inquired if that applies to recycled water as well as potable water.

Mr. Dolan replied that he does not know the answer to that question and will have to look into it. He noted that it is a State law and has to be done, but he is not certain if there is something different for recycled water. He added that this just further limits the landscape species to be used to meet the State requirements because not all species love recycled water.

Acting Chair Allen asked the Commissioners if they have any additional comments.

Commissioner Piper stated she had none.



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Commissioner Balch stated that he appreciated the applicants doing a nice job designing their project and thanked them for working with City staff well. He then thanked staff for their hard work on a nice addition to Pleasanton.

No action was taken.

**EXHIBIT D**

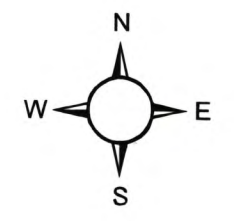
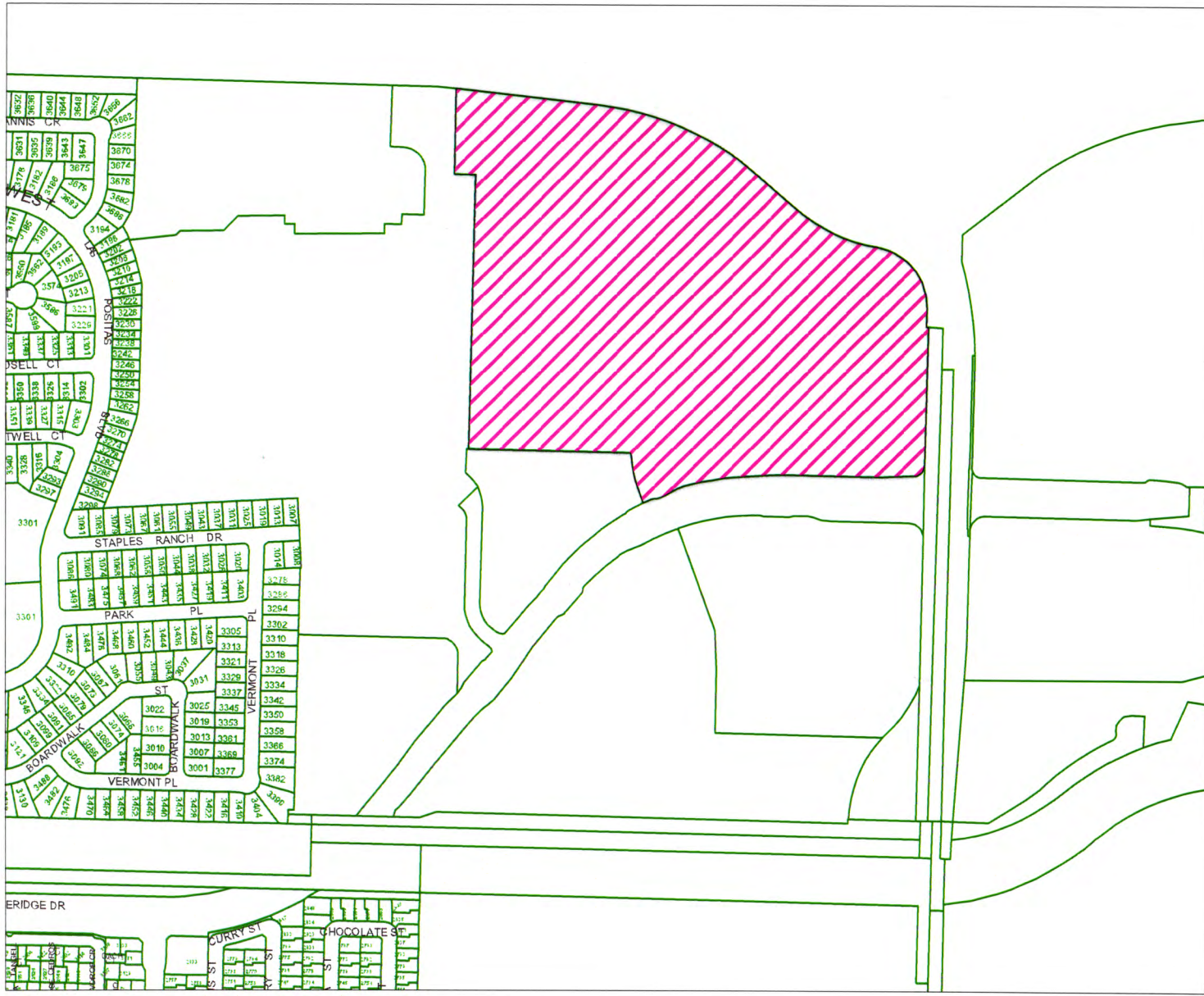
**PUD-106**

**City of Pleasanton**

**GIS**

**Department**

**Chrysler-Jeep-Dodge**



**PUD-106/Habitec Arch.**

**City of Pleasanton**

**GIS**

**Department**

**Staples Ranch**

