

P14-0845
Exhibit A, Draft Conditions of Approval

Hand and Stone Massage and Facial Spa
6786 Bernal Avenue, Suite 830
July 9, 2014

SPECIAL CONDITIONS OF APPROVAL
Planning

1. The applicant shall obtain a Building Permit from the Building and Safety Division and any other applicable City permits for the project prior to the commencement of any construction.
2. If additional hours of operation or change of activities beyond what is stated in the applicant's written narrative, dated "Received, May 16, 2014," on file with the Planning Division, are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
3. The applicant and/or owner/operator shall conform to the requirements and standards of Chapter 6.24, Massage, of the Pleasanton Municipal Code.
4. Massage and facial services shall begin no earlier than 9:00 a.m. on weekdays and weekends and shall end no later than 10:00 p.m. on weekdays and weekends.
5. The applicant and/or owner/operator shall maintain unlocked doors on the treatment rooms at all times to ensure the security for clients and massage staff.

STANDARD CONDITIONS OF APPROVAL
Planning

6. If operation of the use results in conflicts pertaining to parking, interior or exterior noise, traffic circulation, or other factors verified by City enforcement staff, at the discretion of the Director of Community Development, this Conditional Use Permit may be submitted to the Planning Commission for their subsequent review at a public hearing.
7. The proposed use shall be operated in substantial conformance to Exhibit B, dated "Received, May 16, 2014," on file with the Planning Division, except as modified by the conditions of approval. Minor changes to the plans and operations may be allowed subject to the approval of the Director of Community Development.
8. 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 attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

9. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings. At no time shall spot lighting be used in conjunction with such grand openings.
10. If the applicants/owners wish to relocate the use to a new address or tenant suite, the applicant shall secure a new Conditional Use Permit prior to occupying the new building or tenant suite.
11. This Conditional Use Permit approval will lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.
12. The applicants/owners shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
13. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
14. This approval does not include approval of any signage. If signs are desired, the project developer shall submit a sign proposal to the City for review and approval prior to sign installation.

CODE REQUIREMENTS

Fire

(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.)

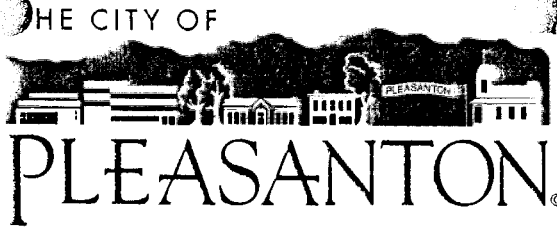
15. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.

CODE REQUIREMENTS
Building

(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.)

16. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

< End >



June 13, 2014

Leo Scrivner
The Adelante Group dba Hand & Stone Facial Spa
672 Varese Court
Pleasanton, CA 94566

Subject: PUD-02-12M, Minor Modification to amend the list of conditionally permitted uses of the Pleasanton Gateway Shopping Center only for the building located at 6786 Bernal Avenue
Effective Date: July 7, 2014

Dear Mr. Scrivner:

The City has completed its review of your application for a Planned Unit Development (PUD) Minor Modification to an approved Development Plan (PUD-02) governing the permitted and conditional uses of the **Pleasanton Gateway Shopping Center to designate massage establishments as conditionally permitted uses only within the building located at 6786 Bernal Avenue.**

In accordance with City Council policy, notice of the proposed PUD minor modification was sent to the surrounding property owners on **May 30, 2014**. No request was made for a formal hearing.

Based upon the information submitted, it is my determination that the above changes are not substantial in nature since the overall plan for the site will remain the same. Therefore, in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton, I am granting a minor modification, Case PUD-02-12M, subject to the following conditions:

1. Condition 48.a. of PUD-02-07M (Ordinance 2014) is amended to include the following conditionally permitted use:
 - b) Conditionally Permitted Uses
 - 1) Massage establishment only within the building located at 6786 Bernal Avenue.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning	Building & Safety	Engineering	Traffic	Inspection
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5484	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

Leo Scrivner, Hand & Stone Facial Spa, PUD-02-12M

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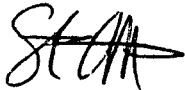
2. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third 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.
3. Except, as modified by Conditions 1 and 2 above, all conditions of Cases PUD-02-07M through PUD-02-11M shall remain in full force and effect.

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

The conditional use permit application for the massage establishment will be reviewed by the Planning Commission only after completion of the 20-day appeal period for this PUD development plan modification, measured from the date of the approval letter.

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

Sincerely,



Steve Otto

Acting Planning Manager

c: Kevin H. Johnson, Pleasanton Retail Owner, Inc., 500 Three Galleria Tower, Dallas, TX 75420

Chapter 6.24

MASSAGE*

Sections:

- 6.24.010 Purpose and intent.**
- 6.24.020 Definitions.**
- 6.24.030 Permit requirements.**
- 6.24.040 Permit exemptions.**
- 6.24.045 Applicability of chapter to exempt massage businesses, practitioners, and therapists.**
- 6.24.050 Education requirements.**
- 6.24.060 Massage establishment permit application.**
- 6.24.070 Massage technician permit application.**
- 6.24.080 Offsite massage permit application.**
- 6.24.090 Application, fingerprint, and photograph fees.**
- 6.24.100 Application review.**
- 6.24.110 Permit issuance or denial.**
- 6.24.120 Appeal.**
- 6.24.130 Employment of minors.**
- 6.24.140 Permits nonassignable.**
- 6.24.150 Change of name or location of building.**
- 6.24.160 Display of permit.**
- 6.24.170 Responsibilities of massage establishment permittee and school of massage.**
- 6.24.180 Facilities and operating requirements.**
- 6.24.190 Prohibited conduct.**
- 6.24.200 Inspection.**
- 6.24.210 Suspension and revocation of permits.**
- 6.24.220 Appeal of revocation or suspension.**
- 6.24.230 Permit duration and renewal.**
- 6.24.240 Cease of business.**
- 6.24.250 Enforcement.**
- 6.24.260 Severability.**

* Prior code history: Ords. 1279, 1222, 1727; prior code §§ 4-2.1401—4-2.1432.

6.24.010 Purpose and intent.

A. In enacting these regulations the city council recognizes that massage is a viable professional field offering the public valuable health and therapeutic services, including, but not limited to, massage, bodywork, and somatic therapies.

B. It is the purpose and intent of the city council that the operation of massage establishments and persons offering massage be regulated in the interests of public health, safety, and welfare to provide minimum building sanitation and health standards, to ensure that persons offering massage possess the minimum qualifications necessary to operate such businesses and to perform such services offered, and to ensure that those offering massage services conduct their work in a lawful and professional manner. (Ord. 1970 § 1, 2008)

6.24.020 Definitions.

For the purpose of this chapter, the following words and phrases are defined as follows:

A. "Applicant," in the case of a massage establishment permit, means an individual, or if not an individual, the person responsible for the ownership or operation of the massage establishment, who applies to obtain a permit under this chapter. In the case of a massage technician permit, offsite massage permit, or special event permit, "applicant" means an individual who applies for a permit under this chapter.

B. "City manager" means the city manager of the city of Pleasanton or the city manager's designee.

C. "Employee" includes any person, owner, partner, operator, manager, supervisor, or worker, whether paid or not, who renders services of any nature in the operation of a massage establishment.

D. "Managing employee" means any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business, or any employee of a school of massage who has been designated to manage the school of massage.

E. "Massage" means the application of touch to the human body using a variety of manipulative techniques, which may include any method of pressure on, friction against, stroking, kneading, rubbing, tapping, stretching, pounding, vibrating, or stimulating the human body with the hands or with the aid of any mechanical or electrical apparatus or organic aids, or other appliances or devices or aids standard to the massage industry, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, massage oil, essential oils, powder, cream, lotion, ointment, or other similar preparations. This may include body/mind/spirit integration, personal growth, physical or emotional relaxation and the relief of somatic pain or dysfunction. As used in this chapter, massage includes bodywork, somatic therapies, and acupressure.

F. "Massage establishment" means any establishment wherein massage is given in exchange for consideration of any type, or permitted to be given in ex-

change for consideration of any type, either as a primary or secondary function in which massage services are made available to clients. A school of massage that provides student clinics shall be considered a massage establishment.

G. "Massage technician" means any person who administers to another person massage in return for any consideration whatsoever.

H. "Offsite massage" means when massage is given, engaged in or carried on by a massage establishment or massage technician in exchange for consideration of any type, at a location, designated by the massage establishment or massage technician or client, where that location does not have a massage establishment permit.

I. "Permit" means the permit to engage in the practice or business of massage as required by this chapter.

J. "Permittee" means any person possessing a permit issued under this chapter.

K. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.

L. "Police chief" means the police chief of the city of Pleasanton or the police chief's designee.

M. "School of massage" means an "approved school" or "approved massage school" as defined in Section 4600(a) of the Business and Professions Code.

N. "Special event" means any seminar, presentation, symposium, health fair, festival, fair, street fair, demonstration, or similar event, venue, or gathering.

O. "Student clinic" means a clinic related to a course(s) offered by and at a school of massage in Pleasanton during which students provide to the public massages related to the course in which they are enrolled. (Ord. 1993 § 1, 2009; Ord. 1970 § 1, 2008)

6.24.030 Permit requirements.

A. Massage Establishment Permit.

1. Except as otherwise provided in Section 6.24.040 of this chapter, it is unlawful for any person within the city to operate a massage establishment without holding a massage establishment permit issued by the police chief.

2. A separate permit shall be obtained for each separate massage establishment.

3. For the purposes of this chapter, it is unlawful for a school of massage to hold or conduct a student clinic without holding a massage establishment permit.

B. Massage Technician Permit. Except as otherwise provided in Section 6.24.040 of this chapter, it is

unlawful for any person within the city to act as or be a massage technician without holding a massage technician permit issued by the police chief.

C. Offsite Massage Permit. Except as otherwise provided in Section 6.24.040 of this chapter, it is unlawful for any person within the city to engage in, conduct, or carry on an offsite massage without holding an offsite massage permit issued by the police chief.

D. Special Event Permit. Except as otherwise provided in Section 6.24.040 of this chapter or unless the person holds an offsite massage permit, it is unlawful for any person within the city to provide massage at a special event without holding a special event permit issued by the police chief.

E. Additional Permits. Permits required under this chapter shall be in addition to any other license, permit, or requirement required under federal, state, or local law or regulation. A permit issued under this chapter does not authorize the permittee to practice massage until the permittee has complied with all business license requirements, zoning/planning requirements, fire requirements, building requirements, and all other applicable federal, state, and local laws and regulations. (Ord. 1970 § 1, 2008)

6.24.040 Permit exemptions.

A. The permit requirements of this chapter shall not apply to the following persons while engaged in the performance of their duties:

1. Physicians, chiropractors, nurses, physical therapists, or acupuncturists who are duly licensed to practice their respective professions in the state of California;

2. Barbers, beauticians, cosmetologists, and estheticians who are duly licensed under the laws of the state of California while engaging in practices within the scope of their licenses;

3. Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the state of California;

4. Accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment;

5. Trainers of amateur, semiprofessional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as road races, track meets, triathlons, biathlons, or similar single occurrence athletic or recreational events;

6. Trainers of amateur, semiprofessional or professional performing troupes or similar groups while

engaging in their training responsibilities for and with performers in conjunction with a specific event such as performance;

7. Massage establishments or businesses, as defined in Section 4612(b)(1) of the Business and Professions Code, except as provided in Section 6.24.045;

8. Massage practitioners, as defined in Section 4600(c) of the Business and Professions Code, except as provided in Section 6.24.045;

9. Massage therapists, as defined in Section 4600(d) of the Business and Professions Code, except as provided in Section 6.24.045.

B. Special Events.

1. The massage establishment, massage therapist, and offsite permit requirements of this chapter shall not apply to a person who provides massage at a special event if the following criteria are met:

a. The special event has received prior approval by the city, including, but not limited to, the planning and police departments; and

b. The person holds a permit, license, or certificate for the practice of massage from another local, state, or federal agency; and

i. Two weeks prior to the special event, the person provides the police chief the following:

1. The permit, license, or certificate for the practice of massage from the local, state, or federal agency, or a copy thereof, and

2. The person's name, date of birth, and social security number, and business name, address, and telephone number, and

3. Two recent, identical, passport-size, color photographs of the applicant. The police chief shall have the right to take additional photographs of the applicant, and

4. An application fee pursuant to Section 6.24.090 of this chapter;

ii. As a condition of the permit, license or certificate from the local, state, or federal agency, or a copy thereof, the person was required to meet educational standards pertaining to massage and provides proof of liability insurance in the sum of not less than \$1,000,000.00.

iii. As a condition of the permit, license, or certificate from the local, state, or federal agency, the person successfully passed a criminal background check which considered the same or similar disqualifying conduct provided in Section 6.24.110(B) of this chapter, and the person's fingerprints were submitted to the California Department of Justice and Federal Bureau of Investigation.

2. A person may be issued no more than two special event permits per calendar year.

C. Student Clinic.

1. The permit requirements of this chapter shall not apply to any student who is enrolled in a course in a school of massage located in the city of Pleasanton and is engaged in a student clinic, if the following requirements are met:

a. The student has successfully completed at a school of massage a minimum of the following curriculum, which shall be non-repetitive:

i. Twenty hours of ethics; and

ii. Twenty hours of anatomy and physiology; and

iii. Twenty hours of any massage modality; and

iv. Forty hours of Swedish massage or 40 hours of Shiatsu massage.

Credit from a course not requiring actual attendance in class may not be used to satisfy the education requirements.

b. During a student clinic no student shall provide massage unless under the direct supervision of an instructor.

c. At least one month prior to the student clinic, the school of massage has submitted to the police chief a schedule of the times and dates of the clinics.

d. The student clinic must be held in a room with multiple massage stations.

e. During the student clinic persons receiving massage must be draped or fully clothed.

2. A school of massage may charge the person receiving a massage at a student clinic a fee for the massage. (Ord. 1993 § 1, 2009; Ord. 1970 § 1, 2008)

6.24.045 Applicability of chapter to exempt massage businesses, practitioners, and therapists.

A. Every massage establishment or business, as defined in Section 4612(b)(1) of the Business and Professions Code shall:

1. Two weeks prior to providing massage, provide the police chief the following: a copy of the certificate issued pursuant to Chapter 10.5 of the Business and Professions Code; the full name under which the business will be conducted, present or proposed address where the business will be conducted, certificate holder's full name, including all other names used presently or in the past, date of birth, present residence address and telephone number, and whether the certificate holder intends to engage in offsite massage. The massage establishment or business shall notify the police

chief of any change in the information at least two weeks prior to the proposed change.

2. Display, in compliance with Section 6.24.160 of this chapter, a copy of the certificate issued pursuant to Chapter 10.5 of the Business and Professions Code for each person who is providing massage at the business.

3. Provide massage in compliance with Section 6.24.180 of this chapter.

4. Provide massage in compliance with Section 6.24.190 of this chapter.

B. Every massage practitioner, as defined in Section 4600(c) of the Business and Professions Code, and massage therapist, as defined in Section 4600(d) of the Business and Professions Code, shall:

1. Two weeks prior to providing massage, provide the police chief the following: a copy of the certificate issued pursuant to Chapter 10.5 of the Business and Professions Code; the certificate holder's full name, including all other names used presently or in the past, date of birth, present residence address and telephone number, whether the certificate holder intends to engage in offsite massage, and the full name of the business premises in which massage will be administered. The certificate holder shall notify the police chief of any change in the information at least two weeks prior to the proposed change.

2. Display, in compliance with Section 6.24.160 of this chapter, a copy of the certificate issued pursuant to Chapter 10.5 of the Business and Professions Code.

3. Provide massage in compliance with Section 6.24.190 of this chapter.

C. The city may make reasonable investigations into the information provided pursuant to subsections (A)(1) and (B)(1) of this section.

D. The city may conduct reasonable inspections, during regular business hours, to ensure compliance with Chapter 10.5 of the Business and Professions Code, this chapter, and other applicable fire and health and safety requirements. (Ord. 1993 § 2, 2009)

6.24.050 Education requirements.

A. Each permittee shall possess an original diploma, original certificate of graduation, or other written proof, including but not limited to course outlines and certified sealed transcripts, acceptable to the police chief, from a school or schools of massage, college, junior college, or university which shows satisfactory completion of at least 500 hours of a non-repetitive curriculum which shall include the following:

1. Three hundred hours of formal education and training in massage, ethics, anatomy, and physiology; and

2. Two hundred hours of related education in massage and/or professional experience in massage obtained in a jurisdiction other than the city of Pleasanton.

Credit from a course not requiring actual attendance in class may not be used to satisfy the education requirements. Students must demonstrate to the police chief that they have fulfilled the education requirements from a school of massage as defined in this chapter.

B. Each applicant for a massage establishment permit who signs a declaration under penalty of perjury that such applicant shall not personally engage in the practice of massage is exempt from the educational requirements set forth in this section. (Ord. 1970 § 1, 2008)

6.24.060 Massage establishment permit application.

A. Each applicant for a massage establishment permit shall file a written application with the police chief on a form provided by the police chief.

B. Each applicant shall submit the following information in the application under penalty of perjury:

1. The full, true name under which the business is to be conducted;

2. The present or proposed address where the business is to be conducted;

3. The applicant's full, true name, including all other names used presently or in the past, date of birth, valid California driver's license number or identification number, social security number, present residence address and telephone number, gender, height, weight, color of hair, and color of eyes;

4. The applicant's two most recent street addresses and the dates of residence at each address. Addresses from post office boxes and non-street mailboxes may not be used;

5. The name, street address, and telephone number of each business in which the applicant has been employed within the past 10 years along with the dates of employment, positions held by the applicant, and a contact person at each location. Applicant shall provide proof that within the 10 years preceding submission of the application, the owner, operator, manager, and/or responsible managing officer/employee has not:

a. Had a massage establishment, massage technician, offsite massage, special event, or other similar permit or license denied, suspended, or revoked by the city, or any other federal, state, or local agency,

b. Engaged in, conducted, or operated a massage or similar establishment in a manner that would be grounds for denial, suspension, or revocation of a permit under this chapter;

6. A statement of the permit history of the applicant by identifying whether or not such person has ever held a professional or vocational license or permit related to massage, other than is required under this chapter, issued by any agency, board, city, county, territory, state, or other jurisdiction; the date of issuance of such permit or license; whether or not the permit or license is still in effect; if the permit or license is no longer in effect, whether or not it was revoked or suspended, and if so, the reason(s) therefor. The name and location of the jurisdiction or agency which suspended or revoked such license, certificate, permit, or other authorization shall also be included;

7. The name and street address of any other massage establishment or similar business operated or managed by the applicant during the last 10 years;

8. A statement whether the applicant intends to personally provide massage services at the business;

9. Except as provided in Section 6.24.050(B) of this chapter, an original diploma, certificate of graduation, or other written proof, including but not limited to course outlines and certified sealed transcripts, acceptable to the police chief showing that the applicant has met the requirements of Section 6.24.050(A) of this chapter;

10. Applicant's criminal convictions, whether or not the conviction has been expunged, or entered a plea of no contest, for all offenses other than traffic violations within 10 years before the date of the application;

11. Any criminal charges pending against the applicant at the time of the application, other than traffic citations, the name and location of the court in which the criminal charges are pending and the applicable case numbers;

12. The name, street address, telephone number, and date of birth of each massage technician or employee who works or shall work at the massage establishment, regardless of the nature of the employment;

13. The name, street address, and telephone number of any massage establishment or similar business owned or operated by any person whose name is required to be given pursuant to this section;

14. Documentation to prove that the applicant has a lawful right to work in the United States;

15. If the applicant is a corporation or limited liability corporation, the name shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation and the

name, residence address, and telephone number of each of its current officers, directors, along with the amount of stock held;

16. If the applicant is a partnership, the application shall set forth the name, residence street address, and telephone number of each of the partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner;

17. The applicant, if a corporation, limited liability corporation, or partnership, shall designate one of its officers or general partners to act as its responsible managing officer/employee. Such person shall complete

and sign all application forms required of an individual applicant under this chapter and shall, at all times, meet all of the requirements set for permittees by this chapter or the permit shall be suspended until a responsible managing officer who meets such requirements is designated. If no such person is found within 90 days after the permit's suspension, the corporation, limited liability corporation, or partnership's permit is deemed canceled. If the corporation, limited liability corporation, or partnership wishes to reapply for a permit, a new application shall be filed;

18. Three recent, identical, passport-size, color photographs of the applicant. The police chief shall have the right to take additional photographs of the applicant;

19. The fingerprints of the applicant for the purpose of establishing identification. All required fingerprinting fees shall be the responsibility of the applicant. Fingerprinting shall be taken at a place designated by the police chief;

20. The name and street address of the owner and lessor of the real property on which the massage establishment is to be conducted. In the event the applicant is not the legal owner of the property on which the massage establishment is located, the application shall be accompanied by a copy of the lease and an acknowledgment from the owner of the property that a massage establishment will be located on the property;

21. Proof of liability insurance in the sum of not less than \$1,000,000.00;

22. If the applicant is a school of massage that wishes to hold student clinics, the applicant shall provide proof that it is a school of massage;

23. Written authorization for the city, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant and the responsible managing officer/employee of the massage establishment;

24. Such other identification and information shall be provided as required by the police chief, necessary to discover the truth of the matters specified and required in the application. (Ord. 1970 § 1, 2008)

6.24.070 Massage technician permit application.

A. Each applicant for a massage technician permit shall file a written application with the police chief on a form provided by the police chief.

B. Each applicant shall submit the following information and/or document(s) under penalty of perjury:

1. As required by Section 6.24.050(A) of this chapter, an original diploma, certificate of graduation or

other written proof, including certified sealed transcripts, acceptable to the police chief, that the applicant has met the education requirements set forth;

2. All information required by Section 6.24.060(B) of this chapter, with the following modifications:

a. To comply with Section 6.24.060(B)(5) of this chapter, each applicant is required to provide only the name, street address, and telephone number of each business in which the applicant has been employed within the past 10 years along with the dates of employment, positions held by the applicant, and a contact person at each location,

b. Information required in Sections 6.24.060(B)(12) and 6.24.060(B)(20) of this chapter need not be provided, and

c. To comply with Section 6.24.060(B)(23) of this chapter, each applicant shall provide written authorization for the city, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant.

3. The full name, street address, and telephone number of each business premises in which the massage technician administers massage. (Ord. 1970 § 1, 2008)

6.24.080 Offsite massage permit application.

A. Each applicant for an offsite massage permit shall file a written application with the police chief on a form provided by the police chief.

B. Each applicant shall submit under penalty of perjury all information and/or document(s) required in Section 6.24.070(B) of this chapter, except information required in Sections 6.24.060(B)(2), (B)(20) and (B)(3) of this chapter need not be provided. (Ord. 1970 § 1, 2008)

6.24.090 Application, fingerprint, and photograph fees.

Each application shall be accompanied by nonrefundable application, and fingerprint fees, in amounts established by resolution of the city council. An application shall be accompanied by a nonrefundable photograph fee, in an amount established by resolution of the city council, if the police department requires that it take photographs of the applicant. The application and photograph fees shall be used to defray the costs of the investigation, report, and photographs and are not made in lieu of any other fees or taxes required under this code. The fingerprint fee shall be in the amount to defray the costs of fingerprinting and processing the fingerprints through the Department of Justice. A copy of the receipt

for the nonrefundable fees shall accompany the application. (Ord. 1970 § 1, 2008)

6.24.100 Application review.

A. Prior to applying with the police department for a permit, the applicant shall obtain zoning approval pursuant to Title 18 of this code.

B. Upon receipt of an application, the police chief shall review the application and supplementary material. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the permit sought or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the permit sought, the police chief shall verify the information submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

1. The police chief shall take a full set of the applicant's fingerprints, and submit the fingerprints to the Federal Bureau of Investigation and Department of Justice for evaluation. Upon receipt of the reports from the Federal Bureau of Investigation and Department of Justice, the police chief shall review the criminal history (if any) of the applicant;

2. The police chief may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a permit; and

3. Upon receipt of an application for a massage establishment permit, the police chief shall refer the application to the city's planning, business license, fire, and building departments, which shall review the application and inspect the premises to ensure that it shall comply with applicable ordinances, including, but not limited to, building, health and fire safety ordinances. Any modifications in the proposed site that are required to meet city standards shall be completed and all fees shall be paid before the application shall be considered for approval by the police chief. (Ord. 1970 § 1, 2008)

6.24.110 Permit issuance or denial.

A. The police chief shall issue or deny the application for a permit within 60 days of a completed application. When necessary, the chief of police may extend the time in order to issue or deny the application.

B. The police chief shall deny the application for a permit if any of the following circumstances exist:

1. The application is incomplete and/or required supplementary material is not submitted within 30 days of the date the material is requested;

2. The applicant does not have sufficient proof of the required educational requirements qualifications pursuant to Section 6.24.050(A) of this chapter, unless the applicant is exempt from these requirements as provided in Section 6.24.050(B) of this chapter;

3. The operation as proposed by the applicant would not comply with all applicable local, state, and federal laws and regulations;

4. During the 10 years preceding the date of the application, the applicant has had a license, certificate, or permit related to massage revoked by the city or any public agency;

5. During 10 years preceding the date of the application, the applicant has been convicted of, or pled guilty or no contest to, an offense that requires registration under California Penal Code Section 290, or which is a violation of California Penal Code Sections 220, 243.4, 245.3, 245.5, 261, 261.5, 264.1, 266, 266a—266k, 267, 269, 311.1—311.6, 311.10, 311.11, 314—316, 318, 647(a), 647(b), or 647(d), or equivalent offenses under the laws of another jurisdiction;

6. During the 10 years preceding the date of the application, the applicant has been convicted of, or pled guilty or no contest to, an offense involving the sale of a controlled substance specified in Sections 11054 through 11058 of the California Health and Safety Code, or equivalent offenses under the laws of another jurisdiction;

7. During the 10 years preceding the date of the application, the applicant has been convicted of, or pled guilty or no contest to, any felony, or equivalent offense under the laws of another jurisdiction;

8. During the 10 years preceding the date of the application, the applicant has been convicted of, or pled guilty or no contest to, any offense involving the use of force or violence upon another person, or equivalent offenses under the laws of another jurisdiction;

9. During the 10 years preceding the date of the application, the applicant was convicted of, or pled guilty or no contest to a violation of California Penal Code Section 415 as a result of an arrest for violation of California Penal Code Section 647(b), or equivalent offense under the laws of another jurisdiction;

10. During 10 years preceding the date of the application, the applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code section 11225 et seq.), or equivalent offense under the laws of another jurisdiction;

11. During the 10 years preceding the date of the application, the applicant has been convicted of, or pled guilty or no contest to, any other offense involving dishonesty, fraud, deceit, violence, or moral turpitude;

12. Conspiracy or attempt to commit any of the aforespecified offenses in subsection B;

13. The applicant has made a material misrepresentation in the application or supplementary material submitted with the application.

C. The police chief may deny the application for a permit if any of the following circumstances exist:

1. During the 10 years preceding the date of the application, the applicant has had a license, certificate, or permit related to massage suspended by the city or any public agency;

2. During the 10 years preceding the date of the application, the applicant has engaged in, conducted, or operated a massage establishment, or has engaged in, conducted, or operated as a massage therapist, in a manner which would be grounds for denial, suspension, or revocation of a permit under this chapter.

D. The police chief shall give written notice of the grounds for denial to the applicant personally or by first class mail, postage prepaid, at the address provided in the application. The notice shall advise the applicant of the right to appeal the decision. (Ord. 1970 § 1, 2008)

6.24.120 Appeal.

The police chief's decision to deny the application for a permit may be appealed to the city manager by the applicant through the following procedure:

A. Within 10 days after mailing or personal service of the notice of denial, the applicant shall file with the city clerk a written request for an appeal hearing, which states the specific grounds for appeal.

B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the city manager to hear the appeal, which date shall be no more than 30 days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and place of the hearing at least 10 days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the appellant personally or by certified mail addressed to the appellant at the address shown on the appeal. Continuances of the hearing may be granted by the city manager on request of the appellant for good cause shown, or on the city manager's own motion.

C. The hearing shall be informal. At the hearing, the city manager shall hear the appellant and any witnesses and shall determine the issue. Upon conclusion of the hearing, the city manager shall render a decision and order which shall be final. (Ord. 1970 § 1, 2008)

6.24.130 Employment of minors.

It is unlawful for the owner, proprietor, managing employee, or any other person in charge of any massage establishment to employ any person under 18 years of age. (Ord. 1970 § 1, 2008)

6.24.140 Permits nonassignable.

No permit shall be sold, transferred, or assigned by the permittee or by operation of law, to any other person. Any such sale, transfer, or assignment, or attempted sale, transfer or assignment shall constitute an immediate revocation of the permit and the permit shall thereafter be null and void. (Ord. 1970 § 1, 2008)

6.24.150 Change of name or location of building.

A. No permittee shall operate under any name or conduct any massage establishment under any designation or location not specified in the permit.

B. In the case of any proposed change of name, an application thereof shall be made to the police chief within 30 days prior to the proposed change.

C. In the case of any proposed change of location of a massage establishment, an application thereof shall be made to the police chief within 30 days prior to the change. Any proposed change of location of a massage establishment is subject to the approval of the police chief, in addition to compliance with all city ordinances and regulations.

D. In case of any change of location of the massage establishment, inspection thereof by the city's fire and building departments shall be made as required in this chapter within 30 days of receipt of the application.

E. Any application of a proposed change of name or change of location of a massage establishment shall be accompanied by a nonrefundable fee, in an amount established by resolution of the city council. (Ord. 1970 § 1, 2008)

6.24.160 Display of permit.

A. Each permittee shall be issued a photograph permit from the police department.

B. The massage establishment permit and the permit of each massage technician providing massage in the massage establishment shall be displayed in an open and conspicuous place on the massage establishment's premises.

C. Offsite Permit.

1. When providing an offsite massage, other than at a special event, each permittee shall display to each client the permittee's offsite permit.

2. When providing massage at a special event, each permittee shall display an offsite permit in an open and conspicuous place.

D. Special Event Permit. When providing a massage at a special event, each person providing massage at the special event shall display in an open and conspicuous place the person's special event permit. (Ord. 1970 § 1, 2008)

6.24.170 Responsibilities of massage establishment permittee and school of massage.

It shall be the responsibility of the massage establishment permittee and managing employee to ensure that any person subject to this chapter complies with it. (Ord. 1970 § 1, 2008)

6.24.180 Facilities and operating requirements.

Every massage establishment and every massage technician shall comply with standards established by the Alameda County Health Services for such businesses and practitioners and the following facilities and operations requirements:

A. The massage establishment's premises and facilities shall meet and be maintained in a condition to comply with all applicable code requirements of the city and Alameda County, including, but not limited to, those related to the safety of structures, adequacy of the plumbing, lighting, heating, ventilation, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.

B. Massage establishments and massage technicians shall at all times have an adequate supply of clean sanitary towels, coverings, and linens. Towels, nondisposable coverings, and linens that come in contact with a client or are otherwise used or become soiled shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one client.

C. In the massage establishment, wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day when the premises are open, with a disinfectant. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair, and maintained in a clean and sanitary condition.

D. All equipment and tools used in the massage operation shall be maintained in a clean and sanitary

condition. Instruments and tools utilized in performing massage shall not be used on more than one client unless they have been sterilized or disinfected.

E. Clients of the massage establishment shall be furnished with a dressing room within the massage establishment. Dressing rooms need not be separate from the room in which the massage is being performed.

F. Toilet facilities shall be provided in convenient locations within the massage establishment's premises and shall consist of at least one unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

G. A minimum of one wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Soap and sanitary towels shall also be provided at each basin. (Ord. 1970 § 1, 2008)

6.24.190 Prohibited conduct.

A. Massage shall be provided only between the hours of 7:00 a.m. and 10:00 p.m. No massage establishment shall be open and no client shall be in the establishment between 10:00 p.m. and 7:00 a.m.

B. No massage establishment shall sell, serve, furnish, keep, consume, or possess alcoholic beverages in the massage establishment unless the massage establishment has a valid license to do so issued by the state of California Department of Alcoholic Beverage Control. No alcoholic beverages shall be sold, served, furnished, kept, consumed, or possessed in any room where massage is provided.

C. No permittee, employee of a massage establishment, or any other person shall:

1. Expose the sexual or genital part of the permittee, employee, or any other person before, during, or after a massage;

2. Touch or expose or cause to be touched, or exposed the sexual or genital part of any person before, during, or after a massage; or

3. Permit a client to touch, expose, or view the sexual or genital part of any person before, during, or after a massage.

Sexual and genital parts shall include the genitals, pubic area, anus, and perineum of any person. As used in this chapter, touching shall mean contact skin-to-skin or through a drape, cloth or other material.

D. It is unlawful for any person to engage in, conduct, or carry on an offsite massage at a massage establishment, school of massage, or permittee's residence.

E. No massage establishment shall be used for residential or sleeping purposes. (Ord. 1970 § 1, 2008)

6.24.200 Inspection.

The police department may, from time to time, make an inspection of each massage establishment for the purpose of determining compliance with this chapter. (Ord. 1970 § 1, 2008)

6.24.210 Suspension and revocation of permits.

A. The police chief may revoke or suspend any permit granted under this chapter if any of the following are found:

1. The permittee does not possess the qualifications for the permit as required by this chapter;
2. The permittee has been convicted of any violation of any provision of this chapter;
3. The permittee has engaged in, conducted, or operated a massage establishment or has engaged in, conducted, or operated as a massage therapist in a manner which violates this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit;
4. There is fraud, material misrepresentation, false statement, or omission of a material fact in any application for a permit or in any supplementary material;
5. An activity authorized in the permit has been conducted in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public; or
6. Upon a recommendation from the city and/or county officials which states that such business is being managed, conducted, or maintained without regard for public safety or public health.
7. For purposes of this section, permittee, in the case of a massage establishment, shall include the managing responsible officer(s) or managing employee(s).

B. Prior to the suspension or revocation of any permit issued pursuant to this chapter, a hearing shall be held by the police chief. Written notice of the grounds for the hearing, as well as its time and place, shall be sent by certified mail to the address shown on the application or by personal delivery to the permittee at least 10 days and no more than 30 days prior to the hearing. No privilege to provide massage services shall exist from when written notice is served, pending decision by the police chief. Written notice of the police chief's decision shall be mailed to the permittee within 10 days following the hearing. (Ord. 1970 § 1, 2008)

6.24.220 Appeal of revocation or suspension.

No later than 10 days after mailing or personal service of notice of revocation or suspension, the permittee may appeal to the city manager by the procedure for appeal as set forth in Section 6.24.120 of this chapter. The hearing and notice of the decision shall be given in the same manner as provided in Section 6.24.120 of this chapter. The decision of the city manager shall be final. (Ord. 1970 § 1, 2008)

6.24.230 Permit duration and renewal.

A. A permit shall be valid for two years from the date of issuance unless revoked or suspended.

B. A permittee may apply for a renewal of a permit 45 days prior to the expiration of the permit. Any permit issued under this chapter shall be returned to the police chief within two days of its expiration. No privilege to provide massage shall exist until an application for renewal has been granted.

C. Permits may be renewed every two years by filing an application for renewal under penalty of perjury updating information in the original application provided to the police chief.

D. If a permit expires and the person to whom the permit was issued wishes to provide massage services, the person shall file a new application.

E. To renew a permit under this chapter, a permittee must provide written verification that the permittee has participated successfully in continuing education programs consisting of a minimum of 24 hours of related coursework.

1. Unless otherwise approved by the police chief as provided in subsection (E)(2) of this section, a minimum of 12 hours of coursework related to massage shall consist of credit from a school of massage.

2. A maximum of 12 hours of coursework related to massage may consist of credit from an association or organization that is devoted to massage. However, if approved by the police chief, 24 hours of coursework related to massage may consist of credit from an association or organization that is devoted to massage.

3. A maximum of 12 hours of coursework related to massage may consist of a course(s) not requiring actual attendance at class.

F. To renew a permit under this chapter, a permittee shall pay the city a nonrefundable fee in an amount set forth by resolution established by the city council. A copy of the receipt for the nonrefundable fee shall accompany the application for renewal.

G. After investigating the application for renewal, the police chief shall renew the permit if the

6.24.240

permittee continues to meet the requirements for the issuance of a permit, and none of the grounds for denial of a permit set forth in this chapter exist. The police chief shall renew the permit within 30 days of such request if the information upon which the original application was granted remains unchanged, all required documentation has been submitted, and no violations of this chapter have been committed. (Ord. 1970 § 1, 2008)

6.24.240 Cease of business.

If at any time during the duration of a permit issued under this chapter a permittee ceases to do business as a massage establishment and/or a massage technician, within two days the permittee shall:

- A. Return any permit issued under this chapter to the police chief; and
 - B. Notify the business license department.
- (Ord. 1970 § 1, 2008)

6.24.250 Enforcement.

A. It is the duty of the police chief to enforce rules and regulations in accordance with this chapter.

B. Pursuant to the city's prosecutorial discretion, the city may enforce violations of the provisions of this chapter as criminal, civil and/or administrative actions.

C. Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter is unlawful and a public nuisance, and the city attorney may, in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in any manner provided by law. (Ord. 1970 § 1, 2008)

6.24.260 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such validity shall not affect other provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this chapter are declared to be severable. (Ord. 1970 § 1, 2008)

ORDINANCE NO. 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF PLEASANTON GATEWAY, L.L.C., FOR A PLANNED UNIT DEVELOPMENT MAJOR MODIFICATION FOR APPROXIMATELY 129,370 SQUARE FEET OF COMMERCIAL/RETAIL FLOOR AREA AND APPROXIMATELY 588,781 SQUARE FEET OF OFFICE FLOOR AREA AND REVISED USES ON AN APPROXIMATELY 39.22-ACRE SITE LOCATED ON THE SOUTH SIDE OF BERNAL AVENUE BETWEEN THE NORTHBOUND I-680/BERNAL AVENUE EXIT RAMP AND VALLEY AVENUE (6750 BERNAL AVENUE) AND OFF-SITE STREET CONSTRUCTION. (PUD-02-07M.)

WHEREAS, Pleasanton Gateway, L.L.C., has applied for a Planned Unit Development major modification (PUD-02-07M) to modify the approved development plan (745,000 square feet in eight, four-story office buildings) to instead allow for approximately 129,370 square feet of commercial/retail floor area and approximately 588,781 square feet of office floor area and revised uses on an approximately 39.22-acre site located on the south side of Bernal Avenue between the northbound I-680/Bernal Avenue exit ramp and Valley Avenue (6750 Bernal Avenue), and off-site construction at the Bernal Avenue/Koll Center Drive intersection and the Bernal Avenue/ Valley Avenue intersection; and

WHEREAS, zoning for the property is PUD – C (Planned Unit Development – Commercial) District; and

WHEREAS, at its meeting of October 19, 2010, the City Council received information in the staff report, testimony from members of the public, and the Planning Commission's August 25, 2010 recommendation for approval of the Mitigated Negative Declaration and the PUD major modification application; and

WHEREAS, based on the Initial Environmental Study and pursuant to Resolution No. 10-407, the City Council adopted the Mitigated Negative Declaration for the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, after a review of the materials and consideration of the testimony presented, the City Council determined that the proposed PUD major modification is appropriate for the site; and

WHEREAS, as set forth in the report presented to the City Council on October 19, 2010, the City Council finds that the PUD major modification is consistent with the General Plan, the Bernal Property Specific Plan, and purposes of the PUD ordinance.

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

SECTION 1. Approves Case PUD-02-07M, the application by Pleasanton Gateway, L.L.C., for a Planned Unit Development major modification to modify the approved development plan to allow approximately 129,370 square feet of commercial/

retail floor area and approximately 588,781 square feet of office floor area and revised uses on an approximately 39.22-acre site located on the south side of Bernal Avenue between the northbound I-680/Bernal Avenue exit ramp and Valley Avenue (6750 Bernal Avenue), and off-site construction at the Bernal Avenue/Koll Center Drive intersection and the Bernal Avenue/ Valley Avenue intersection subject to the conditions shown on Exhibit A, attached here and incorporated herein by reference.

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

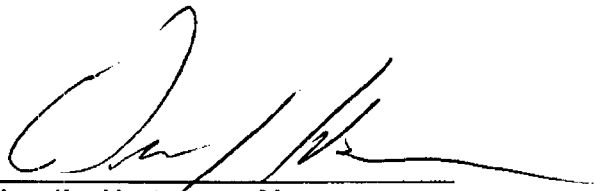
SECTION 3. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on October 19, 2010 by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Thorne, Mayor Hosterman
Noes: Councilmember Sullivan
Absent: None
Abstain: None

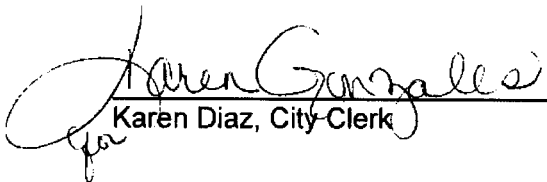
And adopted at a regular meeting of the City Council of the City of Pleasanton on November 16, 2010, by the following vote.

Ayes: Councilmembers Cook-Kallio, McGovern, Thorne,
Noes: Councilmember Sullivan
Absent: Mayor Hosterman
Abstain: None



Jennifer Hosterman, Mayor

ATTEST:



Karen Diaz, City Clerk

APPROVED AS TO FORM:



Jonathan Lowell, City Attorney

Exhibit A

PUD-02-07M City Council Conditions of Approval

**Pleasanton Gateway Development
6750 Bernal Avenue
October 19, 2010**

SPECIAL CONDITIONS OF APPROVAL Planning

1. The expiration date of this entitlement including the PUD development plan and conditions shall coincide with the expiration date of the Bernal Property Pre-Annexation Agreement, as amended.
2. PUD-02, "*Bernal Property PUD Conditions of Approval GHC Bernal Investors, L.L.C., Ordinance No. 1814, August 28, 2000,*" conditions of approval specifically related to the 745,000 s.f. office development with eight four-story buildings is superseded by this approval for Parcel 6 (Bernal Property Specific designation of the project site). PUD-02 Conditions of Approval with general application remain in effect. In the event of any conflict between conditions of approval for PUD-02-07M and PUD-02, the conditions of approval for PUD-02-07M shall prevail.
3. For the purpose of this approval, Phase I shall refer to the commercial/retail buildings and site improvements and Phase II shall refer to the office buildings and site improvements. Building, pad, and major tenant designations shall refer to the PUD Development Plan, Exhibit D, dated "Received June 29, 2010."
4. The building permit plan check package will be accepted for submittal only after the PUD development plan modification becomes effective, generally measured 30 days from the date of the City Council's adoption, unless the project applicant or developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the effective date of the ordinance.
5. Truck deliveries including loading/off-loading activities shall be as follows:
 - a) Phase I Major Tenant #1 (Safeway): No limitation on delivery/loading/unloading hours unless a residential use is approved on the Phase II portion of the site when the hours shall be from 6:00 a.m. to 12:00 p.m. (midnight).
 - b) Phase I Major Tenant #2 (Drive-Through Pharmacy): From 6:00 a.m. to 10:00 p.m.
 - c) Phase I Pad and Retail Buildings: From 6:00 a.m. to 10:00 p.m.
 - d) All Phase II Office Buildings: From 6:00 a.m. to 10:00 p.m.
 - e) Phase I and Phase II parking lot sweeping and garbage pick-up: From the hours of 6:00 a.m. to 10:00 p.m.

All delivery trucks and vendors shall use the Bernal Avenue driveway to enter/exit the development. All tenants shall notify their vendors and delivery personnel of the approved delivery route and times.

6. The project applicant or developer shall effectively screen from view all ducts, meters, emergency power generators, fire sprinkler risers, and any other mechanical equipment, whether on the structure or on the ground, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Division. All required screening shall be provided prior to occupancy.
7. The project applicant or developer shall seek City Council approval to allow on-site enforcement of the applicable provisions of the California Vehicle Code within the Phase I and Phase II parking lots/drive aisles. Petitioning for such approval shall precede issuance of the first building permit for these development phases.
8. The project applicant or developer shall install water conservation devices in the Phase I and Phase II buildings and landscape areas to the satisfaction of the Director of Community Development. The water conservation devices shall be stated on the building plans and the landscape plans submitted with each building permit within each project phase. (Pleasanton General Plan, Program 1.7).
9. Pursuant to Government Code sections 66020 and 65009, the 90-day protest period regarding fees and exactions shall commence on the date of the City Council's approval of this project.
10. Prior approval from the Planning Division is required before any changes are made in site design, building design, grading, etc. In lieu of a PUD Development Plan modification, the Director of Community Development may authorize the design review process for minor building additions, site and landscape plan modifications, and/or grading/engineering modifications, and for outdoor dining with/without alcoholic beverages, master sign programs, modification(s) to a master sign program, and/or individual business/tenant signs.

Building Design

11. There shall be no corporate, franchise, and/or thematic building design of any type allowed with Phase I and Phase II of this development. All requests to modify the building architecture shall be reviewed by the Planning Division to determine corporate, franchise, and/or thematic building design and that, if proposed, shall be subject to a PUD major modification subject to review by the Planning Commission and then by the City Council.
12. All HVAC equipment, antennas, satellite receiving stations, etc., shall be located within the buildings' roof-equipment wells, and shall project no higher than a horizontal plane defined by the top-edge of the equipment screens/parapet walls. Final determination of the freeway screening for the Major Tenant #1 shall be made with the Planning Division's review of the building permit. If necessary, the applicant may increase the height of the Major Tenant #1 building from 26 feet to 28 feet. All HVAC equipment shall be constructed and operated in such a manner that noise emanating from it will not be perceptible beyond the property plane of the overall project site.

13. Any restaurant or café that locates in the Phase I commercial/retail complex, or a cafeteria that located in the Phase II office complex, shall be required to keep the exterior doors to kitchen closed at all times, and shall be equipped at all times with filtering devices to minimize odors and fumes.
14. The project applicant or developer shall install Energy Star appliances and/or systems, such as HVAC equipment, refrigerators and freezers, food preparation equipment, and water heaters in the Phase I and Phase II buildings. The appliances and/or systems and how they adhere to the Energy Star standards shall be stated on the building plans submitted for the issuance of a building permit and shall be subject to review by the Planning Division. (Pleasanton General Plan, Program 6.3, Best Management Practice #2).
15. The Phase I and Phase II buildings with flat roofs shall have white cool roofs which are designed to reflect the heat of the sun away from the building, thus reducing its cooling load. (Pleasanton General Plan, Program 6.3, Best Management Practice #9).
16. The project applicant or developer for Phase I and for Phase II shall prepare a waste diversion plan that includes a discussion of the waste diversion strategies and measures for Phase I and for Phase II. The plan shall include a description of disposal and recycling, composting, and a discussion of any pre-waste stream conservation appropriate to the uses and businesses within each of these development phases. The waste diversion plans shall be submitted to the Planning Division with the first building permit for each project phase and shall be subject to the review and approval of the Director of Community Development. (Pleasanton General Plan, Program 26.18).

Construction Phasing and Management

17. Construction of the overall project may be phased. Parking, driveways, public street accesses, and other infrastructure requirements to match the building intensity proposed in any phase shall be reviewed and approved by the Planning Division prior to building permit(s) for each project phase or building(s) within each phase.
18. For Phase II, the project applicant or developer shall first construct Buildings #4 and #5 facing Valley Avenue.
19. The project applicant or developer shall prepare a Construction Best Management Plan for each construction phase for review and approval by the Planning Division. The Construction Best Management Plan shall be approved before issuance of the building permit and shall include, but is not limited to, the following:
 - a) All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and between the hours of 8:00 a.m. to 5:00 p.m. on Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier construction "start times" for specific construction activities (e.g., concrete foundation/slab pours) 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.

- b) Tenant improvement activities taking place within a completely enclosed structure shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday only. Tenant contractors operating past 5:00 p.m. shall only use the Bernal Avenue driveway to enter/exit the site.
 - c) A construction staging plan shall be designated for all materials, equipment, and vehicles including parking for construction works and personnel.
 - d) A construction truck route shall be designated to keep all construction traffic away from nearby residential streets. Prior to construction, the construction traffic route, construction hours, and contact names and telephone numbers shall be posted on the driveway entrances, throughout the construction site, and in any construction trailer(s).
 - e) Comprehensive traffic control measures shall be implemented, 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.
 - f) The haul route for all materials to and from this development shall be approved by the City Engineer prior to the issuance of a permit, and shall 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.
 - g) All internal combustion engines on grading or construction equipment used shall be equipped with a muffler equal to or better than that supplied by the vehicle manufacturer. All equipment shall be maintained in good mechanical condition so as to minimize noise and air pollution from faulty engine, drive train, and other components. No muffler or exhaust system shall be equipped with cutout, bypass, or similar device intended to thwart quieting.
 - h) Dust control best management practices, as approved by the City Engineer, shall be followed at all times during grading and construction operations. Such measures may include watering of exposed surfaces twice a day, and more frequent watering when wind speeds exceed 15 mph; covering of stockpiled earth; covering of trucks hauling dirt if windy conditions prevail. Failure to keep dust under control may result in the stoppage of all work until a modified plan acceptable to the City Engineer is approved and implemented.
 - i) Except for security trailers staffed by licensed security personnel, at no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles shall be removed from the site at the end of each workday. Construction trailers shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
 - j) All Urban Storm Water Construction Requirements listed further in these conditions of approval shall be implemented.
20. At least one week prior to the start of construction, the project applicant or developer shall distribute to adjoining residential owners and apartment tenants, as determined by

the Planning Division, an informational hand-out containing the work schedule, contact persons with their telephone numbers for the project applicant or developer and contractor(s), and the City Building, Planning, and Engineering personnel overseeing the construction activity. The hand-out shall be updated as needed to notify the owners and tenants regarding major deliveries and any City street lane closures and/or detours.

21. The project applicant or developer shall retain a qualified biologist to conduct a pre-construction survey at least 30 days before the onset of construction including grading to verify the presence of burrowing owl species. If the surveys were to determine that burrowing owls occupy the site during the non-breeding season (September 1 through January 31), then the project applicant or developer shall conduct a relocation effort to ensure that the owls are not harmed or injured during construction. Should burrowing owls be detected on the site or immediately adjacent lands, i.e., within 250 feet of the boundary of the construction area, during the breeding season (February 1 through August 31), then a construction-free buffer of at least 250 feet shall be established around all active owl nests. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed buffer areas. Buffer areas shall remain in place during the breeding season young owls have fledged. Failure to maintain the fenced buffer area shall result in the immediate issuance of a stop work order and cessation of activity. Outside the breeding season, no pre-construction survey is required.

Cultural Resources

22. The project applicant or developer shall retain a qualified archaeologist to conduct a sub-surface cultural resources survey of the two cultural resources sites currently known to exist within the project site before the issuance of the first grading permit. The protection of the cultural resources shall be accomplished via "capping" the site or preparing and implementing a Resources Recovery Plan, meeting appropriate professional, City and State standards prior to disturbing the site. Except for sub-surface surveys, no land disturbing activities shall be permitted until the Resource Recovery Plan is prepared and accepted by the City.
23. A qualified archaeologist shall be present during all grading and site preparation activities. If cultural resources are uncovered, grading shall be discontinued within a 35-foot radius of the discovery until the discovery is evaluated by the monitoring archaeologist and the designated representative of the Native American community and the appropriate mitigations are determined. The project applicant or developer shall consult with the City and the Native American representative to determine the appropriate disposition of findings.

Green Building

24. 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)" 3.0 rating system to achieve a "certified level" in the design, construction, and operation of any proposed building over 20,000 square feet, including all future tenant improvements. Buildings under 20,000 square feet shall only be required to "show a best effort." The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. Each point identified shall have a notation indicating the sheet the point can be found, and each sheet shall note where

the point is located. All proposed green building measures shall be shown throughout the plan set as determined by the Planning Division. Notwithstanding the foregoing, the State of California's Green Building Standards Code, "CALGreen", as amended, shall apply if the building permit application is submitted after January 1, 2011.

25. In conjunction with the building permit application, the project applicant or developer shall determine the building's "LEED Green Building Rating", using the USGBC evaluating methodology, and shall report the rating to the Planning Division. Prior to building permit issuance, the green building provisions that are proposed to be included in the development and the LEED scorecard shall be submitted to the Planning Division for review and comment. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, a third party rater, or the project applicant or developer shall provide written verification by the project engineer, architect, landscape architect, or designer. Notwithstanding the foregoing, the State of California's Green Building Standards Code, "CALGreen", as amended, shall apply if the building permit application is submitted after January 1, 2011.
26. For Phase II, the project applicant or developer shall extend electrical conduits and pull strings to safely serve the parking spaces closest to the main entrances of Buildings 1 through 7 on Exhibit B for electrically powered commute vehicles. (Pleasanton General Plan, Program 6.3, Best Management Practice #6). Upon demand by the Planning Division, the owner(s) of these buildings shall have 30-days to install the charging equipment for some or all of the spaces, and shall provide evidence to the Planning Division that the installation is complete. The project applicant or developer shall install with the Phase II buildings signs for the subject parking spaces stating, "Electrical Vehicle Chargers Shall Be Provided Upon Request of the Pleasanton Planning Division." When the charging facilities are installed, the signs shall be changed to state, "Parking for Electrical Vehicles Only, Contact Building Owner for More Information". These changes shall be shown on the building permit set submitted for review and approval by the Planning Division before issuance of a building permit.
27. For Phase I, the Director of Community Development and the applicant shall explore the feasibility of installing conduits and pull strings for electrically powered vehicles to safely serve the parking spaces on the north or the south sides of the Major Tenant #1 building. The location and number of parking spaces, if feasible, shall be made before issuance of the building permit for the Major Tenant #1 building. If provided, this change shall be shown on the building permit set to the satisfaction of the Director of Community Development.
28. The Phase I Major Tenant #1 building and the Phase II Buildings 1 through 7 shall be constructed to allow for the future installation of a photovoltaic system. (Pleasanton General Plan, Program 6.3, Best Management Practice #3). The project applicant or developer shall comply with the following requirements for making these buildings photovoltaic ready:
 - a) Electrical conduit and cable pull strings shall be installed from the roof area to the buildings' 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;

- c. The roof structure shall be designed to handle an additional load of five-pounds per square foot beyond that anticipated for the roofing materials; and,
- d. A bi-directional electrical meter shall be installed upon approval of the public utility.

These measures shall be shown on the building permit plan set submitted to the Planning Director for review and approval before issuance of the building permit(s).

- 29. For the Phase I Major Tenant #1 building, the Director of Community Development and the applicant shall explore the availability of financial incentives such as grants, rebates, and/or other incentives, that make the installation of photovoltaic panels on this building economically feasible. If determined to be feasible, the photovoltaic panels shall be installed within one calendar year of the building's temporary or final occupancy to account for weather conditions.
- 30. The project applicant or developer for Phase I and/or for Phase II shall provide to the Planning Division with the first building permit for Phase I or for Phase II an estimate of the energy savings from the installation of solar roofs or other alternative energy measures with a goal of meeting 12.5 percent of the buildings' annual energy usage. (Pleasanton General Plan, Program 6.3, Best Management Practice #3).
- 31. All exterior building, site, and landscaping lighting shall be designed, installed, and controlled so as not to shine onto the I-680 freeway right-of-way, Bernal Avenue, and Valley Avenue. (This condition shall not apply to the buildings' interior lighting for both development phases.) The bulbs for the gooseneck fixtures on the Phase I buildings shall be recessed into the fixture and diffused. The project applicant or developer shall submit a final lighting plan with drawings and/or manufacture's specification sheets showing the size and types of light fixtures proposed for the buildings' exteriors and for the site and parking areas. The light fixtures and their locations shall be subject to the review and approval of the Planning Division.

Landscape Design

- 32. The project applicant or developer for Phase I and for Phase II shall comply with the State of California's Model Water Efficient Landscape Ordinance. A licensed landscape architect shall work with the City's Landscape Architect to verify the compliance of Phase I and Phase II with the ordinance prior to the issuance of a building permit, and then prior to the final inspection conducted by the Planning Division. The verifications shall be provided to the Planning Division.
- 33. Before the buildings and project final for Phase I and Phase II, all landscaping shall be installed, reviewed, and approved by the Planning Division.
- 34. The project applicant or developer shall arrange the plantings along the I/680 freeway and Bernal Avenue project frontages in clusters and groupings that achieve a varied appearance in terms of heights and density, which hide drive-through lanes and service areas, and which soften and frame the views of the site and of the buildings from the freeway and exit ramp, with an emphasis on breaking up the mass of the Safeway building. This change shall be shown on a project-wide landscape plan for this area, submitted with the first building permit application for review and approval by the Planning Division before issuance of a building permit.

35. The project applicant or developer shall preserve the existing sycamore trees along the Bernal Avenue project frontage from construction damage. Prior to issuance of a grading or building permit, the project applicant or developer shall install a temporary six-foot tall chain-link fence or other fence type acceptable to the Planning Division along the existing tree drip lines. The fencing shall remain in place until final landscape inspection by the Planning Division; removal of such fencing prior to that time shall result in a "stop work" order. No construction workers or equipment shall be allowed into the fenced areas for these trees unless prior written approval is issued by the City's Landscape Architect. Failure to comply with this requirement shall also result in a "stop work" order.
36. The project applicant or developer shall coordinate the landscape design of the parking area between Office Building #2 and the southerly property line with the design of the planned City park property for a seamless transition between these areas. To achieve this, common plant materials shall be used on the parking area matching the materials to be used in the park area and the pedestrian sidewalks of the project shall provide for direct connections to the planned public trails in the City park property.

Signage

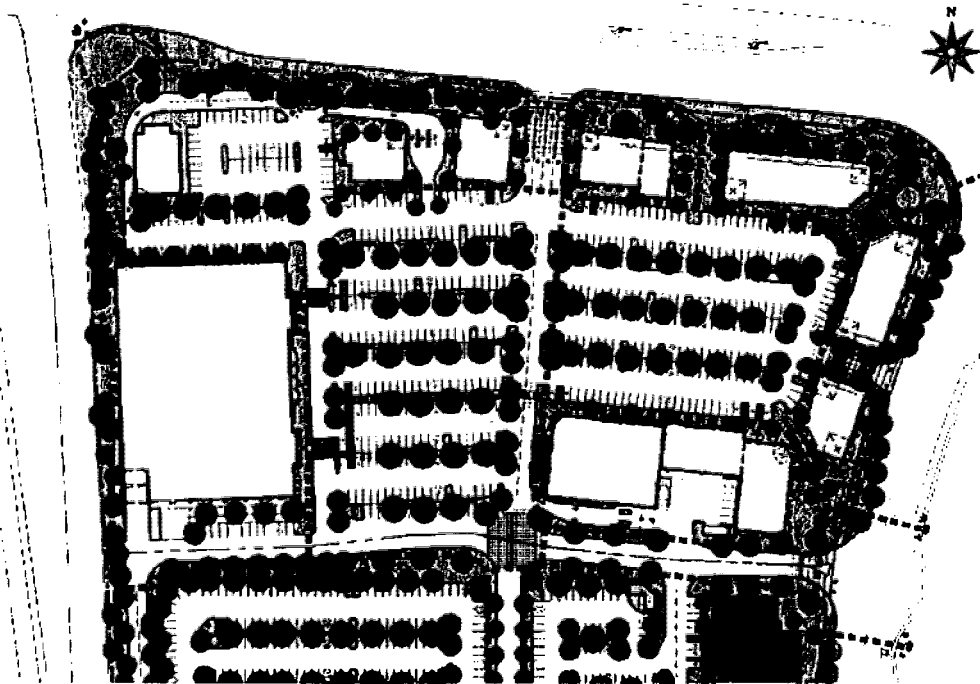
37. Site and building signage shall be reviewed under a comprehensive signing program submitted to the Planning Division under a separate application. General specifications for the site/building signs shall include the following:
 - a) All monument sign locations including one project identification sign facing the I-680 freeway or the I-680/Bernal Avenue exit ramp and the Phase I monument signs on the Bernal Avenue and Valley Avenue driveway entrances;
 - b) Tenant identification signs for the Phase 1 major tenants and retail businesses;
 - c) Traffic-directory signs;
 - d) One wall-mounted sign above the main lobby entrance per office building, one building parapet sign per west-facing elevation per office building, one monument identification sign per office building;
 - e) Design details including location, height, length, illumination, colors and materials, and mounting;
 - f) Except for the Major Tenant #1 logos, that may be internally illuminated, all Phase I retail lettering shall be composed of "halo-lit" letters or "flood-lit" letters illuminated by the gooseneck lamps shown on the building elevations. All Phase II office letters shall be composed of "halo-lit" letters;
 - g) There shall be no limitation on sign colors or lettering styles;
 - h) There shall be no exposed electrical raceways or transformers for any Phase I and Phase II signs. The project applicant or developer shall design and construct these buildings so that all building signs are flushed-mounted to the building wall surface with hidden electrical raceways and transformers;
 - i) A 30-day Grand Opening banner is allowed per tenant;

- j) Temporary signs for a shopping center event or a sidewalk sales event per tenant are allowed; and,
- k) There shall be no paper window signs, balloons, or other inflatable devices of any type allowed. A window sign program featuring tastefully painted-on lettering in a decorative pattern will be considered with the master sign program.

The comprehensive signing program shall be subject to the review and approval of the Planning Commission at a public hearing.

Site Design

- 38. With the construction of Phase I, the project applicant or developer shall install the pedestrian sidewalks and linkages shown in red on the graphic below unless existing. The final designs shall be submitted to the Planning Division for review and approval before the issuance of the first building permit. The location and width of the other sidewalks for Phase I shall conform to the development plan.



- 39. Notwithstanding Condition 38, the project applicant or developer shall revise the final design of the driveway/drive-through/service area on the south side of the Phase I Major Tenant #2, Shops #7, and Shops #7A building group with a combination of building design treatment, wall design treatment, trellises, arbors, and landscaping to accommodate the sidewalk, to enhance this project entrance, and to screen the service area from view. The design shall be submitted to the Planning Division for review and approval before the issuance of a building permit for this building group.
- 40. The project applicant or developer shall provide bicycle racks for each building of each project phase. The 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.
41. The project applicant or developer shall submit a master site plan for the sidewalk and plaza areas of Phase I showing the locations for outdoor sales and outdoor dining for review and approval. All outdoor activities shall conform to the approved locations. At no time shall the sidewalks be obstructed for pedestrians, and a minimum clearance of four-feet for wheelchair accessibility shall be maintained at all times on the sidewalk and the driveways. Outdoor dining shall be reviewed by the Planning Division for conformance with the standards of Section 13.04.435 D.1.a, b., e., and g., D.2.a through c., D.3, D.4.a and b., D.5.a., b., c., e., f., and g., F., G., and H. of the Pleasanton Municipal Code. No outdoor sales including shopping center events and no outdoor dining is permitted on any portion of the parking areas or the building setback areas facing Bernal Avenue and Valley Avenue.
42. The plazas on the Bernal Avenue/Valley Avenue corner between Shops #4 and Shops #5 of Phase I and the plaza area facing Valley Avenue between Building #4 and Building #5 of Phase II shall feature water features. The water features' designs shall be included on the final landscape plan for these areas, submitted to the Planning Division for review and approval before installation. The water features may be combined with the public art shown to be provided in these areas on the development plan.
43. All trash and recycling refuse shall be contained completely within the approved trash and recycling enclosure. The materials and colors of the enclosures shall match the buildings and the gates shall be constructed of corrugated metal or solid wood. The design of the enclosure on all four sides shall be shown on the plans submitted for issuance of building permits. The design and location of the trash and recycling enclosure shall be subject to the approval of the Director of Community Development, the Chief Building Official, and the Fire Chief. Trash and recycling containers shall be stored within the designated enclosure at all times, except when being unloaded. A recycling container(s) shall be provided within the enclosure. The recycling containers and enclosures shall be designed in a manner consistent with Pleasanton Garbage Service's recycling program in effect at the time of building permit issuance. The recycling containers shall be shown on the plans submitted for the issuance of a building permit.
44. The project applicant or developer shall attempt to locate the transformers away from the Bernal Avenue and Valley Avenue project frontages and away from the main driveway aisles. Such transformers shall be screened by landscaping. All transformers shall be shown on the plans submitted for issuance of building permits and shall be subject to approval by the Planning Division prior to issuance of building permits.
45. All backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened to minimize their visual impacts. These devices with their proposed screening shall be shown on the landscaping and utility plans submitted with the building permit plans, clearly marked "above ground" or "below

ground” on the plans, and shall be subject to the review and approval of the Planning Division prior to their installation. If above-ground, they shall be painted forest green or an equivalent dark-green color. Screens shall consist of berms, walls, or landscaping satisfactorily integrated into the landscape plan. Landscape screens shall include shrubbery designed by species and planting density to establish a complete screen within one year from the date of planting. Weather protection devices such as measures to protect pipes from freezing shall require approval by the Planning Division prior to use; at no time shall fabric or other material not designed and/or intended for this purpose be wrapped around or otherwise placed on these devices.

Transportation System Management (TSM)

46. The project applicant or developer or property owner for the Phase I Major Tenant #1 (grocery store) shall prepare a voluntary program of alternative transportation measures including, but not limited to, rideshare matching and subsidies/rewards, preferential parking, and carpooling/vanpooling, the means by which these measures will be marketed to the business employees, and the provision of reports to the City of Pleasanton of the performance of the trip reduction program. The program shall be made available to the other businesses and business employees within the Phase I development.

The Phase I trip reduction goal shall attempt to achieve a 15 percent reduction within five years of opening for business and then a 25 percent reduction within 10 years compared to “business as usual”. The project applicant or developer shall work out the details of the program with the Planning Division and the City’s TSM Coordinator. The program shall be submitted to the Planning Division and the TSM Coordinator with the building permit application for the Phase I Major Tenant #1 for review and approval before issuance of the first occupancy permit. (Pleasanton General Plan, Program 6.3, Best Management Practice #5).

47. The project applicant or developer or property owner for the entire Phase II development shall prepare a program of alternative transportation measures including, but not limited to, rideshare matching and subsidies/rewards, preferential parking, alternative work hours, BART shuttle, and carpooling/vanpooling, the means by which these measures will be marketed to the business employees, and the provision of reports to the City of Pleasanton of the performance of the trip reduction program for Phase II. (Pleasanton General Plan, Program 6.3, Best Management Practice #5).

The Phase II TSM program shall be administered by a property manager for the entire Phase II development. The trip reduction goal for the entire Phase II development shall be a 15 percent reduction within five years of opening for business and then a 25 percent reduction within 10 years compared to “business as usual”. The project applicant or developer shall work out the details of the program with the Planning Division and the City’s TSM Coordinator. The program shall be submitted to the Planning Division and the TSM Coordinator with the building permit application for the Phase I Major Tenant #1 for review and approval before issuance of the first occupancy permit. (Pleasanton General Plan, Program 6.3, Best Management Practice #5).

Uses

48. The permitted and conditionally permitted uses shall be as follows:

a) Retail/Commercial (Phase 1):

Permitted Uses/Retail

- 1) Antique stores.
- 2) Appliance sales and showrooms with kitchen mock-ups, incidental parts' sales, and incidental cooking classes, but no repair services.
- 3) Art galleries such as ceramic, drawing, fabric, glass, metal, oil and watercolor painting, sculpture, photography, and stained glass.
- 4) Art schools for 20 or fewer students at any one time.
- 5) Artist studios such as drawing, fabric, glass, metal working, oil and watercolor painting, pottery, sculpture, and stained glass with sales in the studio.
- 6) Bakeries including the catering and preparation and consumption of product produced on premises.
- 7) Barbershops and beauty shops.
- 8) Barbershops and beauty shops including massage services of 3 or fewer massage technicians according to Section 18.44.090 of the Pleasanton Municipal Code
- 9) Bicycle shops, with service and shop work on premises but excluding painting.
- 10) Bookbinding
- 11) Bookstores
- 12) Building material showrooms, shops, and stores with ancillary design services and indoor display and storage only.
- 13) Candy stores including the ancillary on-premises manufacturing of product for catering and retail sale.
- 14) Carpet, drapery and floor covering stores, with design services.
- 15) Catalog stores, no firearm sales
- 16) Clothing, shoe, and accessory stores including, new, pre-owned, and rental, with on-site tailoring and alterations.
- 17) Costume sales and rental with on-site tailoring and alterations.
- 18) Copying and related duplicating, printing, and publishing using only computers, copy machines, etc., not including engraving, lithographing, or similar reproduction services.
- 19) Decorator and design services and shops including showrooms.
- 20) Delicatessen stores, deli shops, delis, and specialty food stores, excluding convenience markets.

- 21) Department stores and specialty stores selling items normally sold individually in department stores
- 22) Drugstores and prescription pharmacies, no drive-through.
- 23) Electronic retail sales, no repair services, such as telephones, pagers, blackberry, personal computers and software, and television, radio, and stereo.
- 24) Emergency standby electricity generator, fuel cell, and battery facilities per Table 18.44.090 of the Pleasanton Municipal Code.
- 25) Financial institutions, including banks, saving and loan offices, financial companies, credit unions, and related services with an ATM drive-through in Building Pad #1 or Building Pad #4 with an analysis prepared by a licensed traffic engineer demonstrating that adequate stacking is present in the drive-through lane to the satisfaction of the Director of Community Development.
- 26) Florists and floral supply stores, not including garden centers and nurseries.
- 27) Furniture stores, indoor/outdoor, new product, including linens, wall hangings, and similar items, and ancillary design services
- 28) Gift shops
- 29) Hardware stores with indoor display and storage only.
- 30) Hobby shops
- 31) Hospital equipment, sales and rental provided that all materials and products are stored indoors.
- 32) Ice cream and frozen yogurt sales, with/without seating, including the manufacturing of products for retail sale and consumption on premises only
- 33) Interior decorating shops with design services, displays and showrooms.
- 34) Jewelry stores including cleaning and servicing.
- 35) Kitchen supply stores and accessories with ancillary demonstration, classes, and cutlery sharpening.
- 36) Laundries and dry cleaners where service is provided on premises
- 37) Locksmiths.
- 38) Music stores
- 39) Music and dance studios, martial arts schools, gymnasiums for 20 or fewer students at any one time, conducted entirely within a completely enclosed building which complies with specifications for sound-mitigated construction prescribed by the Chief Building Official.
- 40) Newsstands
- 41) Office supply stores including furniture shops and ancillary design services

- 42) Paint, glass and wallpaper shops and ancillary design services
- 43) Pet and bird stores including food, accessories, equipment, outpatient veterinary services, bathing and grooming services, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-mitigated construction prescribed by the Chief Building Official.
- 44) Photographic studios
- 45) Photographic supply stores
- 46) Picture framing shops
- 47) Post offices and mail and packaging stores.
- 48) Restaurants, with alcoholic beverage service with a complete food service menu until 10:00 p.m., cafes, and soda fountains, with seating, catering services and limited take-out.
- 49) Saddleries, tack shops, and leather shops including on-site manufacture and tailoring of products.
- 50) Scientific equipment shops
- 51) Shoe repair shops
- 52) Sporting goods stores, no firearm sales
- 53) Stamp and coin stores
- 54) Stationary stores
- 55) Tailor or dressmaking shops
- 56) Toy stores
- 57) Variety stores
- 58) Watch and clock repair shops.

Conditional Uses/Retail

- 1) Art schools for 20 or more students at any one time.
- 2) Restaurants with brew pubs, as defined in Chapter 18.08 of the Pleasanton Municipal Code, excluding bars.
- 3) Beauty shops including massage services which cannot meet the criteria of a permitted use stated in Section 18.44.090 of the Pleasanton Municipal Code
- 4) Drugstores and prescription pharmacies with drive-through in the Major Tenant #2 building shown on site plan.
- 5) Grocery stores including supermarkets, no convenience markets.
- 6) Restaurant or coffee shop with drive-through in Building Pad #1 or Building Pad #4 with an analysis prepared by a licensed traffic engineer

demonstrating that adequate stacking is present in the drive-through lane to the satisfaction of the Director of Community Development.

- 7) Self-service gasoline station, no carwash or convenience market.
- 8) Veterinarians' offices, outpatient clinics, and small animal hospitals, including short term overnight boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-attenuated construction prescribed by the Chief Building Official.
- 9) Wine shops and tasting rooms for wineries, excluding liquor stores.

b) Office (Phase II):

Permitted Uses/Office

- 1) Administrative headquarters and executive offices.
- 2) Advertising agencies.
- 3) Art galleries such as oil and watercolor pottery, painting, sculpture, photography, and stained glass.
- 4) Art schools for 20 or fewer students at any one time.
- 5) Artist studios including, but not limited to, ceramic, drawing, fabric, glass, metal, oil and watercolor painting, sculpture, and stained glass.
- 6) Audio and video recording studios and post-production services.
- 7) Automobile broker, no stock on premises
- 8) Business consulting service offices
- 9) Business service offices including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services
- 10) Copying and related duplicating services and printing/publishing services using only computers, copy machines, etc., not including lithographing, engraving, or such similar reproduction services.
- 11) Design, engineering, and research profession offices
- 12) Emergency standby electricity generator, fuel cell, and battery facilities per Table 18.44.090 of the Pleasanton Municipal Code.
- 13) Financial institutions, including banks, saving and loan offices, financial companies, credit unions, and related services.
- 14) Gymnasiums and health clubs including massage services according for 20 or fewer participants at any single time, conducted entirely within a completely enclosed building which complies with specifications for sound-mitigated construction prescribed by the Chief Building Official.
- 15) Insurance offices.

- 16) Investment service offices.
- 17) Legal service offices.
- 18) Medical and dental offices and clinics including outpatient services, with massage services according to Section 18.44.090 of the Pleasanton Municipal Code.
- 19) Medical laboratories, research and development.
- 20) Photographic studios
- 21) Post offices
- 22) Private schools and tutoring for 20 or fewer students at any single time.
- 23) Real estate offices including sales, leasing services, and property management services.
- 24) Radio and television broadcasting studios, excluding transmitters and antennas
- 25) Research and development offices with limited prototype fabrication, no manufacturing.
- 26) Research service offices, analytic and scientific.
- 27) Travel agencies.

Conditional Uses/Office

- 1) Art schools for 20 or more students at any one time.
- 2) Gymnasiums and health clubs including massage services according for 21 or more participants at any one time, conducted entirely within a completely enclosed building which complies with specifications for sound-mitigated construction prescribed by the Chief Building Official.
- 3) Music and dance studios and martial arts schools for 21 or more students at any one time, conducted entirely within a completely enclosed building which complies with specifications for sound-mitigated construction prescribed by the Chief Building Official.
- 4) Private schools including tutoring for 21 or more students at any one time.

**SPECIAL CONDITIONS OF APPROVAL
Engineering**

49. The project applicant or developer shall construct/complete the following traffic improvements as phased:
 - a) Pre-Construction:
 - Bernal Avenue/Koll Center Drive/Project Driveway
The project applicant or developer shall construct temporary improvements to allow construction traffic into and out of the site at the Bernal Avenue/Koll

Center Drive intersection, including temporary signal indications for left- and right-turn movements, prior to construction of any on-site improvements. Said temporary improvements shall be determined by the City Traffic Engineer.

b) With construction of Phase I:

- Valley Avenue

The project applicant or developer shall widen Valley Avenue by two feet in the south bound direction between Bernal Avenue and the first driveway opening to allow for two southbound through lanes. Between the first driveway and the roundabout to the south of the curb lane, the street shall then transition from two lanes into one through lane with a long taper.

- Bernal Avenue/Koll Center Drive/Project Driveway

The project applicant or developer shall modify the intersection of Bernal Avenue and Koll Center Drive including modifying the traffic signal to allow northbound left-turn and right-turn traffic out of the project site, eastbound right-turn and westbound left-turn traffic into the project site, and pedestrian access across Bernal Avenue on the right leg of the intersection. The City and property owner or their designee shall enter into a maintenance agreement that allows the City to maintain the traffic signal equipment located on private property. The project applicant/developer shall be responsible for a ¼ share of the ongoing traffic signal maintenance costs once the traffic signal modifications are constructed and operational. An agreement shall be entered into with the City of Pleasanton prior to the approval of these improvements to cover these costs.

- Bernal Avenue/Valley Avenue Intersection

The project applicant or developer shall modify the existing "pork chop" island to allow pedestrian crossings on the west side of this intersection, modify the east leg of the intersection eliminating the crosswalk, and modify all traffic signal equipment to account for these improvements as directed by the City Traffic Engineer.

- Valley Avenue Bus Shelter:

When Phase I is under construction, the project applicant or developer shall take over the maintenance of the bus shelter and trash enclosure located on the west side of Valley Avenue in front of the project site. The project applicant or developer shall enter into new maintenance agreement or modify the existing agreement to cover the maintenance of the bus shelter and trash enclosure. This agreement shall be submitted to the City Attorney for review and approval before the approval of the first building permit by the Chief Building Official for this development and shall be recorded by separate instrument before the first building occupancy.

c) With construction of Phase II:

- Northbound I-680/Bernal Avenue Entrance Ramp

The project applicant or developer will widen the northbound I-680/Bernal Avenue entrance ramp from one lane to two lanes; modify the westbound right-turn lane from Bernal Avenue to the entrance ramp to a free right-turn lane; or modify the westbound approach from Bernal Avenue to the entrance ramp to

provide a through lane, a shared through/right lane, and a right-turn only lane. Construction and occupancy of Phase I (commercial/retail section) is allowed to proceed absent widening the entrance ramp. The project applicant or developer shall obtain permit approval from CalTrans for the ramp widening before the issuance of the first Phase II (office section) building permit.

- Bernal Avenue/Valley Avenue Intersection
The project applicant or developer shall convert the eastbound/northbound right-turn lane to a shared through/right-turn lane; widen the existing westbound/ southbound left-turn lane from one- to two-lanes; and modify all traffic signal equipment to account for these improvements as directed by the City Traffic Engineer. Construction of the double left-turn lane shall not result in the removal of any existing Heritage-size tree presently in the Bernal Avenue median island.

d) With construction of Phase I and Phase II:

- Traffic Impact Fees
With the issuance of each building permit(s), the project applicant or developer shall pay the City's Traffic Impact Fee towards new signals at the intersections of Valley Avenue/Koll Center Parkway (South), Bernal Avenue/Main Street, Valley Avenue/Paseo Santa Cruz (South), Valley Avenue/Paseo Santa Cruz (North), and the Valley Avenue/Santa Rita Road. The project applicant or developer shall be credited for all previous payment of impact fees.

50. The project applicant or developer will work with the City of Pleasanton to develop a neighborhood traffic calming program to identify locations where traffic calming devices consistent with those outlined in the City of Pleasanton Neighborhood Traffic Calming Program (NTCP) would be appropriate if studies completed after the project – Phase I and Phase II – is in operation shows significant cut-through traffic through the adjoining residential neighborhood. The total cost of the measures shall not exceed \$50,000.

Engineering Requirements

51. The project applicant or developer shall install an eight-foot wide meandering (separated) concrete sidewalk/bike path along the Valley Avenue frontage between Bernal Avenue and the first project driveway entrance south of Bernal Avenue. The planter strip between the back of curb and face of sidewalk shall be a minimum of four feet. From the first driveway entrance proceeding southerly to the southerly limit of the project site, the sidewalk shall be monolithic to the back of curb. With the Phase I construction, the sidewalk shall extend from Bernal Avenue south to the crosswalk on the far side of the first roundabout located southerly of Bernal Avenue. With the Phase II construction, the sidewalk shall be extended southerly to the southerly limit of the project site. If the project applicant or developer installs a City standard sidewalk along the project frontage and dedicates an easement for the maintenance of the sidewalk, the City will accept the sidewalk for maintenance, however if the sidewalk is not in conformance with City standard the sidewalk shall be privately maintained by the project maintenance association.
52. The relocated San Francisco Water main shown to be placed between Valley Avenue and the proposed buildings shall be placed outside the City's Public Service Easement (PSE). The easements may overlap but the pipeline shall be located halfway between

- the westerly line of the PSE and the face of the buildings. The exact location shall be approved by the City Engineer.
53. Each of the buildings water service and the irrigation water service within the project shall be served with a separate water service from the City's water main in the street, including backflow device. The project applicant or developer may install the services from a manifold from a larger lateral crossing the public street. The exaction locations of the water services shall be shown on the improvement plans and to be approved by the City Engineer.
 54. The design of the on-site sanitary sewer system shall be modified such that that the size and slope of the sanitary sewer main maintain a minimum velocity of two-feet per second unless otherwise approved by the City Engineer. A sanitary sewer lateral with sampling manhole shall be provided to each building within both phases of the development unless otherwise approved by the City Engineer.
 55. Unless otherwise determined by the City Engineer, the sanitary sewer line serving the Phase I Major Tenant #1 building and Building Pads #1, #2 and #4 along Bernal Avenue shall tie into the six-inch lateral stubbed to the site on Bernal Avenue; the sanitary sewer main in front of the Phase I Building Pad 3 and Shops Building #4 shall be eliminated; and a new sewer main shall be installed between the Phase I Building Pad #3 and Major Tenant #2 and shall connect to the sewer main fronting Major Tenant #2.
 56. All restaurant/food preparation uses shall install a grease interceptor on the building sewer lateral. This detail shall be shown on all building permits and/or tenant improvement permits to the satisfaction of the City Engineer.
 57. The proposed main storm drain line along the westerly side of the development within the Phase II portion of the project shall be constructed with the Phase I improvements.
 58. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria, storm drain treatment calculations, and hydromodification worksheets, etc., shall be submitted with the Phase I improvements. The calculations shall demonstrate to the satisfaction of the City Engineer that there is sufficient capacity within the existing detention pond on the Bernal Property to allow for both hydromodification and storm water treatment for both the future development of Bernal Park and Phase I and II of this development. Prior to the first plan check, the project applicant or developer's engineer shall submit the storm drain drawings and hydromodification calculations to the City Engineer for review. The hydromodification calculations shall be peer reviewed by the City's consultant, with the peer review costs paid for by the project applicant or developer subject to the peer review procedures established by the City Engineer.
 59. Based upon the storm drainage analysis required in Condition No. 55, subject to the review and approval by the City Engineer, the project applicant or developer shall be responsible for making any modification to the existing detention pond for any additional storage including any modifications of the existing outfall to allow sufficient capacity for stormwater treatment and hydromodification.
 60. The site plan layout is conceptually acceptable at this time for Phase I; the project applicant or developer shall provide calculations to show the stormwater treatment

facilities are in conformance with the California Regional Water Quality Control Board, San Francisco Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009. Said treatment facilities shall include the provisions for trash removal device(s) within the storm drain system. The site plan layout of stormwater treatment facilities for Phase II is not approved at this time, and shall be resubmitted with the Phase I stormwater treatment facilities plans.

61. The fire protection water main shall be private beyond the backflow prevention device. The fire protection system shall have an additional connection to the City water main in Valley Avenue to accommodate the Phase II improvements. The private on-site fire water system shall be approved by the Fire Marshall after reviewing the layout and calculations submitted by the project applicant or developer with the improvement plans.
62. With construction of Phase II, the project applicant or developer shall provide an underground electrical service to the Caltrans sign located on the east side of I-680 southerly of the northbound I-680/Bernal Avenue exit ramp and shall work with Caltrans to remove the existing overhead electrical service that presently crosses the freeway. The work shall be started with the Phase II construction and shall be completed prior to the acceptance of the Phase II improvements. An easement for the electrical service shall be dedicated to the electrical utility by separate instrument.
63. The project applicant or developer shall provide for cross easements in perpetuity for storm water (drainage), access, emergency vehicles, water, sewer, landscaping, and parking between Phase I and Phase II. These easements shall be shown on the first parcel or subdivision map submitted for subdividing the property and shall be recorded concurrently with the sale of the property affected by these easements.
64. The existing 18-inch storm drain stubbed to the property on Bernal Avenue shall be abandoned per City standard requirements unless otherwise approved by the City Engineer.
65. The project applicant or developer shall be responsible for paying applicable Zone 7 drainage fees minus all previous payments and credits.

SPECIAL CONDITIONS OF APPROVAL

Fire

(Project applicant or 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.)

66. All Phase I and Phase II construction shall conform to the requirements of the 2007 California Fire Code, City of Pleasanton Ordinance 1965. The project applicant or developer shall obtain all required permits from the Fire Department before construction begins.
67. The Phase II Buildings 1, 2, and 3 shall provide exterior access to the roof level in compliance with the Fire Code.

68. Automatic fire sprinklers shall be installed in all Phase I and Phase II buildings and tenant spaces in accordance with City of Pleasanton Ordinance 1965. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies.
69. City of Pleasanton Ordinance 1965 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 project applicant or developer is responsible for obtaining approval for the location and the number of boxes from the Fire Prevention Bureau. Information and application for the Knox Box is available through their website or the Fire Prevention Bureau. The property owner or the business tenant 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.
70. The Phase II office buildings shall be provided with Class I standpipe system and separate floor control assemblies inside the protected stairwells at each floor landing. Interior roof accesses shall be provided with hose stations at the roof level. Construction plans for the fire protection system shall be subject with the Building Permit plan set for review and approval by the Fire Department before the issuance of a building permit for the building shell in compliance with 2007 CFC.
71. 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 fire line, hydrants and fire department connections (FDC's) shown on sheets C-8 through C-13 shall be revised with the final layout determined with the review of the construction plans. The fire flow shall be provided as per 2007 California Fire Code Appendix B, Table B105.1 and hydrant number and distribution per Appendix C, Table C105.1.
 - a) 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.
 - b) All underground fire protection work shall require a California contractor's license type C-16, C-34, C-36 or A.
 - c) All field-testing and inspection of underground or covered piping joints shall be conducted prior to covering the pipeline.
72. Dead-end fire service water mains shall not exceed 500 feet in length and may have a maximum five Fire Department appliances (fire sprinkler system risers, fire hydrants, and/or standpipes) and shall be looped around the site or building with a minimum of two points of water supply or street connection. Sectional/zone valves shall be installed as recommended under NFPA, Pamphlet 24 and required by the Fire Marshal.
73. The design of the fire alarm system for the building tenants may be deferred to the review of the Tenant Improvement Plans after the building shell is approved. The building and/or tenant fire alarm and fire monitoring system shall be capable of supporting notification appliances for the individual tenant spaces for the purpose of notifying the occupant of the system alarm.

STANDARD CONDITIONS OF APPROVAL
Community Development Department

74. The project applicant or 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.
75. The project applicant or developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.
76. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project applicant/ 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 is significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.

STANDARD CONDITIONS OF APPROVAL
Planning

77. The proposed development shall be in substantial conformance to Exhibit D, dated "Received, June 29, 2010," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
78. To the extent permitted by law, the project applicant or developer shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorney's fees), action, or proceeding brought by a third party against the indemnified parties and the project applicant or developer 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.
79. All conditions of approval for this development plan shall be reprinted and included as a plan sheet(s) with the improvement plan check sets including grading, improvement/ construction, and landscaping plans, which shall be kept on the project site at all times. The applicant may request these conditions of approval be attached to the plan set as a separate document which he/she is responsible for obtaining and ensuring the conditions are securely attached. It is the responsibility of the applicant to ensure that the project contractors are aware of, and abide by, the approved plans and all conditions of approval.
80. Planning Division approval is required before any changes are implemented in site design, grading, building materials and colors, green building measures, and landscape material.

81. The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.
82. Prior to the issuance of the first occupancy permit, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.

STANDARD CONDITIONS OF APPROVAL
Landscaping

83. The project applicant or 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.
84. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
85. The project applicant or developer shall provide root control barriers and 4-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.

STANDARD CONDITIONS OF APPROVAL
Building

86. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
87. Prior to issuance of a business license, the business tenant shall contact the Building Division and the Fire Marshall to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the business tenant shall obtain all appropriate City permits.
88. Prior to issuance of building or demolition permits, the project applicant or developer shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project applicant or 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 applicant or developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project applicant or developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

STANDARD CONDITIONS OF APPROVAL
Engineering

89. A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
90. The project applicant or developer shall comply with the recommendations of the project's geotechnical consultant. The project applicant or developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the plans or as otherwise acceptable to the City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
91. The project applicant or developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.
92. The project applicant or developer shall grant an easement to the City over those parcels needed for public service easements (P.S.E.) and which are approved by the City Engineer, or other easements, which may be designated by the City Engineer.
93. The project applicant or developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.
94. 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 underground in conduit or in a joint utility trench.
95. 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 applicant or developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
96. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
97. A final parcel map shall be required to subdivide the property into the Phase I and Phase II developments. With the final parcel map, the project applicant or developer shall create easements for ingress/egress, drainage, and utilities between Phase I and Phase II subject to the review and approval of the City Engineer.
98. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.

99. The project applicant or developer and/or the project applicant's/developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
100. The project applicant or developer shall include erosion control measures on the final grading plan, subject to the approval of the City Engineer. The project applicant or developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place.
101. The project applicant or developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a subdivision grading permit.
102. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners or through an association approved by the City.
103. The project applicant or developer shall be responsible for the installation of the lighting system serving the development. The lights shall be LED units. The lighting system design shall conform to the Illuminating Engineering Society (IES). Approval for the number, location, and type of electroliers shall be subject to the review and approval of the City Engineer.
104. The project applicant or developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
105. All retaining walls and monument signs along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
106. Prior to approval of the improvement plans, the project applicant or developer shall comply with all applicable conditions of outside agencies having jurisdiction.
107. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.

STANDARD URBAN STORMWATER CONDITIONS OF APPROVAL

The project shall comply with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074, NPDES Permit No. CAS612008, October 14, 2009:

(http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2003/february/02-19-03-12finalto.doc);

and:

http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2007/march/alameda%20final%20order%20r2-2007-0025.pdf)

The project shall also comply with the "Construction General Permit" by the California Regional Water Quality Control Board, San Francisco Bay Region:

(http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

Design Requirements

108. The Permit design requirements include, but are not limited to, the following:
- a) Source control, sight design measures, and design and implementation of stormwater treatment measures are required when commercial, industrial or residential development creates and replaces 10,000 square feet or more of impervious surface, including roof area, streets and sidewalk.
 - b) Hydro-modification standards are required when a new development or redevelopment project creates and replaces total impervious area of one acre or more.
 - c) The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
 - d) The Permit requires complying with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.
109. The following requirements shall be incorporated into the project:
- a) The project applicant or developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the stormwater running off the paved surface that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.
 - b) In addition to natural controls the project applicant or developer shall install a structural control, such as an oil/water separator, sand filter, or an approved equal in the parking lot to intercept and pre-treat stormwater prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to issuance of building permits. The structural control shall be cleaned at least twice a year: once immediately prior to October 15 and once in January.
 - c) The project applicant or developer shall submit sizing design criteria to treat stormwater runoff and for hydromodification at the time of improvement plan submittal and an updated detailed copy of calculations with subsequent submittals.
 - d) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate and acceptable to the project soils engineer, and

minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.

- Structures shall be designed to prohibit the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required. (See planting guide line by Alameda County Clean Water Program.)
 - Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- e) Trash areas, trash compactors, dumpsters and recycling containers shall be enclosed and roofed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system and an area drain shall be installed in the enclosure area, providing a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure; a ridge or a berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The project applicant or developer shall notify the Dublin-San Ramon Services District (DSRSD) upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Department.
- f) 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 and as required by the State Water Board.
- g) All metal roofs, if used, shall be finished with rust-inhibitive paint.
- h) Roof drains shall discharge and drain away from the building foundation. Ten percent of the stormwater flow shall drain to landscaped area or to an unpaved area wherever practicable.
110. All restaurants and other food preparation uses and activities in this development shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by the DSRSD, or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control such as a sand filter or oil/ water separator shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Chief Building Official. The project applicant or developer, property owners and business owners shall instruct employees to conduct all washing activities in this area.

111. A regular program of inspecting vehicles for leaks and spills, and of sweeping/vacuuming, litter control, and spill cleanup shall be implemented. Such program shall be submitted to the Director of Community Development for review and approval prior to issuance of building permits.
112. The loading areas for the Major Tenant #1 and the Major Tenant #2 shall be covered. No other area shall drain into the loading area; a containment berm shall be constructed to prevent such drainage if found necessary by the City Engineer/Chief Building Official. The loading area may be required to drain to the sanitary sewer if required by the City Engineer/Chief Building Official, subject to approval by the DSRSD. If connected to the sanitary sewer, a structural control such as an oil/water separator or sand filter shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials.

Construction Requirements

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

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) are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement stormwater pollution prevention plans and to obtain a construction general permit (NOI) from the State Water Resources Control Board to discharge stormwater.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf

Stormwater

113. The project applicant or developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City Engineer/Chief Building Official prior to issuance of building or engineering permits. A reviewed copy of the SWPPP shall be available at the project site until engineering and building permits have been signed off by the inspection departments and all work is complete. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentation. Failure to comply with the reviewed construction SWPPP may result in the issuance of correction notices, citations or stop work orders.
114. The amendments to the SWPPP and all the inspection forms shall be completed and available at the site for inspection by the city, county or state staff.
115. The project applicant or developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
 - a) The project applicant or developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/

stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Building and Safety Division. The project applicant/ developer is responsible for ensuring that the contractor is aware of and implements such measures.

- b) All graded areas 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 grasses 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 place.
- c) Gather all sorted construction debris on a regular basis and place it 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.
- d) 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.
- e) 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.
- f) Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- g) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h) Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
- i) Equipment fueling area: Use off-site fueling stations as much as possible. Where on-site fueling occurs, use designated areas away from the storm drainage facility, use secondary containment and spill rags when fueling, discourage "topping off" of fuel tanks, place a stockpile of absorbent material where it will be readily accessible, and check vehicles and equipment regularly for leaking oils and fuels. Dispose rags and absorbent materials promptly and properly.
- j) Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

- k) **Equipment and vehicle maintenance area:** Use off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

Operation Requirements

The Permit's operation and maintenance requirements include but are not limited to the following: The operation and maintenance of treatment measures including but not limited to bio-swales, lawns, landscaped areas with deep-rooted plants, oil/water separator, filterra units, etc., requires completing, signing and recording an agreement with Alameda County recorder's office in a format approved by the State and Alameda County.

- 116. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
 - a) A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
 - b) On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
 - c) Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
 - d) Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
 - e) Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
 - f) Clean 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.
 - g) Regularly but not less than once a month, sweep 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.
 - h) Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.

STANDARD CONDITIONS OF APPROVAL

Fire

117. The project applicant or developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
118. Prior to any construction framing, the project applicant or developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards able to suppress a major fire.
119. All fire sprinkler system water flow and control valves shall be complete and serviceable prior to final inspection. Prior to the occupancy of a building having a fire alarm system, the Fire Department shall test and witness the operation of the fire alarm system. The project applicant or developer shall construct transit shelters with trash receptacles at locations determined by the Director of Community Development and the City Engineer. The shelter and trash receptacle design shall be approved by the Director of Community Development prior to issuance of project building permits. An encroachment permit shall be obtained prior to installation. Lighting shall be provided if determined necessary by the City Engineer.
120. All commercial, industrial, and multi-family residential occupancies shall have valve tamper and water flow connected to an Underwriters Laboratory (UL) listed Central Station Service. Fire Department plan check includes specifications, monitoring certificate(s), installation certificate and alarm company U.L. certificate. Fire alarm control panel and remote annunciation shall be at location(s) approved by the Fire Prevention Bureau. All systems shall be point identified by individual device and annunciated by device type and point.
121. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LFPD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.
122. The proposed building(s) may have additional Fire Department requirements that can only be addressed by knowing the details of occupancy. These occupancy details shall be submitted to the Fire Department prior to submittal of construction plans to the Building Department. Details shall include but not be limited to the following:
 - a) Type of storage
 - b) Height of storage
 - c) Aisle spacing
 - d) Rack of bulk storage
 - e) Palletized storage
 - f) Type of occupancies within areas of the building(s)

Based on the information received, there may be additional requirements such as: smoke and heat venting, in-rack sprinklers, increases in sprinkler design criteria, draft curtains, etc.

123. Electrical conduit shall be provided to each fire protection system control valve including all valve(s) at the water connections. The Livermore-Pleasanton Fire Department

- requires electronic supervision of all valves for automatic sprinkler systems and fire protection systems.
124. Fire hydrants shall be installed at spacing not to exceed 300 feet.
 125. Where Fire Department vehicle access through or around a site involves changes in direction or curves, minimum-turning radius shall be as follows. Inside radius of 45 feet and outside radius of 55 feet shall be provided to facilitate fire truck turning radius for entry and exit from the site.
 126. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12-inch high by 1-inch stroke. If a building is located greater than 50 feet from street frontage, character size shall be 16-inch high by 1 ½-inch stroke minimum. Where multiple accesses are provided, address or tenant space number shall be provided on each access and/or warehouse door and character size shall be no less than 4-inch high by ¾-inch stroke. In all cases address numerals shall be of contrasting background and clearly visible in accordance with the Livermore-Pleasanton Fire Department Premises Identification Standards. This may warrant field verification and adjustments based upon topography, landscaping or other obstructions. Conditions of approval checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
 127. 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. If the 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) Site access shall be provided prior to any construction above the foundation or slab. Based on the Site Plan Approval the access shall be installed.
 - c) Emergency vehicle access 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 45 feet and outside turning radius of 55 feet shall be provided.
 - d) Buildings or portions of buildings or facilities exceeding 30 feet 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 in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
 - e) Buildings or facilities exceeding 62,000 square feet of gross building area shall be provided with two separate and approved fire apparatus access roads. The roads shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

- f) 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.
- g) Site staging area(s) shall be provided for materials and equipment. All staging areas shall be outside of the emergency vehicle access route shown on the approved plans.
- h) 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.
- i) 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.
- j) Prior to request for final inspection, all access roads, on-site access and fire hydrants shall be provided. All fire hydrants shall be acceptance inspected and tested to applicable City Public Works Standards.
- k) 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.

CODE REQUIREMENTS
Building

(Project applicant or 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.)

- 128. The project applicant or 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 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.
- 129. The project applicant or 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.
- 130. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
- 131. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
- 132. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

CODE REQUIREMENTS
Fire

(Project applicant or 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.)

133. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 1965. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies NFPA 13D for residential occupancies and NFPA 13R for multifamily residential occupancies.
134. Fire alarm system shall be provided and installed in accordance with the 2007 CFC, the City of Pleasanton Ordinance 1965 and 2002 NFPA 72 - National Fire Alarm Code. Notification appliances and manual fire alarm boxes shall be provided in all areas consistent with the definition of a notification zone (notification zones coincide with the smoke and fire zones of a building). Shop drawings shall be submitted for permit issuance in compliance with 2007 CFC.
135. Portable fire extinguisher(s) shall be provided and installed in accordance with the 2007 California Fire Code and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
136. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (2007 California Fire Code) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.
137. The building (s) covered by this approval shall conform to the requirements of the 2007 California Building Code, 2007 California Fire Code and the City of Pleasanton Ordinance #1965. If required plans and specifications for the automatic fire sprinkler system shall be submitted to the Livermore-Pleasanton Fire Department for review and approval prior to installation. The fire alarm system, including water flow and valve tamper, shall have plans and specifications submitted to Fire Prevention for review and approval prior to installation. All required inspections and witnessing of tests shall be completed prior to final inspection and occupancy of the building(s).

< End >

PUD-02-08M
Exhibit A, Conditions of Approval

**Minor Modification to Amend the List of
Permitted and Conditionally Permitted Uses
South Side of Bernal Avenue between Valley Avenue and
the Northbound I-680/Bernal Avenue Exit
April 10, 2012**

1. PUD-02-08M shall modify the approved PUD Development Plan, Exhibit B dated April 21, 2011, and Condition 48.a) of Ordinance 2014 for PUD-02-07M to include the permitted and conditionally permitted uses and their locations stated in Condition #2. The list of amended uses shall not apply to the Safeway Grocery Store building (6790 Bernal Avenue) and the Major #2 building 6750 Bernal Avenue).
2. Condition 48 of PUD-02-07M (Ordinance 2014) is amended to include the following permitted and conditionally permitted uses:
 - a) Permitted Uses
 - 1) Administrative offices.
 - 2) Business consulting service offices
 - 3) Business service offices including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services
 - 4) Design, engineering, and similar professional offices
 - 5) Insurance offices.
 - 6) Investment service offices.
 - 7) Legal service offices.
 - 8) Medical and dental offices and clinics including outpatient services, not to exceed a total of 5,000 square feet for the entire shopping center, with three of fewer massage technicians subject to Section 18.44.090 of the Pleasanton Municipal Code.
 - 9) Music and dance studios and martial arts schools for 20 or fewer students at any one time, conducted entirely within a completely enclosed building which complies with specifications for sound-mitigated construction prescribed by the Chief Building Official.
 - 10) Real estate offices including sales, leasing services, and property management services.
 - 11) Travel agencies.

b) Conditionally Permitted Uses

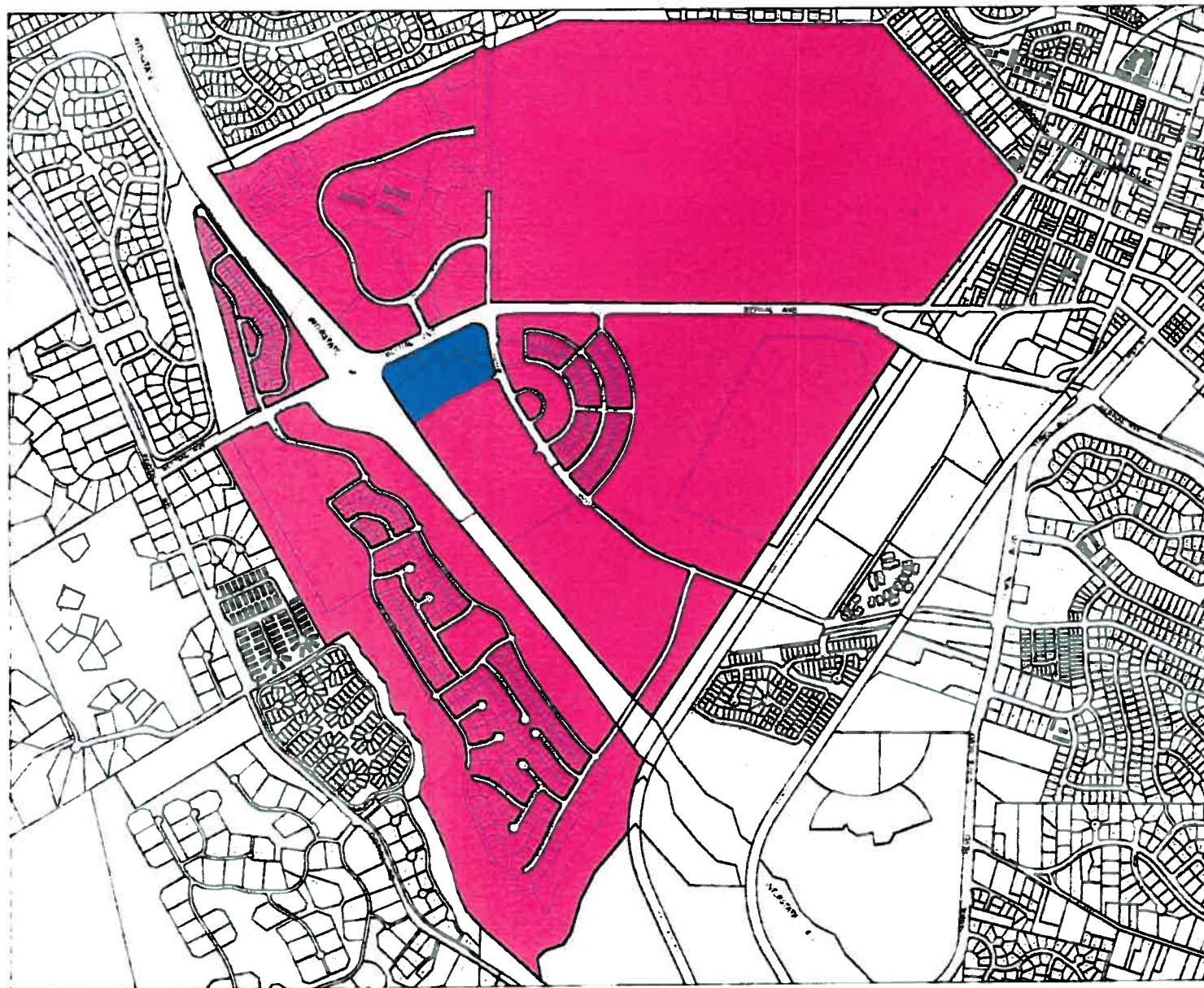
- 1) Health clubs and gymnasiums not to exceed 2,500 square feet with three or fewer massage technicians and 20 or fewer participants conducted entirely within a completely enclosed building.

The office uses including medical and dental uses shall be limited to Shops Building #5 (6766 Bernal Avenue), Shops Building #6 (6762 Bernal Avenue), Shops Building #7 (6754 Bernal Avenue), and Shops Building #7a (6758 Bernal Avenue).

3. The permit plan check packages for tenant improvements and/or the applications for business licenses and zoning certificates for any of the uses covered by this PUD modification will be accepted for submittal only after completion of the 20-day appeal period for this PUD development plan modification, measured from the date of the approval letter.
4. The applicant for a medical or dental office shall provide the cumulative total of medical and dental office uses within the Pleasanton Gateway development to the Planning Division with the application for a zoning certificate and/or business license for approval before submittal of the tenant improvement permit package to the Building Division.
5. 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.
6. Except as modified above, all other Conditions of Approval of Ordinance 2014 for PUD-02-07M shall remain in full force and effect

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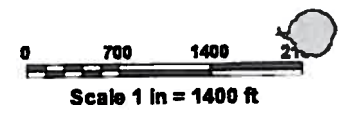
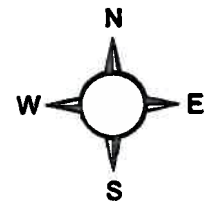
EXHIBIT F



City of Pleasanton

GIS

Department



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