

**P14-0109**  
**Exhibit A, Draft Conditions of Approval**

**3500 Bernal Avenue, Suite 140**  
**March 26, 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, January 29, 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. Prior to operation, the applicant shall install a double-layer of sheetrock on the walls of the veterinary clinic shared with the adjacent tenant spaces to control animal-related noise. This detail shall be shown on the building permit plans to the satisfaction of the Chief Building and Safety Official.
4. No overnight boarding is allowed.
5. 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.
6. Veterinary and animal waste shall be disposed in compliance with the applicable California State and Alameda County health regulations. Non-veterinary/animal waste shall be disposed in the garbage bins located in the service area behind the clinic.
7. In compliance with Ordinance 866 (PUD-79-3), loading and deliveries to the veterinary clinic are limited to between the hours of 7:00 a.m. and 9:00 p.m., except that these hours may be modified by the City Council if, after appropriate notice, it is determined that such modification is needed to protect the public health, safety, and welfare.
8. All veterinary clinic activities shall be conducted within the tenant suite. The front and rear entrance/exit doors are required to remain closed during business hours except when being used to enter/exit the clinic.

**STANDARD CONDITIONS OF APPROVAL**  
**Planning**

9. The proposed use shall be operated in substantial conformance to Exhibit B, dated "Received, January 29, 2014," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans and operations may be allowed subject to the approval of the Director of Community Development.
10. 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.
11. 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.
12. 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.
13. 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.
14. The applicants/owners shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
15. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
16. 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.)*

17. 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.)*

18. 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 >**

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

ORDINANCE NO. 807

AN ORDINANCE REZONING AN APPROXIMATELY FOURTEEN ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF PICO AVENUE BETWEEN TAWNY WAY AND PALOMINO DRIVE FROM C-N (NEIGHBORHOOD COMMERCIAL) DISTRICT AND PUD (PLANNED UNIT DEVELOPMENT - MULTIPLE RESIDENTIAL MINIMUM 2,500 SQUARE FOOT PER DWELLING UNIT) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT AND AMENDING THE ZONING MAP OF THE CITY OF PLEASANTON ACCORDINGLY (ZONING UNIT MAP #160)

THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES ORDAIN AS FOLLOWS:

Section 1. Rezones a parcel of land approximately fourteen acres in size located on the east side of Pico Avenue between Tawny Way and Palomino Drive from C-N (Neighborhood Commercial) District and PUD (Planned Unit Development) District to PUD (Planned Unit Development) District subject to the following conditions:

1. A maximum of 6.4 acres shall be developed for multiple family residential purposes equivalent to the RM-4000 District.
2. The remaining 7.6 acres shall be devoted to commercial uses which are consistent with the C-N zone district.
3. Development of the multiple family residential area shall not commence until the Director of Planning of the City of Pleasanton is satisfied that at least 50 per cent of the commercial development has been completed.

Section 2. The zoning map of the City of Pleasanton is amended in accordance with Zoning Unit Map No. 160, attached hereto as Exhibit "A" and amending the Zoning Map of the City accordingly.

Section 3. This ordinance shall become effective thirty (30) days after the date of its final passage and adoption.

Section 4. This ordinance shall be published once within fifteen (15) days after its adoption in "THE TIMES," a newspaper of general circulation, published in the City of Pleasanton.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on January 3, 1977.

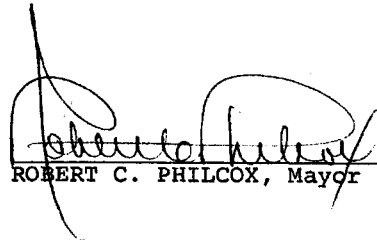
ADOPTED at a regular meeting of the City Council of the City of Pleasanton on January 10, \_\_\_\_\_, 1977 by the following vote:

AYES: Councilmembers Brandes, Herlihy, LeClaire, Mercer and Mayor Philcox

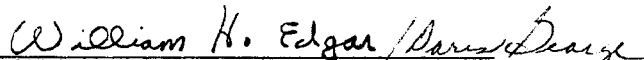
NOES: None

ABSENT: None

ABSTAINED: None

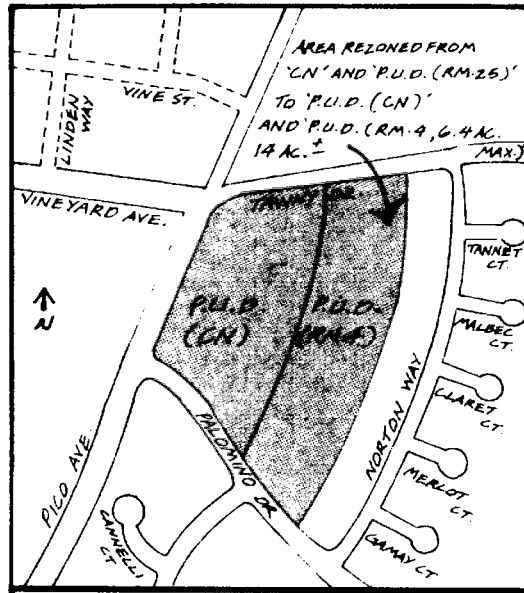
  
ROBERT C. PHILCOX, Mayor

ATTEST:

  
William H. Edgar, City Clerk  
By Doris George, Deputy City Clerk

APPROVED AS TO FORM:

  
Kenneth C. Scheidig  
City Attorney



**CITY OF PLEASANTON  
PLANNING DEPARTMENT**

ORDINANCE NO. 807  
ZONING LIMIT NO. 160

DRAWN BY: <i>129</i>	APPROVED BY: <i>R. J. H.</i>	DATE: <i>1-11-77</i>
CHK'D. BY: <i>R. J. H.</i>	PLANNING DIRECTOR	SEC. NO.:
SCALE: <i>N.T.</i>		<i>RZ-76-11</i>

CITY COUNCIL OF THE CITY OF PLEASANTON  
ALAMEDA COUNTY, CALIFORNIA  
ORDINANCE NO. 866

AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR PUD (PLANNED UNIT DEVELOPMENT) 78-3 (H. C. ELLIOTT, INC.)

WHEREAS, the City Council, on January 10, 1977, adopted Ordinance #807 which rezoned an approximately 14-acre parcel of land on the east side of Pico Avenue between Tawny Way and Palomino Drive from the C-N (Neighborhood Commercial) District and PUD (Planned Unit Development) District to the PUD (Planned Unit Development) District; and

WHEREAS, the applicant, pursuant to rezoning established by Ordinance 807, has prepared a development plan; and

WHEREAS, the Planning Commission, at its August 9, 1978, meeting considered that development plan and two changes to the conditions to Ordinance #807; and

WHEREAS; the Planning Commission recommended approval of the two changes to Ordinance #807 (approved by Ordinances #864 and #865); and

WHEREAS, the Planning Commission approved the development plan with conditions in Planning Commission Resolution #1664;

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

Section 1. The development plan as shown in PUD-78-3 shall be approved, subject to all the conditions contained in Planning Commission Resolution No. 1664 attached hereto and made a part of this ordinance by reference except as amended below.

Section 2. Condition #4 of Resolution #1664 shall be amended in its entirety as follows:

4. That approval under this PUD is only for the townhouses and first phase of commercial development and that the second, third and fourth phases of the commercial development will be subject to subsequent consideration under future application(s). First phase commercial development is defined as the market, drug store, all buildings on the development plan marked A, all parking areas north of the southern edge of the drug store, the entire length of driveway between the commercial buildings and townhouses, the parking spaces and landscaped areas east of that driveway and 6' masonry wall along the entire length of the boundary between the commercial and residential sections of the development.

Section 3. Condition #7 of Planning Commission Resolution #1664 shall be amended in its entirety as follows:

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7. That loading and deliveries for all buildings in the commercial portion be restricted to between the hours of 7:00 A.M. and 9:00 P.M. except that these hours may be modified by the City Council if, after appropriate notice, it is determined that such modification is needed to protect the public health, safety and welfare.

Section 4. Condition #37 shall be added to Planning Commission Resolution No. 1664 to read as follows:

37. That the 6' masonry wall along the entire length of the boundary between the commercial and residential portions of the development and the landscaping between the wall and driveway to the west be completed prior to final building inspection of the townhouse units.

Section 5. This ordinance shall become effective thirty (30) days after the date of its final passage and adoption.

Section 6. This ordinance shall be published once within fifteen (15) days after its adoption in "THE TIMES," a newspaper of general circulation, published in the City of Pleasanton.

INTRODUCED at a regular meeting of the City Council of the City of Pleasanton on October 3, 1978.

ADOPTED at a regular meeting of the City Council of the City of Pleasanton on October 24 , 1978, by the following vote:

AYES: Councilmembers Brandes, Butler, Kephart, Wood, and Mayor Mercer

NOES: None

ABSENT: None

ATTEST:

Clayton E. Brown / Doris George  
Clayton E. Brown, City Clerk  
Doris George, Deputy City Clerk

Kenneth R. Mercer  
KENNETH R. MERCER, Mayor

APPROVED AS TO FORM:

Harvey E. Levine  
Harvey E. Levine, City Attorney



PLANNING COMMISSION  
CITY OF PLEASANTON  
COUNTY OF ALAMEDA  
STATE OF CALIFORNIA

RESOLUTION NO. 1664

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
OF PLEASANTON RECOMMENDING APPROVAL OF PUD-78-3.

- WHEREAS, H. C. Elliott, Inc. has filed an application for approval of a planned unit development - consisting of 70 townhouse units and a shopping center complex - at the southeast corner of Tawny Drive and Pico Avenue; and
- WHEREAS, the Planning Commission has held a public hearing on this matter wherein all pertinent information was presented for the Commission's review; and
- WHEREAS, the Planning Commission has reviewed the possible environmental effects of the project and has found that, with the conditions of approval, there would be no significant effect; and
- WHEREAS, the Planning Commission has found that the PUD is in conformance with the General Plan.

NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES THE FOLLOWING:

Section 1. That this Commission recommends approval of PUD-78-3, subject to the conditions listed below and attachments which are made a part of this approval by reference:

1. That the development be substantially as shown on the Development Plans, Exhibits A and B on file with the Planning Division except that the roofs of the commercial buildings be constructed of wood shingles, all metal posts in the commercial development be completely framed with wood and that 5/8" exterior grooved plywood may be used in place of lapped masonite siding on the townhouses.
2. That the developer be aware that the residential portion of the PUD is subject to Residential Allocation Program approval.
3. That no residential construction shall take place until the foundations or slabs have been poured for at least 50% of the total square footage of commercial buildings proposed on the subject site.
4. That approval under this PUD is only for the townhouses and first phase of commercial development and that the second, third and fourth phases of the commercial

- development will be subject to subsequent consideration under future application(s). First phase commercial development is defined as the market, drug store, all buildings on the development plan marked A, all parking areas north of the southern edge of the drug store, the entire length of driveway between the commercial buildings and townhouses, and the parking spaces and landscaped areas east of that driveway.
5. That all landscaping between the eastern most commercial driveway and the townhouses be included as part of the first phase of the commercial development.
  6. That those areas shown as Phases B, C and D of the commercial development be maintained in a weedfree condition at all times.
  7. That loading and deliveries for all buildings in the commercial portion be restricted to between the hours of 7:00 A.M. and 9:00 P.M.
  8. That all future development in the townhouse area (patio covers, additions, etc.) be regulated by those site development standards which govern the RM-4000 district.
  9. That the street number of the building be posted so as to be easily seen from the street at all times, day and night.
  10. That all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or elsewhere, be effectively screened from view with materials architecturally compatible with the main structure.
  11. That all mechanical equipment be constructed in such a manner that noise emanating from it will not be perceptible at or beyond the property plane of the subject property in a normal environment for that zoning district.
  12. That all lighting be constructed in such a manner that glare is directed away from surrounding properties and rights-of-way.
  13. That all trash and refuse be contained completely within enclosures architecturally compatible with the main structure.
  14. That all trees used in landscaping be a minimum of 15 gallons in size and all shrubs a minimum of 5 gallons.
  15. That if signing for the development is desired, a comprehensive signing program be submitted to the City for consideration under separate application.

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16. That 6" vertical concrete curbs be installed between all paved and landscaped areas.
  17. That all parking spaces be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
  18. That all utilities required to serve the development be installed underground.
  19. That the applicant enter into an agreement with the City approved by the City Attorney which guarantees that all landscaping included in this project will be maintained in a healthful, attractive and weedfree manner.
  20. That the developer install street trees as required per ordinance.
  21. That any damage to street improvements now existing or done during construction to the subject property be repaired at full expense to the developer.
  22. That lighting acceptable to the Police Department be provided around the perimeters of all buildings on the subject property.
  23. That if required by the Police Department, the buildings be equipped with alarm systems, the type to be approved by the Police Department and that this system shall be installed prior to final building inspection.
  24. That the developer install and/or replace street frontage improvements to the satisfaction of the City Engineer.
  25. That the site be kept free of fire hazards from the start of construction to final inspection and that the Fire Department emergency number be provided adjacent to all telephones on the site.
  26. That all dwelling units in the development be constructed to meet the latest P.G.&E. Energy Conservation Home Standards.
  27. That the following water conserving plumbing fixtures be installed:
    - A. Low flush water closets
    - B. Shower flow control heads
    - C. Aerators in interior faucets
    - D. Insulation of hot water lines.

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28. That the developer submit a site development plan in accordance with the Survey Ordinance (Article 3, Chapter 3, Title II) and that these plans be approved by the City Engineer prior to the issuance of a building permit.
  29. That the site development plan include all required information to design and construct site, grading, paving and drainage.
  30. That the paving sections for the parking and drive areas be designed on the basis of an R-Value test and a Traffic Index to carry the anticipated traffic load. This design shall be subject to the approval of the City Engineer. The minimum paving section shall be 2" A.C. on 5" A.B. The minimum A.C. pavement slope shall be 1%.
  31. That the developer's contractor obtain an encroachment permit from the City prior to the beginning of construction.
  32. That the developer pay any and all fees that the property may be subject to.
  33. That because of the amount of traffic which will be generated by the proposed project, the developer shall widen or pay for the widening of Tawny Avenue to the extent necessary to accommodate a minimum of two traffic lanes and one parking lane and provide adequate room for a shoulder on the north side of that street and that the final method for the widening of Tawny, acceptable to the City staff, be arrived at prior to the issuance of any building permits on any part of the subject site, either commercial or residential.
  34. That because of the traffic which shall be generated by the development on the subject site, the developer shall pay for additional paving at the intersection of Pico Avenue and Vineyard Avenue, restriping the intersection as necessary and making it a four-way stop.
  35. That the private drive through the residential portion of the development be moved westward a sufficient distance to align it with Concord Street.
  36. That the developer submit a minor subdivision application to the City and file a parcel map to effect a split of the existing parcel into a shopping center parcel and a multi-family residential parcel.

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Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Pleasanton on the 9th day of August, 1978, by the following vote:

AYES: Commissioners Geppert, Wilson and Acting Chairman Doherty  
NOES: None  
ABSENT: Commissioner Getty and Chairman Jamieson  
ABSTAIN: None  
ATTEST: Secretary Harris

DATE: August 9, 1978

ATTEST:

*RJ Harris*  
Robert J. Harris, Secretary

Gregg Doherty, Acting Chairman

APPROVED AS TO FORM

Harvey E. Levine, City Attorney

**EXHIBIT D**

**P14-0109**

**City of Pleasanton**

**GIS**

**Department**

**Public Notice Area**

