

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**P11-0859 and P11-0860 / 3550 Bernal Avenue, Suites 115, 120, and 125  
Little Flowers Montessori**

**February 22, 2012**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. The site and building modifications, proposed business activities and operation shall conform substantially as shown on the plans and described in the narrative, Exhibit B, dated "Received December 30, 2011" on file with the Planning Division, except as modified by the following conditions. Minor changes to the approved activities and/or operation may be approved by the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. The applicant shall not operate the business until construction of the playground is complete.
3. The applicant shall install curb or bollards designed to protect the perimeter of the playground area and install reflective material on the playground fence. The curb or bollards and reflective material shall be shown on the tenant and site improvement plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Traffic Engineer prior to issuance of a building permit.
4. Should the applicant wish to have more than 77 child and/or 11 staff/employees/volunteers, City review and approval shall be required prior to allowing more children and/or staff/employees/volunteers.
5. The preschool shall adhere to the following hours of operation:

**Monday through Friday: 7:00 a.m. to 6:30 p.m.**

6. If additional hours of operation or activities beyond those proposed in the applicant's written narrative (Exhibit B) or as modified by these conditions 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.
7. If the operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director of Community Development, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Planning Commission

may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.

8. The applicant shall obtain State license approval for the business prior to commencing enrollment, and provide a copy to the Planning Division upon receipt from the State. The operator/director of the business shall ensure that the State license is current and that all State licensing requirements are met at all times. The facility shall enroll only the number of children for which it has a State license.
9. Children shall not be dropped off/picked up at the rear of the building. All drop off/pick up shall occur at the front of the building.
10. Children shall be escorted into and out of the facility and signed in and out by a parent or supervising adult.
11. The use shall comply with all applicable requirements of the City's noise ordinance. Prior to operation, the applicant shall install QuietRock 525 (or approved alternative) on the shared common walls of the subject suites. Should noise become a concern after commencement of the operation of the subject use, the applicant may have to install additional sound attenuating measures within the subject tenant space, modify operation of the business, or employ another alternative approved by the Director of Community Development.
12. The applicant shall install a finger planter at the south end of the new parking spaces. The planter shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance. The species, number, and size of landscaping to be used in the planter and method of irrigation shall be indicated on the plans and subject to the review and approval of the Director of Community Development prior to issuance of a building permit.
13. This approval does not include approval of altering existing and/or installing new exterior lighting. If alterations to existing and/or if new exterior lighting is proposed, the applicant shall submit a lighting plan proposal to the City for review and approval prior to altering and/or installing exterior lighting.
14. The applicant shall place dirty diapers in airtight bags before depositing the diapers in the on-site common trash bin.
15. This approval does not include approval of any signage for the child care center. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to the sign installation.

### **Building and Safety Division**

16. The applicant or responsible party shall pay for additional sewer capacity for the subject use as determined by the Chief Building Official. The sewer fee shall be paid prior to issuance of a building permit and/or prior to operation.
17. Tenant and site improvement plans shall be prepared by a registered Design Professional. Depending upon the tenant improvement design, the subject suites may be considered as either a Group E or Group I-4 occupancy, as defined by the Building Code, and all the requirements of that eventual determination will need to be reviewed for compliance in terms of building construction type, area, occupancy separation, accessibility, exiting, etc.
18. The site and tenant improvement plans submitted to the Building and Safety Division for plan check and permit issuance shall include a drainage plan for the playground area. The drainage plan shall be reviewed and approved by the Chief Building Official and Engineering Division prior to building permit issuance.
19. The applicant and/or responsible party shall install automatic fire sprinklers within the tenant spaces. The fire sprinkler system shall be shown on the tenant improvement plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Chief Building Official and Fire Marshal prior to building permit issuance.

### **STANDARD CONDITIONS**

#### **Planning Division**

20. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. At all times these conditions of approval shall be on all construction plans kept on the project site.
21. No changes to the exterior of the building or site shall be made without prior approval from the Planning Division.
22. The applicant and/or employees shall maintain the area surrounding the child care center in a clean and orderly manner at all times.
23. If the applicant wishes to relocate the use to a new address and/or suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
24. The Conditional Use Permit and Design Review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and construction is

commenced and diligently pursued toward completion, or an extension has been approved by the City.

25. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall be allowed on State or Federal Holidays or weekends. The Director of Community Development may allow earlier “start-times” or later “stop-times” for specific construction activities (e.g., concrete pouring), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction noise and construction traffic noise will not affect nearby residents or businesses. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.
26. All appropriate City permits shall be obtained prior to the construction of the playground, parking spaces, fencing, and/or installation of the windows.
27. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

### **Building and Safety Division**

28. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
29. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant 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 and/or operation is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.

30. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshall 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.

### **CODE REQUIREMENTS**

*Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.*

31. The business shall comply with the Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places).
32. 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 or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

**Natalie Amos**

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**From:** kitty chan  
**Sent:** Tuesday, February 14, 2012 4:13 PM  
**To:** Natalie Amos  
**Subject:** re: P11-0859/P11-0860

Dear Namos,

I am one of the resident in Palomino Drive.

I have concern on the traffic in the morning during schools time. When Vintage hill grade schools traffic coming down the concord way & making left on to Palomino out to Bernal already producing lots of clutters.

What my foreseeing the possibility for the proposal is there is NO future in/out drive thru South bound thru Palomino Because if drop off & pick up time could really create a big problem to the East portion of the residents.

Note: there were few accident Children got run over during the past years, one was killed by car at the corner of Palomino & Norton, last year there was a young teen got knocked down by a SuV at the corner of Tawny & Norton.

This is a Very Important issue that the Pleasanton Planning Commission need to review the downside of it! Must send an observation to the neighbor traffic before this proposal is final approved.

*Thank You!*

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Kitty Chan, CDPE, CRS

Associate Broker dre# 01153089

[www.kittychanhomes.com](http://www.kittychanhomes.com) | Re/Max Accord | cell 510.332.6080

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**EXHIBIT D**

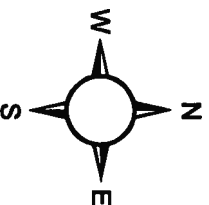
**3550 Bernal Avenue**

**City of Pleasanton**

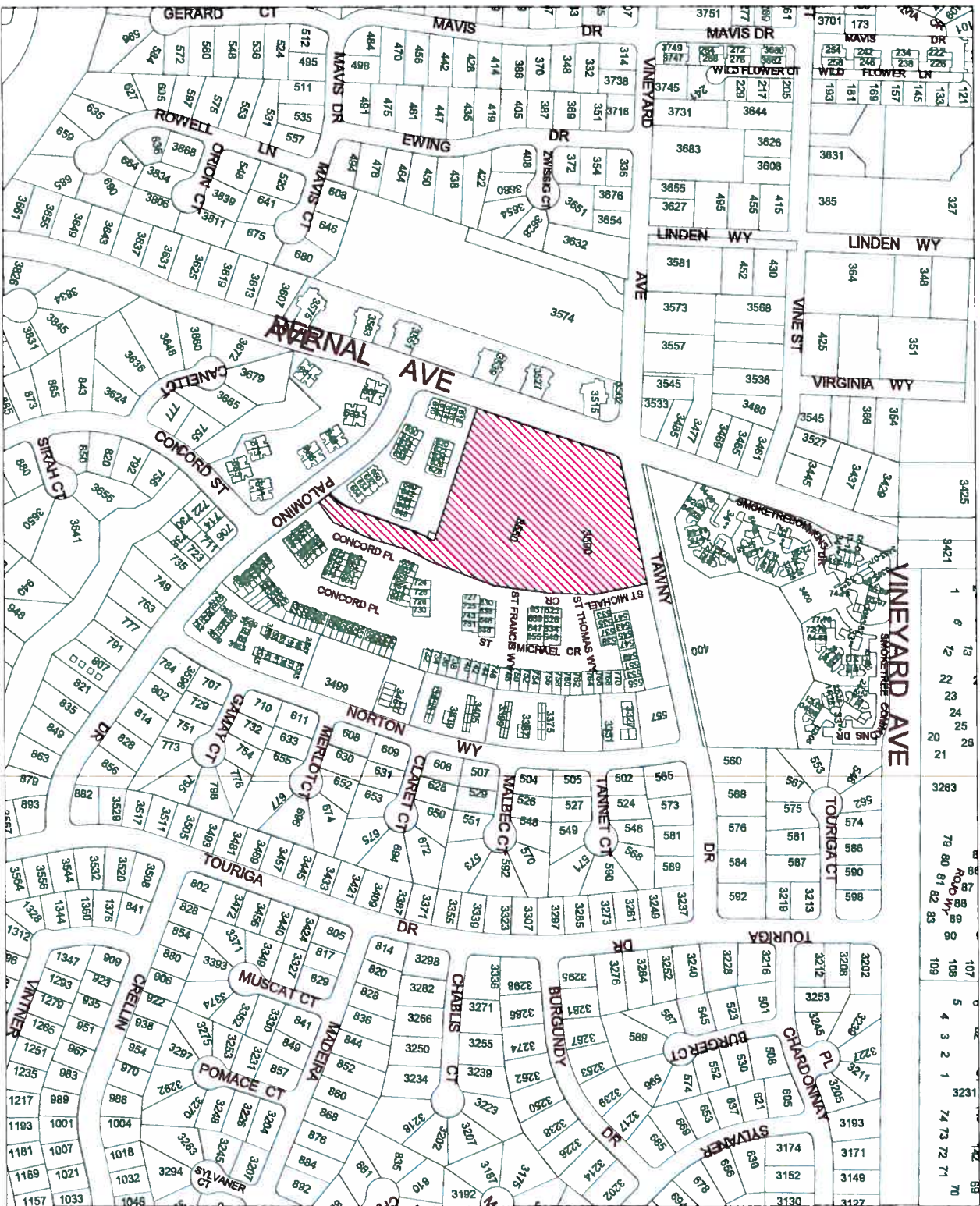
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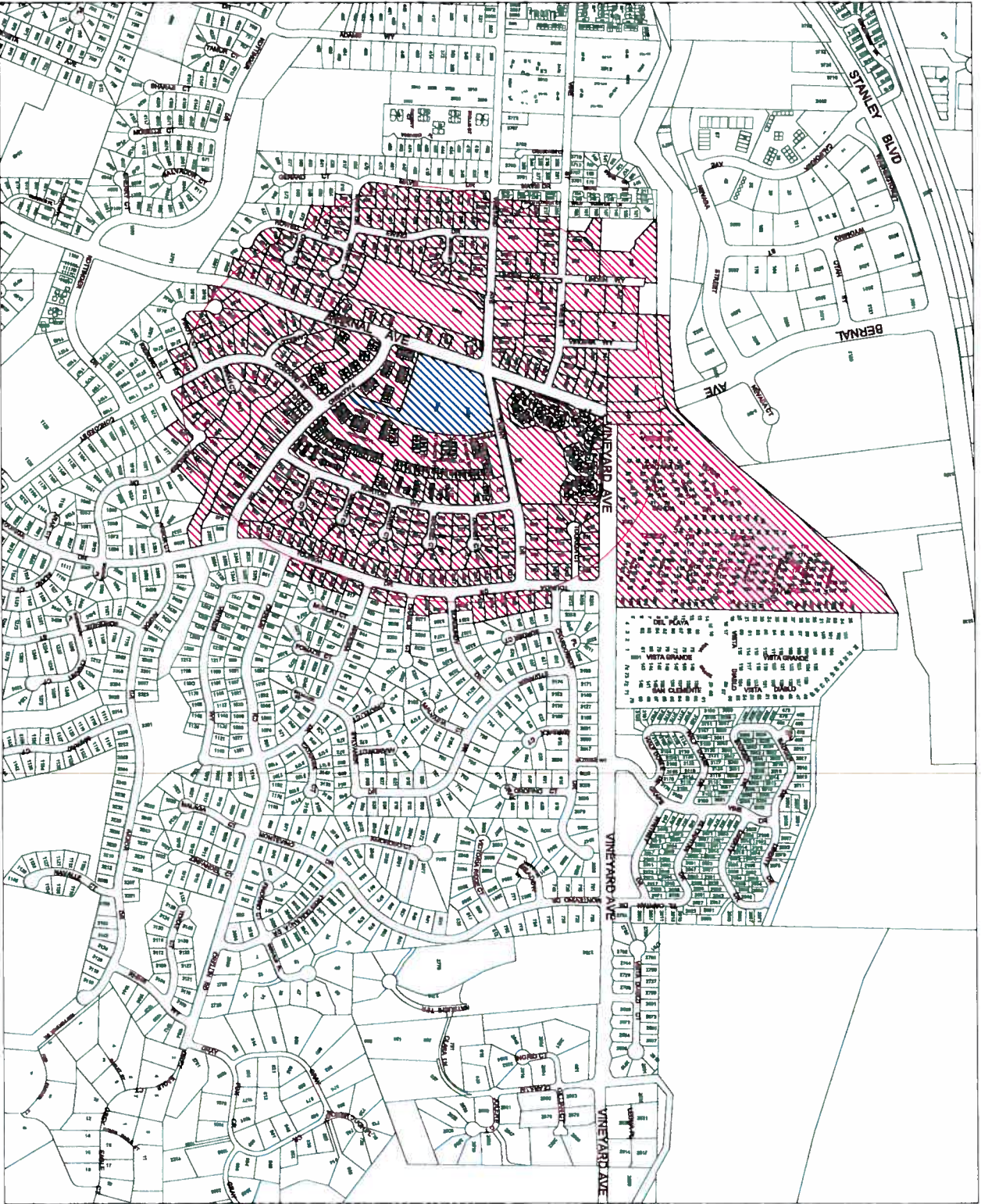
**Department**

**P12-0042**



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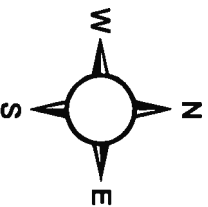
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**EXHIBIT D**

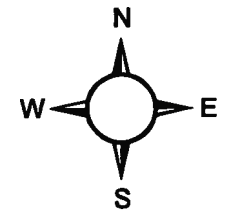
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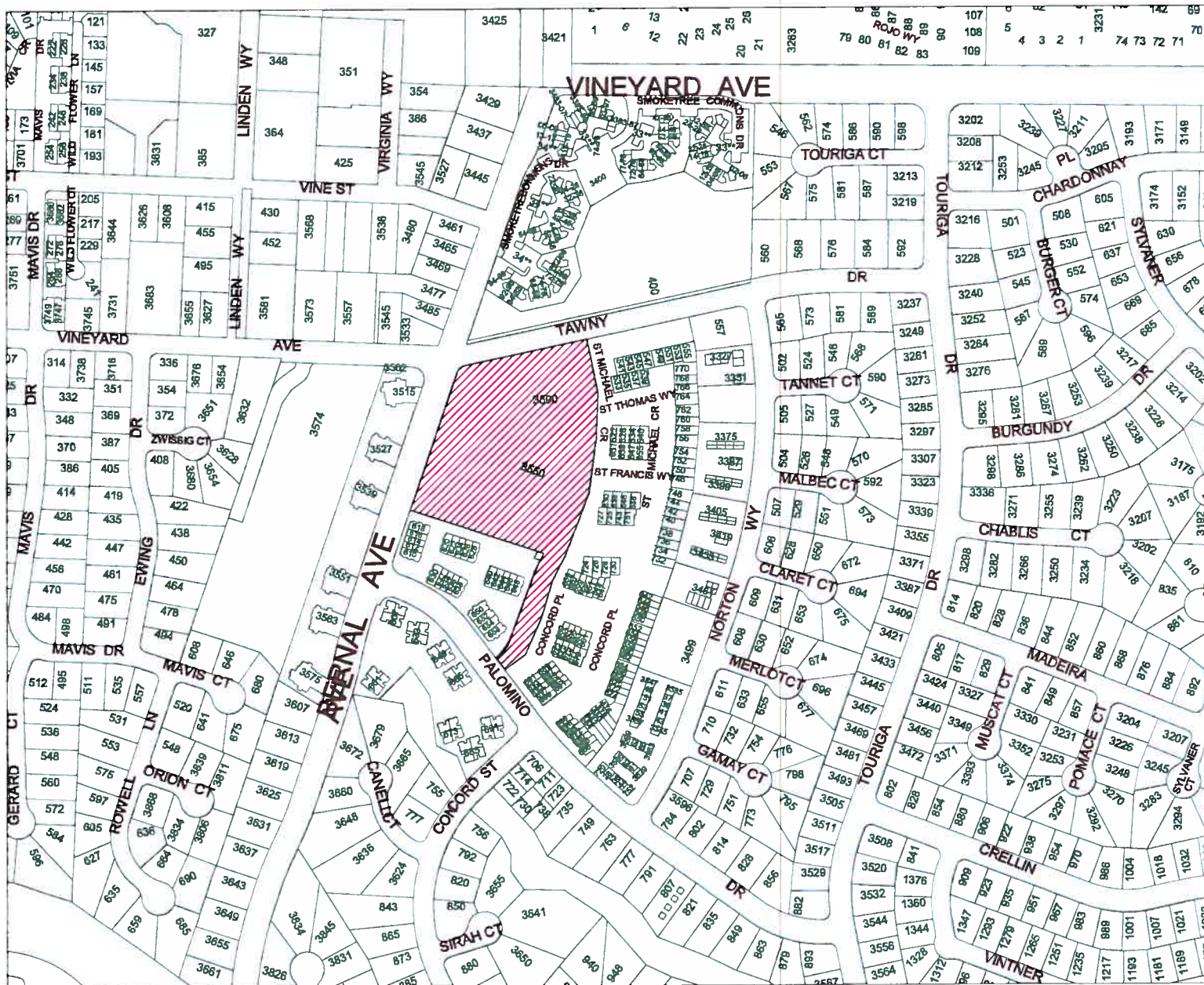
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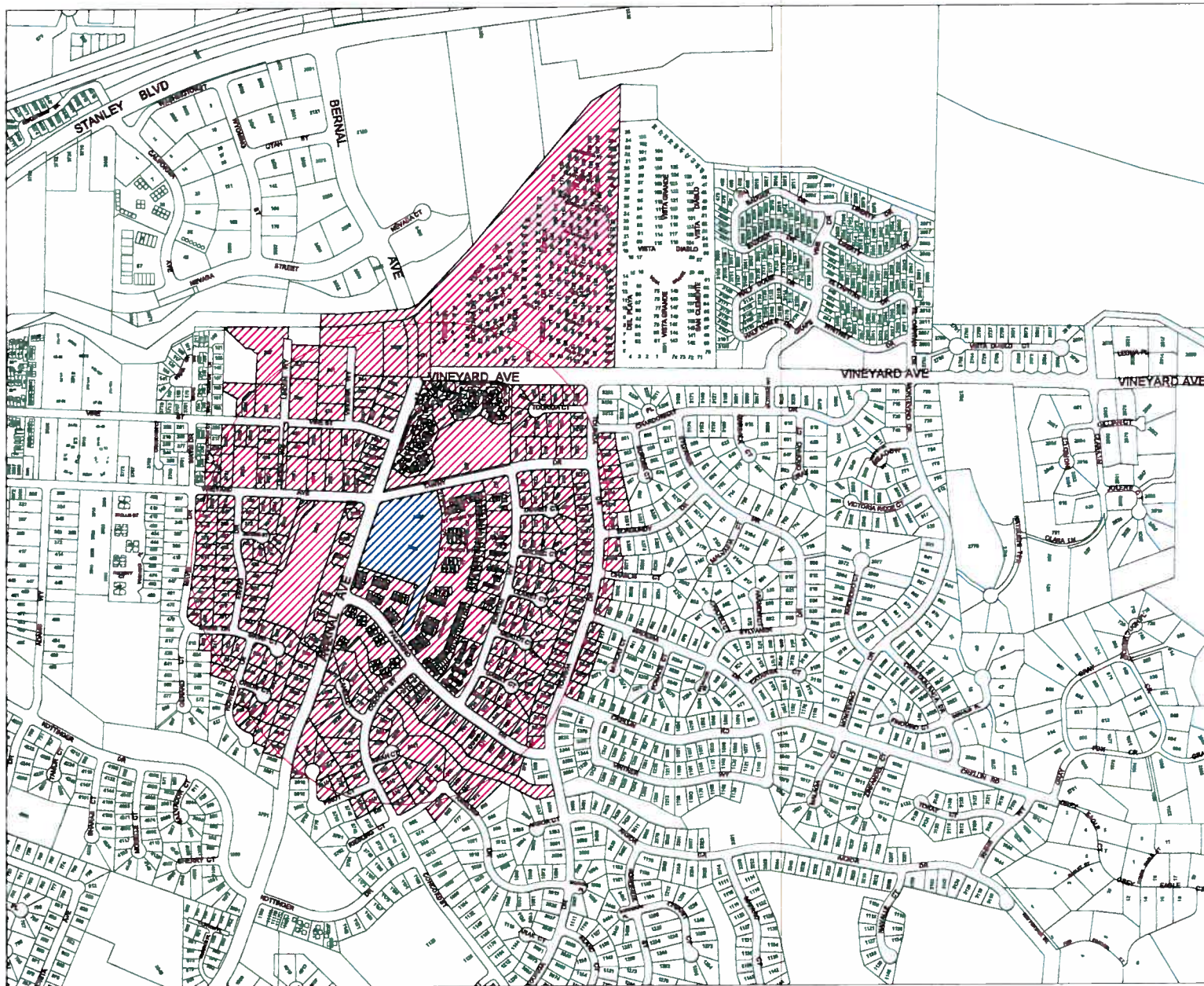
**Department**

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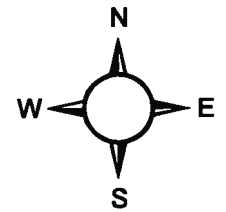
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