

## **Exhibit A-1**

### **Draft Conditions of Approval Case PCUP-185 300 Neal Street**

1. All conditions of approval for UP-71-13 shall remain in full force and effect, unless modified by this use permit.
2. The facility is approved as a 139-bed facility. Any increase in the number of beds requires separate City review and approval.
3. This approval includes the mitigations relating to the site improvements (parking lot expansion and fence) and site identification sign as described in the written narrative dated, "Received June 8, 2011," on file with the Planning Division. The applicant shall install the site improvements (parking lot expansion and sound attenuating fence) and site identification sign as described in the written narrative dated "Received June 8, 2011," within the timeframes specified in the conditions of approval for Case P11-0043.
4. The front lawn area, generally bounded by the front property line on the south, the parking lot on the west, the existing redwood fence on the north and the property line on the east, shall remain as an open space area and is part of the convalescent facility. Improvements to be constructed and maintained in this area include signs, walkways, benches, a gazebo and other similar improvements and/or structures.
5. Facility staff shall park in the parking lot.
6. If operations of this use permit results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, 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. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke the said conditional use permit approval. Possible mitigation measures may include, but are not limited to, reducing the number of beds, limiting hours for deliveries, providing additional parking or other measures deemed necessary by the Planning Commission.
7. If additional activities beyond what was stated in the applicant's written narrative, dated "Received April 8, 2011," on file in 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 determined to be substantial.

8. The approved modification shall conform substantially to Exhibit B, dated "Received April 8, 2011," on file with the Planning Division, except as modified by the conditions of approval herein. Minor changes to the approved operation may be approved by the Director of Community Development if found to be substantial conformance with the approved exhibit.
9. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorney's fees), action, or proceeding brought by a third party 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.

{end}

## **EXHIBIT A-2**

### **Draft Conditions of Approval**

**P11-0043**

**300 Neal Street**

### **PROJECT SPECIFIC CONDITIONS**

#### **Planning**

1. The design review approval shall lapse one year from the effective date of approval unless a building permit is obtained and construction diligently pursued, or the City has approved a time extension.
2. The building permit plan check materials will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, 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 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.
3. The applicant shall pay any and all fees to which the property may be subject 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.
4. Prior to issuance of building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least seventy-five percent (75%) of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.
5. Within 14 days from the date when this approval becomes effective, the applicant shall provide the following to the Planning Division:
  - A parking lot plan showing that 109 parking spaces are to be provided.
  - A grading/drainage plan for the landscaped areas that are to be removed.
  - A sign design review application for the site monument sign. The

subject sign shall be installed within 30 days from when the approval becomes effective.

- A landscaping plan showing any removed landscaping due to the construction of the sound-attenuating fence between the subject site and the adjoining site at 4410 Second Street. Any removed landscaping shall be replaced with similar planting.

The grading/drainage plan, parking lot plan, and landscaping plan are subject to the review and approval by the Director of Community Development.

6. Within 45 days from the date when this approval becomes effective, the applicant shall obtain permits for the following:
  - A building permit to construct the sound-attenuating fence between the subject site and the adjoining property located at 4410 Second Street.
  - A building permit for the construction of retaining walls at the rear parking lot where the existing landscaped areas are to be removed. The color and material of the retaining walls shall match the existing walls.
  - A demolition permit to remove the existing freestanding tower element.
  
7. Within 90 days from the date when this approval becomes effective, the following items shall be constructed, inspected and finalized:
  - The sound-attenuating fence between the subject site and the adjoining property located at 4410 Second Street.
  - The demolition of the freestanding tower element.
  - The construction of retaining walls in the rear parking lot area.
  - The 109-space parking lot.
  - Landscaping installation on the subject site at the newly constructed sound-attenuating fence.
  
8. The front lawn area, generally bounded by the front property line on the south, the parking lot on the west, the existing redwood fence on the north and the property line on the east, shall be maintained as an open space area for the existing convalescent facility as described in the written narrative dated "Received April 8, 2011," on file with the Planning Division.
  
9. Planning Division approval is required before any changes are implemented in site design, landscape material, etc.

## **Engineering**

### **URBAN STORMWATER CONDITIONS OF APPROVAL**

10. The project 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. 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.
  - b. 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.
  - c. 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.
  - d. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
  - e. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

### **STANDARD CONDITIONS OF APPROVAL**

#### **Community Development Department**

11. The project applicant 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.

12. The project applicant 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.
13. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work must stop within 20 meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of Appendix K of the State CEQA Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to his/her authorized representative. A similar note shall appear on the improvement plans.

## **Planning**

14. The proposed development shall be in substantial conformance to Exhibit B , dated "Received, April 8, 2011," on file with the Planning Division, except as modified by the conditions of approval. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
15. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the project 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.
16. 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 Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be

equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.

17. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
18. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
19. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.

### **Engineering**

20. 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.
21. 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. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
22. The project applicant and/or the project applicant's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.

### **Building**

23. 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.

### **Fire**

24. The project applicant shall keep the site free of fire hazards from the start of lumber construction until the final inspection.

## **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.)*

### **Building**

25. The project applicant shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
  
26. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.

### **Fire**

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

{end}





24 June 2011

Marissa L. Brandel, Esq.  
Generations Healthcare  
20371 Irvine Avenue, Suite 210  
Newport Beach, CA 92660

■  
Suite 370  
6130 Stonedgde Mall Road  
Pleasanton, California  
94588

**Re: Pleasanton Nursing & Rehabilitation Center Parking Study**

Dear Mrs. Brandel:

Thank you for inviting Kimley-Horn and Associates, Inc. (KHA) to perform transportation and traffic engineering services in conjunction with the Pleasanton Nursing & Rehabilitation Center in Pleasanton, CA.

**INTRODUCTION**

---

KHA conducted an inventory of the existing parking layout for the Pleasanton Nursing & Rehabilitation Center located at 300 Neal Street in Pleasanton, CA. The existing parking lot includes 93 off-street parking spaces, as shown in **Figure 1**. Based on the City's request to survey the parking occupancy during time periods adjacent to shift changes, KHA requested and received the following shift schedule from the Client:

- C.N.A. shifts: 6:30am-2:30pm, 2:30pm-10:30pm and 10:30pm-6:30am
- Licensed Nurses (LVNs and RNs) shifts: 7am-3pm, 3pm-11pm, and 11pm-7am
- Salaried staff: 8am-5pm

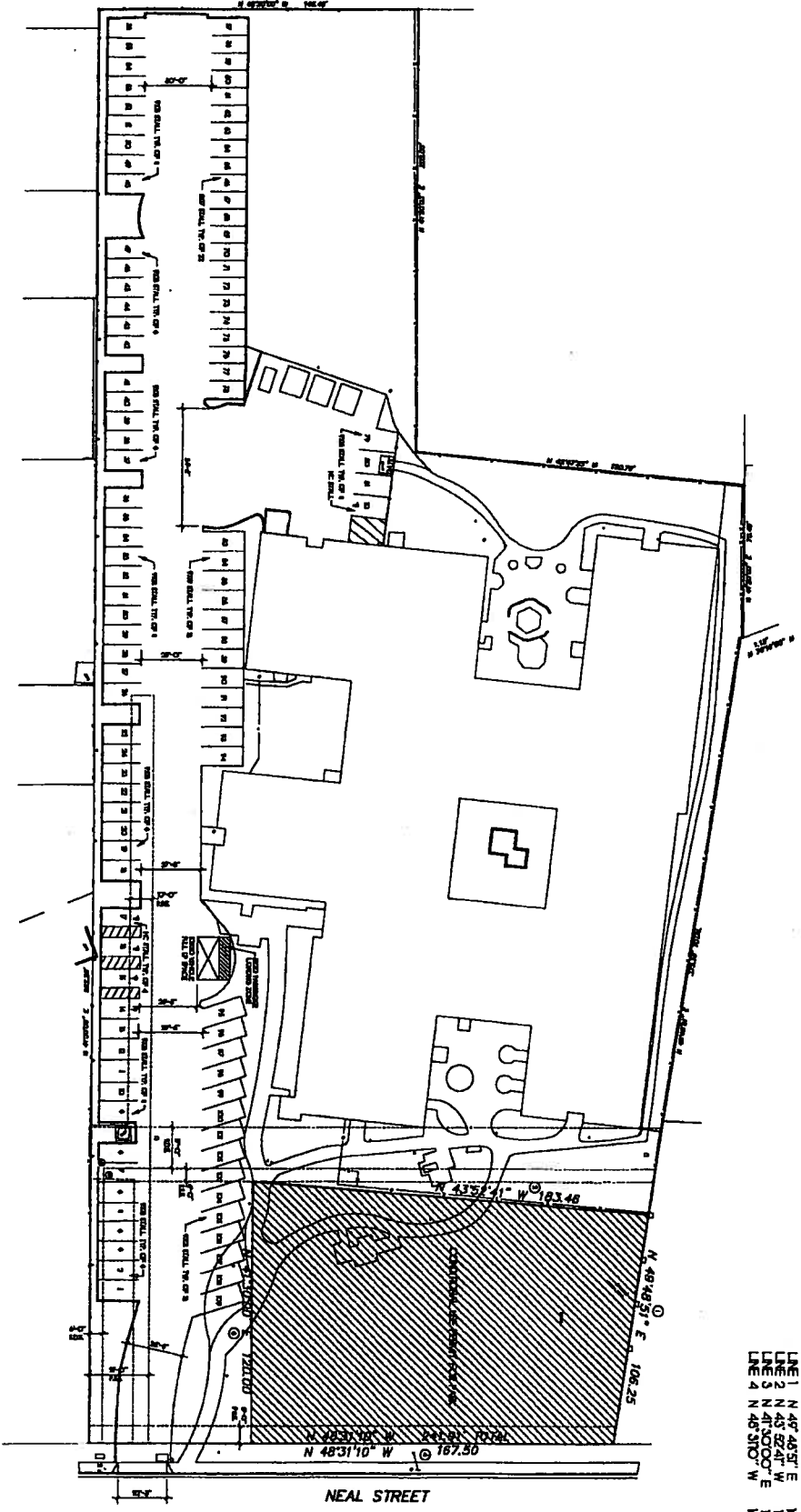
KHA discussed this shift schedule with City staff and agreed that no parking survey would be required during the time periods adjacent to the beginning of the overnight shift starting between 10:30pm and 11:00pm, since this shift constituted the lowest staff shift as well as no visitors.

A survey of the *ITE Parking Generation Manual, 4<sup>th</sup> Edition*<sup>1</sup> (a standard engineering industry reference for parking data for varying land uses) showed that the typical peak parking demand at a Nursing Home facility occurs around 2pm during a typical weekday. Similar time of day peak parking demand information was not available for weekends. Based upon this information and the request of City staff to conduct a parking survey for a Thursday, Friday, and Saturday, KHA collected during the periods as shown in **Table 1**.

**Table 1 – Data Collection Time Periods**

Day	Date	AM Peak Period	PM Peak Period
Thursday	June 16, 2011	6:30 AM – 8:30 AM	1:30 PM – 5:30 PM
Friday	June 17, 2011	6:30 AM – 8:30 AM	1:30 PM – 5:30 PM
Saturday	June 18, 2011	6:30 AM – 8:30 AM	1:30 PM – 5:30 PM

<sup>1</sup> *ITE Parking Generation Manual, 4<sup>th</sup> Edition*, Institute of Transportation Engineers, 2010.



NEAL STREET

Generations Healthcare  
 300 Red Street  
 Fremont, California

Terry J. Townsend  
 Architect  
 17 Old Land Ave., Box 4  
 Fremont, CA 94556  
 Tel. 925-484-5435

- Notes:
- LINE 1 N 49° 48' 57" E D0.05
  - LINE 2 N 45° 22' 41" W R3.46
  - LINE 3 N 47° 30' 00" E D0.00
  - LINE 4 N 48° 51' 0" W W7.50



Proposed Parking Layout

Job Number: 200007  
 Date: 1/20/07  
 Scale: 1/8" = 1'-0"  
 Drawing: 2  
 Date: 2/2/07

## PARKING INVENTORY RESULTS AND FINDINGS

Kimley-Horn conducted an occupancy parking survey during the time periods described in **Table 1**. The occupancy survey was completed at 30 minute intervals and recorded if a parking space was occupied during the query. No license plate or other vehicle identification information was recorded during the occupancy survey since turn-over information was not requested by the City. **Table 2** shows the results of the parking survey. The maximum number of spaces occupied in the AM is 52 spaces occupied, or 56% occupied. The maximum number of spaces occupied in the PM is 75 spaces occupied, or 81% occupied. As predicted by ITE, the maximum number of spaces occupied did occur around 2:00 PM to 3:00 PM.

**Table 2 – Parking Survey Results**

	Time Period	Thursday – 6/16/11		Friday – 6/17/11		Saturday – 6/18/11	
		# Spaces Occupied	% Occupied	# Spaces Occupied	% Occupied	# Spaces Occupied	% Occupied
AM Shift	6:30 AM	25	27%	34	37%	31	33%
	7:00 AM	34	37%	40	43%	32	34%
	7:30 AM	39	42%	39	42%	34	37%
	8:00 AM	50	54%	44	47%	35	38%
	8:30 AM	52	56%	45	48%	36	39%
	<b>Maximum</b>	<b>52</b>	<b>56%</b>	<b>45</b>	<b>48%</b>	<b>36</b>	<b>39%</b>
PM Shift	1:30 PM	74	80%	69	74%	63	68%
	2:00 PM	73	78%	72	77%	67	72%
	2:30 PM	66	71%	70	75%	67	72%
	3:00 PM	65	70%	75	81%	59	63%
	3:30 PM	67	72%	60	65%	53	57%
	4:00 PM	66	71%	64	69%	54	58%
	4:30 PM	63	68%	59	63%	49	53%
	5:00 PM	53	57%	47	51%	46	49%
	5:30 PM	46	49%	52	56%	42	45%
	<b>Maximum</b>	<b>74</b>	<b>80%</b>	<b>75</b>	<b>81%</b>	<b>67</b>	<b>72%</b>

Note: The number of spaces available is 93 spaces.

## PARKING RATE COMPARISON

In its Conditional Use Permit application, Generations Healthcare is seeking to amend the number of parking spaces dictated in the CUP. The original CUP required 99 parking spaces. For the continued operation of the 139 beds, the City's current parking ordinance would require 125 parking spaces. At this time, Generations Healthcare seeks to modify the CUP to 109 parking spaces.

As a comparison to the current City ordinance, parking generation data regarding the peak number of parking spaces occupied given the number of beds for a nursing home can be calculated using the *ITE Parking Generation Manual, 4<sup>th</sup> Edition*. Using ITE Code 620 for a nursing home, the parking spaces occupied on a weekday for 139 beds is on average



49 spaces and an 85-percentile value of 67 spaces. The parking spaces occupied on a Saturday for 139 beds are on average 22 spaces and an 85-percentile value of 29 spaces. The ITE study looked at 9 different sites on a weekday, averaging 140 beds at each location, similar to the size of the Pleasanton Nursing Home. On the weekend, the ITE study reviewed 5 different sites, each averaging 150 beds. Table 3 shows the results of the ITE Parking Generation review.

**Table 3 – ITE Parking Generation**

Land Use	Independent Variable	Time Period	Average	85 <sup>th</sup> %	Maximum
620 – Nursing Home	139 Beds	Weekday	49	67	86
		Saturday	22	29	31

As shown in Table 3, the planned 109 parking spaces at the Pleasanton Nursing and Rehabilitation Center exceed the maximum parking demand projected by ITE of 86 spaces.

**CONCLUSION**

---

The 109 spaces planned by Generations Healthcare exceed the current 75 peak period parking demand, as well as the maximum ITE Parking Generation rate of 86 spaces for a 139 bed nursing home facility on a weekday. Based on the results on the parking survey conducted and summarized herein, KHA concludes that the 109 spaces proposed in the CUP exceeds the parking demand and provides additional parking capacity above recognized industry standards.

Thank you for this opportunity to perform transportation and traffic engineering services in conjunction with the Pleasanton Nursing & Rehabilitation Center in Pleasanton, CA. Please let us know if you have any further questions.

Sincerely yours,  
KIMLEY-HORN AND ASSOCIATES, INC.

Michael C. Mowery, P.E.  
P.E. Certificate No. C66353

**Jenny Soo**

---

**From:** Maria Hoey  
**Sent:** Thursday, February 24, 2011 9:37 AM  
**To:** Jenny Soo  
**Subject:** FW: Request Denial of PCUP-185

---

**From:**  
**Sent:** Wednesday, February 23, 2011 3:43 PM  
**To:** Maria Hoey  
**Subject:** Request Denial of PCUP-185

Dear Planning Commission:

I see on the Future Planning Commission items list is # PCUP-185, Steve Black of Generations Healthcare of Pleasanton LLC. The application is to modify an existing Conditional Use Permit to increase a maximum number of beds from 129 to 139 at Pleasanton Convalescent Hospital at 300 Neal Street. (The facility's signage and business cards read Pleasanton Nursing and Rehabilitation Center, not the old name of Pleasanton Convalescent Hospital.)

My mother has been residing at the facility for 3 years, and with visiting her several times weekly, I am very familiar with Pleasanton Nursing and Rehab. During this time, I have seen firsthand the parking lot become more and more full on a daily basis. On holidays and during the 3:00 pm shift change, the parking lot is full for hours. Parking spills onto Neal Street, both uphill and downhill. It has become more and more frustrating to try to "time" my visits so that I can find parking. I almost always bring my mother's laundry, which can be quite awkward and heavy to carry, so available parking is preferable, rather than carrying clothes on hangers and laundry bags up and down the street to the parking lot of the facility.

With an increase of 10 beds, you're probably looking at two additional employees, perhaps more, plus the residents' and/or their families' cars. The facility also has very frequent ambulances, vans, delivery vehicles (prescriptions, flowers, supplies, food, etc.), doctors and ancillary personnel who also use the parking lot throughout each day. If Pleasanton Nursing and Rehab is not somehow expanding their parking lot, the existing lot will be even more impacted. This also affects the residential neighborhood surrounding the facility, as more traffic is generated and more parking will flow out onto Neal Street.

If you have ever exited Pleasanton Nursing and Rehab's parking lot (there is only one entrance and exit) onto Neal Street, you know that when cars are parked up the street, it is difficult to see oncoming traffic from the left. I have held my breath watching cars exit or exiting myself, hoping for a break between the cars that whiz down Neal towards First Street.

Please consider carefully the extra traffic and parking lot capacity needs created by the extra 10 beds. Ten beds does not sound like much, but the extra 7.75% increase is not just extra beds squeezed somewhere into the building (which I haven't yet figured out where they plan to put them). The rooms now are comfortable for two beds (and people and their things), and crowded for three beds (and people and their things), so if Pleasanton Nursing and Rehab wants to make all their old rooms into triples, the building will become overcrowded.

If the 10 extra beds are approved, I will have to seriously re-consider keeping my mother there. Although with her very advanced Alzheimer's and incapacity, moving her will be extremely difficult. Therefore, my family and I ask that you deny the application.

Thank you,

Hathily Winston

PLANNING COMMISSION  
Pleasanton, California

RESOLUTION NO. 1070

WHEREAS,

the application of Frank V. Kreske and Robert J. Myers for an amendment to their existing conditional use permit to expand the operation of a convalescent and long-term facility by 29 beds for a total of 129 beds, with the addition of a 1.63 acre parcel; said facility to be located on property described as Assessor's Map 94, Block 14, Parcel 38, and a portion of Assessor's Map 94, Block 19, Parcel 25, generally located on the north side of Neal Street at the intersection of Neal and Third Streets, parcels containing 3.44 acres, more or less, has come before this Commission,

NOW, THEREFORE BE IT RESOLVED, that UP-71-3, be approved amending UP-70-13, subject to the following conditions:

1. That the complex be a maximum of 129 beds.
2. That a street termination plan for Del Sol Avenue be submitted to the staff for approval by the Planning Commission.
3. That the Commission, as a whole, review a specific proposal for that portion of the property fronting Del Sol Avenue, which is not included in this conditional use permit.
4. That a detailed grading and drainage plan be submitted to and approved by the City Engineer prior to issuance of a building permit.
5. That the street number be posted in such a manner as to be easily seen and read from the street at all times, day and night.
6. That all driveway and parking areas be paved with a minimum of two inches AC over five inches AB.
7. That a building permit survey in accordance with Ordinance No. 387 be provided to and approved by the City Engineer prior to issuance of a building permit.
8. That any broken or displaced curb and gutter and sidewalk be reconstructed to City standards.
9. That any necessary public fire hydrants and/or on-site fire protection be provided by the developer.
10. That all electrical and communication services be installed underground from the nearest existing pole.
11. That the matter of relocating or protecting in place the existing sanitary sewer line and storm drain line is specifically not approved. Details of this would have to be worked out to the satisfaction of the City Engineer.

12. That the amended permit granted under UP-71-3 will expire on October 27, 1971.

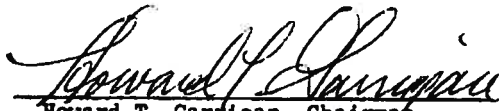
PASSED AND ADOPTED by the Planning Commission of the City of Pleasanton on the 23rd day of February, 1971, by the following vote:

Ayes:	Commissioners Hirst, Pereira, Pons and Chairman Garrigan
Noes:	Commissioner Wood
Absent:	
Abstain:	
Attest:	Acting Secretary Aiello

Date: February 23, 1971

Attest:

  
\_\_\_\_\_  
Vince Aiello, Acting Secretary

  
\_\_\_\_\_  
Howard T. Garrigan, Chairman

PCUP-185

City of Pleasanton

GIS

Department

300 Neal Street

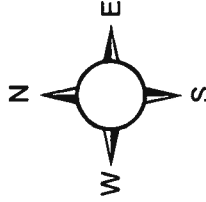


EXHIBIT F

Printed 7/8/2011





PCUP-189

City of Pleasanton

GIS

Department

300 NEAL STREET

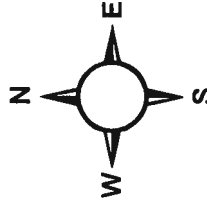


EXHIBIT G

Printed 7/8/2011

