

Planning Commission Staff Report

March 27, 2013

Item 6.a.

- SUBJECT:** P12-0556 and P12-0557
- APPLICANT:** IronHorse Development / Terry Grayson
- PROPERTY OWNER:** Delong Liu
- PURPOSE:** Applications for a Conditional Use Permit and Design Review approval to demolish the existing 76 Conoco Phillips service station sales and restroom building, modify the location of fuel dispensers, construct an approximately 1,950-square-foot convenience market, and install related improvements at 4191 First Street.
- GENERAL PLAN:** Retail/Highway/Service Commercial/Business and Professional Offices
- ZONING:** Service Commercial (C-S), Downtown Core Area Overlay District
- DOWNTOWN SPECIFIC PLAN LAND USE DESIGNATION:** Downtown Commercial
- LOCATION:** 4191 First Street
- EXHIBITS:**
- A. Draft Conditions of Approval
 - B. Project Plans, Narrative and Photo Simulations
 - C. Public Comments Received after the December 12, 2012 Planning Commission Meeting
 - D. December 12, 2012 Planning Commission Staff Report
 - E. Public Comments Distributed at the December 12, 2012 Planning Commission Meeting
 - F. Excerpt from the December 12, 2012 Planning Commission Meeting Minutes
 - G. Location Map and Noticing Map

BACKGROUND

Mr. Terry Grayson of IronHorse Development, on behalf of the property owner Delong Liu, has requested approval of Design Review and Conditional Use Permit applications for 4191 First Street. A 24 hour 76 ConocoPhillips gas station currently exists on the site and a Conditional Use Permit was approved in the past for this station. The Applicant has submitted this request to allow the demolition of two of the existing fuel dispensers and the existing sales and restroom kiosk and the construction of a new 1,950 square foot building and site improvements including new landscaping, parking stalls and a trash enclosure. The Applicant has also requested approval of a Conditional Use Permit to allow a convenience store to operate within the building.

The subject property is zoned Service-Commercial (C-S) and a service station with a convenience market excluding the sale of alcoholic beverages is conditionally permitted in the C-S zoning district. The Pleasanton Municipal Code (P.M.C.) limits convenience markets to 2,500 square feet.

This project was previously reviewed by the Planning Commission on December 12, 2012 and the project has been revised to address comments expressed by the Public and the Planning Commission. A detailed explanation of the changes made since the meeting is included in this Staff Report.

December 12, 2012 Planning Commission Meeting

The Planning Commission previously reviewed this project on December 12, 2012. The Staff Report from this meeting is included as Exhibit D and the minutes from the meeting are included as Exhibit F. During the meeting several members of the public spoke in opposition of the project. Additionally, staff recommended that the Planning Commission deny the project as proposed by the Applicant.

At the meeting, the Planning Commission continued the project to allow the Applicant time to meet with the surrounding neighborhood and revise the project.

Project Modifications Following the December 12, 2012 Hearing

Following the Planning Commission meeting, the Applicant revised the proposed project to address some of the comments made by the Public, staff and the Planning Commission. The table on the following page lists the differences between the current proposal and the project reviewed by the Planning Commission on December 12, 2012.

Table 1: Differences Between the December 12, 2012 Project and the Current Proposal

	December 12, 2012 Plans	Revised Project
Hours of Operation	24 Hours	5:00 am – 11:00 pm (as conditioned)
Type of Market	7-11 with snack, food and drinks (non-alcoholic)	Convenience Market with coffee, snacks, food and drinks (non-alcoholic)
Size of Market	2,250 Square Feet	1,950 Square Feet
Fencing	No new fencing proposed	Replace fencing along the Alameda County Transportation Corridor (which was removed in the past)
Driveways	Eliminate 2 driveways on First Street	Eliminate 1 driveway on First Street (2 driveways will remain on First Street and 1 driveway will remain on Ray Street)
Variance Request	Required to allow parking spaces within the setback area	Parking spaces previously located in the setback area have been removed and therefore a Variance is not required.
Parking Stalls	16	14
Landscaping along the western property line	No changes to existing	As required by the Conditions of Approval, this buffer will be required to be replanted with evergreen trees and shrubs.

Neighborhood Outreach and Comments

The Applicant for the proposed project held a Community Outreach Meeting on February 7, 2013 to discuss the revised project (Flyer is included in Exhibit C).

Comments were submitted to the Planning Division prior to the December 12, 2012 Planning Commission meeting and were included as an Exhibit to the Staff Report (Exhibit D, attached). Comments were also received after the Staff Report was printed and those comments were distributed to the Planning Commission at the meeting (Exhibit E, attached). Two petitions were also handed to the Planning Commission at the meeting. One petition noted people in favor of the proposed project and one petition listed residents who objected to the project.

Concerns raised by the public prior to and at the Planning Commission meeting include:

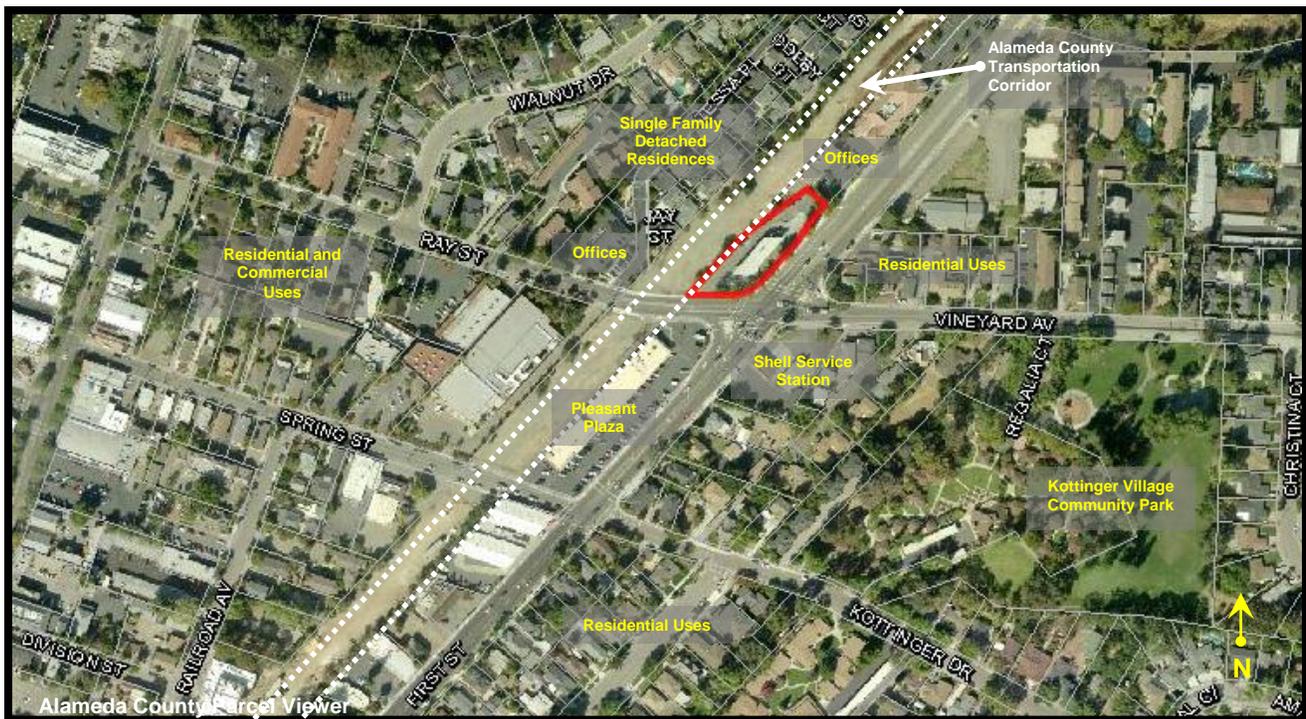
1. Concerns over the sale of liquor
2. Concerns over the proposed hours of operation (24 hours a day, 7 days a week)
3. Concerns that the proposed 7-11 store would result in an increase in crime, loitering and gang activity
4. Concerns that litter in the area would increase
5. Concern that the proposed chain store (a 7-11 market) would negatively impact the existing small businesses in the area (such as Cole’s Market)

Several comments have been received regarding the current proposal following the publication and mailing of the project Notice. These comments are included as Exhibit C; most of the people providing comments have expressed their concern with a convenience market in this location.

SITE DESCRIPTION

The subject site is approximately 22,359-square-feet in size and is northwest of the intersection of Ray and First Streets. The subject property is identified with a red outline on the vicinity map below.

Figure 1: Vicinity Map



The site is bounded by office uses to the north, residential uses across First Street to the east, Pleasant Plaza to the south, and residential and office uses across the Alameda County Transportation Corridor (A.C.T.C.) to the west.

For additional site information, including pictures of the existing site, please refer to the December 12, 2012 Staff Report included as Exhibit D.

Temporary remediation of contaminated groundwater and soil on site is currently underway. The Applicant has indicated that they will begin the design of a permanent solution in the future. The Applicant will remove the existing underground fuel tanks as a part of this project and construction of the permanent remediation solution would occur in conjunction with this project (with completion anticipated after the proposed project is completed). Prior to beginning any remediation on site, the Applicant is required to apply for a Design Review for review and approval by the City (Please refer to Condition of Approval No. 24).

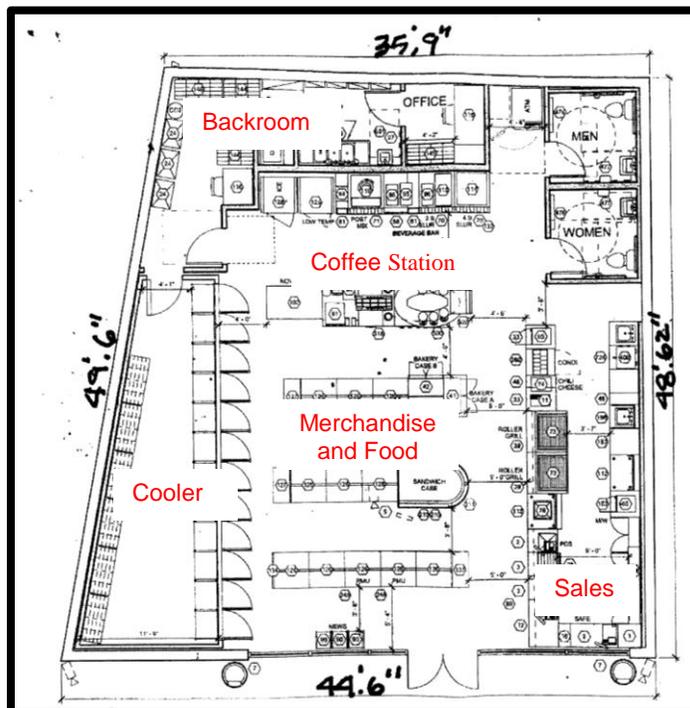
PROJECT DESCRIPTION

The Applicant has proposed to modify the existing site to allow for the construction of new underground storage tanks, to reconfigure fuel dispensers located on the site, plant new landscaping and construct a new 1,950 square foot convenience store.

Use

A Conditional Use Permit is required to allow the operation of a convenience store within the proposed building. A Conditional Use Permit was previously approved for the existing service station. As shown on the Floor Plan below, the new market will include a cash register area, coolers to store drinks, snacks, a large coffee area and restrooms¹. The proposed hours of operation of the market are from 4:00 am – 11:00 pm (staff is recommending that the hours be 5:00 am – 11:00 pm). Liquor sales will not be permitted at this site.

Figure 2: Floor Plan



One full-time and one part-time employee are proposed to staff the convenience market. No employees are dedicated to the service station which will operate 24 hours a day (same as existing). The State of California allows fueling stations to operate without an attendant if the site complies with the provisions of Section 2204.3 of the California Fire Code. This Section requires several items to be on site including signage and emergency shut-off switches.

¹ Although the floor plan indicates that there will be slurpee machines on the site, this is an error and an accurate floor plan is required to be submitted with the Building Permit Plans.

As conditioned, deliveries for the convenience market would take place between 6:00 a.m. and 9:00 p.m. The unloading process for convenience store merchandise typically takes approximately 1 to 2 hours. As conditioned, trucks will not be allowed to be left idling while merchandise is unloaded due to safety and environmental reasons and will be required to park in parking spaces so that they do not block circulation on the site. No music is proposed outside the building.

Site Plan

In order to accommodate the proposed project, the existing sales kiosk/restroom building will be demolished. The existing underground fuel storage tanks will also be removed and new underground tanks will be constructed in a new location. Additionally, two existing fuel dispensers located outside of the existing canopy will be demolished and two new dispensers will be constructed underneath the canopy. A new trash enclosure, landscaping and other related improvement will be constructed on site.

A total of 14 parking spaces will be constructed on the site to provide parking for the proposed market. Five parking spaces will be located directly in front of the store, six parallel parking stalls will be provided along the northwest property line, and three stalls will be located at the corner of First Street and Ray Street.

One existing driveway will be removed on First Street to allow for better circulation in the area. One existing driveway will remain on Ray Street and two driveways will remain on First Street. Please note that there is an error on the Site Plan included in Exhibit B, both of the First Street driveways are intended to allow for an exit and an entry lane.

Architecture

No changes have been made to the design of the proposed convenience store since the December 12, 2012 Planning Commission meeting. For a detailed discussion of the design of the building please refer to the Staff Report included as Exhibit D. Project plans can also be found in Exhibit B.

Samples of colors and materials will be available at the hearing for the Planning Commission's review.

Landscape

New landscaping will be planted throughout the site. The landscaping includes a variety of deciduous and evergreen species. New landscaping will be planted in the existing landscape buffer located adjacent to the Alameda County Transportation Corridor.

An arborist report was prepared by HortScience and dated March 29, 2012 (included as Exhibit C of Exhibit D) which discussed the existing trees on the site. A total of four of the existing eleven trees on the site are proposed to be removed as a part of this project. Two of these trees are heritage trees. The arborist report indicates that the California sycamore tree to be removed (identified as tree number 106) is valued at \$3,400, the other California sycamore tree to be removed (identified as tree number 107) is valued at \$3,550 and the two purple leaf plum trees (identified as tree numbers 110 and 111), are valued at \$50, and \$200, respectively.

Sheet L-1 provides a plan for the proposed landscaping on the site, and shows 15-gallon Sand Cherry (deciduous) shrubs trained to grow into multi-trunk trees in the planter area along the western property line. Shrubs and groundcover in these planter areas include Blue Fescue, Red Leaf Japanese Barberry, Lily-of-the-Nile, Red Fountain Grass, Dwarf Coyote Brush, and rock mulch.

ANALYSIS

Conditional uses are those uses which, by their nature require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. The following sections serve to evaluate the proposed project with respect to land use, development standards, and other considerations such as parking, operations, and architectural design.

Staff previously recommended denial of this application at the December 12, 2012 Planning Commission meeting (Exhibit D). Since that meeting, the Applicant has modified their project to address most of staff's concerns. As a result, staff is now recommending approval of the project with the Draft Conditions of Approval included as Exhibit A.

Land Use

General Plan Consistency

The subject parcel is designated *Retail/Highway/Service Commercial/Business and Professional Offices* by the Land Use map in the General Plan. This land use designation allows for commercial uses. Commercial uses adjacent to residential uses (in this case, residential development is located on the other side of First Street and the other side of the A.C.T.C.) would be subject to the following:

Program 15.4: *Require non-residential projects to provide a landscape buffer between new non-residential development and areas designated for residential use.*

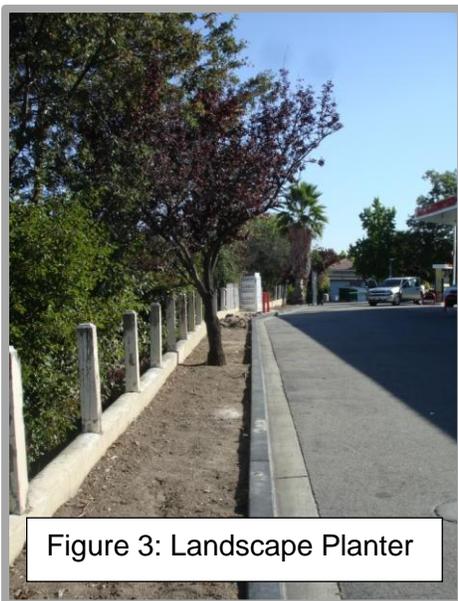


Figure 3: Landscape Planter

As shown in Figure 3, there is currently a landscape planter on the site to provide a buffer between the site and the Alameda County Transportation Corridor. Although the buffer is located on the site, as shown there is very little landscaping in the planter and the fence that was located along the property line has fallen into disrepair.

As part of the proposed project, the Applicant will replace this fence and, as conditioned, will plant evergreen trees and shrubs in the landscape buffer (please refer to Condition of Approval 27 in Exhibit A). The new trees and shrubs will provide a year round buffer between the subject site and the property adjacent to it consistent with the General Plan.

Downtown Specific Plan and Downtown Design Guidelines Consistency

The Downtown Specific Plan is intended to serve as the primary regulatory guide for development within the Downtown and contains several objectives, policies, and programs related to preserving the unique character of the Downtown. The Downtown Design Guidelines are intended to provide guidance for remodeling and new construction of buildings within the Downtown area to ensure that they are of high quality and complement the existing built environment.

Downtown Specific Plan

Land Use Objective #1, page 25 – Retain the small-town scale and physical character of the Downtown through the implementation of appropriate land use and development standards.

The proposed convenience market is single-story and proposed to be constructed of materials commonly found in the Downtown such as horizontal siding and brick veneer. The height of the building and materials are also consistent with residential dwellings in the surrounding area.

The convenience market, as conditioned, will be open to customers from 5:00 am until 11:00 pm. The proposed hours of operation are similar to the hours of operation of businesses in the area.

New landscaping will be planted around the site which will provide a visual buffer between the site and the street (Ray Street and First Street). The new landscaping will also provide more visual interest to the site which currently lacks landscaping.

In order to reduce impacts on the surrounding residential neighborhood and ensure that the proposed convenience store is compatible with those residential uses, staff has included the following Conditions of Approval:

- Condition of Approval No. 6 requires the Applicant to post signage around the store which indicates that loitering is prohibited.
- Condition of Approval No. 7: Prohibits the display or storage of any merchandise or shopping carts outside of the building.
- Condition of Approval No. 13 allows deliveries to occur only between the hours of 6:00 am to 9:00 pm.
- Condition of Approval No. 15 requires the property owner to continually check the site for debris/trash and remove debris/trash on a regular basis.

Additionally, the proposed project will enhance the existing site by modernizing the operations, increasing total landscaping on the site, and providing an attractive building which is compatible with the surrounding area.

The market includes the sale of coffee, food, snacks and drinks which is compatible with the surrounding area. The sale of alcohol is prohibited pursuant to the Pleasanton Municipal Code and the Conditions of Approval.

Downtown Design Guidelines

Transition Areas, West side of First Street, page 28

- *Buildings should generally have a 3-foot to 5-foot landscaped area between the sidewalk and the façade wall;*
- *Locate parking behind the building and screen from view;*
- *New buildings should have residential style roof forms with projecting eaves or trellises, and should use residential materials such as wood siding, shingles, and stucco;*
- *Avoid long expanses of wall; articulate with projecting or recessed architectural elements, window rhythms, banding, architectural accents, or changes in material, especially at pedestrian level;*
- *Maintain existing trees. Replace diseased or dying trees;*
- *Exterior lighting should be shielded, and fixtures should be compatible with residential surroundings.*

The building will be set back a minimum of 10 feet from First Street and a new landscape planter including shrubs and trees will be planted in this area.

Due to the nature of the site and the use of the site as a gas station, parking and vehicular uses cannot be screened by a building. Although a building cannot be used to screen these uses, Staff feels that an adequate landscape buffer can be provided which will provide screening of cars on the site. Please refer to staff's further discussion of landscaping under the Landscape Section which follows.

The proposed building will have awnings and a gable roof consistent with residential dwellings in the area. The building materials include faux wood siding with a brick veneer base which is consistent with materials used on residential dwellings in the Downtown Specific Plan Area.

The side and rear walls are proposed to be broken up by placing decorative trellises with evergreen vines on the building wall (as required by the conditions of approval).

Hours of Operation

The Applicant has requested that he be allowed to operate the market from 4:00 am until 11:00 pm. The Applicant has stated that it takes approximately one hour to set up the coffee service and most customers are anticipated to arrive starting at 5:00 am.

Because there are residential dwellings located in close proximity to the site, staff is recommending that the store allow customers from 5:00 am until 11:00 pm. Condition of Approval No. 11 allows employees to work inside the store (from 4:00 am – 5:00 am) prior to the customer hours which will allow the Applicant to begin setting up the store in the morning while limiting traffic to the market².

² There is an error in the Applicant's Written Statement (Exhibit B). The Written Statement indicates that fuel deliveries occur twice per week at 6:00 am. The Applicant has since notified staff that fuel deliveries occur on an as needed basis at any time.

As shown in Table 2 below, the hours of operation are similar to the hours of operation of similar businesses in the area, however the proposed start time is earlier than the surrounding businesses. The earlier start hour of the proposed market is consistent with the proposed coffee area located inside the store. No other coffee houses are located in close proximity to this business. There is a Tully's located in downtown Pleasanton which opens at 6:00 am.

Table 2: Hours of Operation in Vicinity

	HOURS OF OPERATION
Cole's Market	7:00 am – 11:00 pm
Bob's Giant Burger	10:30 am – 9:00 pm
Proposed Convenience Market	5:00 am – 11:00 pm
76 Conoco-Philips Station (Project Location)	24 Hours

There are several gas stations and/or convenience markets that operate 24 hours a day in the City. The following table indicates some of the gas stations and markets that operate 24 hours a day.

Table 3: Gas Stations and Markets that Operate 24 Hours a Day

	ADDRESS
Chevron Gas Station and Convenience Store	1875 Valley Avenue
76 Conoco Philips (Project Site)	4191 First Street
Arco AM/PM	3121 Bernal Avenue
Santa Rita Chevron	1797 Santa Rita Road
Safeway	1701 Santa Rita Road and 6790 Bernal Avenue
7-11	3760 Hopyard Road and 4307 Valley Avenue
Shell Station and Convenience Store	3790 and 5251 Hopyard Road and 6750 Santa Rita Road

Development Standards

The following sections describe the proposed floor-area-ratio, building height, and setbacks for the proposed project and how the proposal compares to the standards outlined in the C-S District of the P.M.C.

Floor-Area-Ratio

The proposed building is approximately 1,950-square-feet. The site is approximately 22,359-square feet, resulting in a proposed floor-area-ratio (F.A.R.) of 8.7%, which is less than the 100% maximum permitted in the C-S district.

Building Height

The peak of the roof is 22-feet 3-inches, which is less than the 40-foot maximum permitted in this Zoning District.

Setbacks

Table 2, below, shows the required setbacks in the C-S Zoning District and the proposed setbacks for the proposed convenience market. The proposed project meets the minimum setback requirements of this district.

Table 3: Setbacks

	SETBACK REQUIREMENT IN C-S DISTRICT PER P.M.C.	PROPOSED CONVENIENCE MARKET
Front (South)	10-feet	Approximately 191-feet
Rear (North)	10-feet	10-feet
Left Side (West)	None	5-feet
Right Side (East)	10-feet	10-feet

Circulation and Parking

A total of three driveways are proposed to serve the project site. One existing driveway located close to the northern property line on First Street will be removed to accommodate the new building. One driveway will remain on Ray Street and two driveways will remain on First Street. All three driveways will provide an entry lane and an exit lane. As noted in Table 1, the total number of parking spaces required for the site was reduced by two parking stalls (due to the decrease in square footage of the convenience market). This allowed for better circulation on site by increasing the amount of area that could be used for circulation on the site and eliminated potential conflicts due to the backing up of cars from these spaces. The Engineering Department has reviewed the revised site plan and has found that although the proposed circulation for the site is not ideal, the circulation has been improved over what was originally proposed and is now adequate. However, should the area dedicated for remediation increase over what is shown on the project plans, circulation on the site could be impacted, Therefore, Staff has included Condition of Approval No. 36 which states that if remediation of the site results in the loss of a parking space or otherwise further compromise the on-site circulation, the Community Development

Director may require the Conditional Use Permit to be reviewed by the Planning Commission to determine if modifications are required to the site plan or if the size of the building should be reduced to improve circulation, reduce the demand for parking and meet the requirements of the Municipal Code.

As required by Section 18.88.C.1 of the Municipal Code, one parking stall is required for every 150 square feet of floor area of the convenience store. The store will be 1,950 square feet in size and therefore 13 parking spaces are required to support this use. The service station is required to provide one parking stall plus an additional parking stall per each employee on the maximum shift. The Applicant has indicated that there will be no employees dedicated to the service station. Therefore, a total of 14 parking stalls are required and 14 stalls have been provided on the site.

Design and Architecture

Architecture, Colors and Materials

Colors and materials for the project are depicted on color renderings provided by the applicant (please refer to Figure 5 and Sheets A-2 and A-3 of the project plans) and samples of the colors and materials will be available at the Planning Commission hearing.

The exterior of the proposed building would consist of mainly earth-tone colors. The color of the siding would be James Hardie “#JH40-10 – Cobblestone,” the cornice and corner trim boards would be Sherwin Williams “Stone White,” the awning over the building entrance would be “Sand” and the roof would be Certainteed Presidential Shake “Country Grey.” Pervious pavers in the color “Waterwheel” (a light gray color) would be proposed for the area consisting of the five parking spaces and walkway directly in front of the convenience market entrance.

The gable roof over the front elevation is incorrectly drawn in the elevation plans. Staff has included a condition of approval which requires the Building Permit Plans to show that the gable roof will be pushed back to be similar to the gable shown on the photo simulations.

Lighting

Exterior building lighting is shown on the elevation drawings and consists of two wall sconces on the front (southern) façade and two goose-neck style lights for a future wall sign over the building entry. No other new lighting is shown for the site (there are existing pole-mounted, bollard-style, and under canopy lights).

Landscaping

New landscaping will be planted throughout the site to enhance views of the site over what currently exists.

New landscaping is proposed to be planted in landscape planters on First Street and Ray Street. The Downtown Design Guidelines require parking spaces to be screened from view. The Applicant has proposed to include new landscaping to screen the parking areas, however, staff believes that the proposed landscaping will not effectively screen vehicles on the site. Landscaping can provide an adequate screen while promoting visual interest of the site if evergreen shrubs or hedges are planted with attractive accent plants (such as agapanthus and/or daylilies). As proposed, the Applicant has proposed to plant low growing shrubs

throughout the property. Staff has included Condition of Approval No. 31 which requires the Applicant to show that evergreen shrubs which will achieve a minimum height of 36 inches and attractive accent plants be planted in these planters.

A landscape planter, with a minimum depth of 10 feet, will be provided between the wall of the building and the sidewalk on First Street. This planter is mainly comprised of low groundcover and grass, agapanthus shrubs (which reach a typical height of 1 ½ feet) and red leaf Japanese barberry (a deciduous shrub which can reach a height of up to 4 feet with proper maintenance). A minimal amount of shrubs are proposed in this area. Staff has included Condition of Approval No. 32 which requires the landscape plan to provide more evergreen shrubs throughout the planter. The Landscape Plans indicate that two trees will remain in this area, while the Staff Report indicates that one of the trees will be removed. A Final Landscape Plan is required to be submitted, pursuant to the Conditions of Approval, which accurately depicts the landscaping that will remain on the site.

The elevation plans show that a decorative landscape trellis will be attached to the building wall to provide a “green screen” of the wall. The landscape plans do not show that vines will be planted to “grow up” this wall. Staff has included Condition of Approval No. 35 which requires the final Landscape Plans to show that evergreen vines will be planted at the wall.

New landscaping will also be planted in the western property line landscape planter (please refer to Figure 3). This landscape planter is necessary in order to provide a visual buffer between the site and the residential dwellings located near the site. Furthermore, an adequate landscape buffer is required by the General Plan. The Applicant has proposed to install Sand Cherry shrubs/trees and low shrubs in this planter. The proposed shrub/tree and the barberry shrubs are deciduous species and therefore would not provide year-round screening of the site. Therefore, staff has included Condition of Approval No. 27 which requires that evergreen trees and shrubs will be planted in this planter.

As mentioned under the Site Description section of this Staff Report, on-site remediation of soil and groundwater contamination will occur prior to construction of this project. Exterior equipment, including air quality equipment, vents, etc., is likely to be constructed on the site. The Final Landscape Plans, as conditioned, require the Applicant to show the location of all equipment. All equipment will be required to be located and screened as approved by the Director of Community Development.

Equipment Screening

New mechanical equipment is proposed to be located behind the new convenience store building. As shown on the elevation plans, the Applicant is proposing to screen the equipment with a trellis. The proposed trellis will not adequately screen the equipment from view on First Street. Visible mechanical equipment is inconsistent with the design guidelines of the Downtown Design Guidelines and design standards in the General Plan and Downtown Specific Plan. Staff has included Condition of Approval 33 which requires the Applicant to adequately screen all mechanical equipment from view. This can be done by installing an attractive fence or lattice screen and medium height, evergreen landscape materials around the equipment. Screening of all equipment, including any equipment associated with remediation of the site, is required pursuant to the Conditions of Approval.

Additionally, a condition of approval has been included which requires the proposed mechanical equipment to be relocated a few feet to the west of the proposed location to reduce impacts on the existing heritage-sized tree (tree #108).

Signage

No signage is included as part of this request. Prior to installing any signage on the site, the Applicant will be required to apply for and receive Sign Design Review approval.

PUBLIC NOTICE

Notices regarding the proposed applications and related public hearing were mailed to the surrounding property owners within a 1,000-foot radius of the project site and the tenants in the Pleasant Plaza. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*.

CONDITIONAL USE PERMIT FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The subject site is zoned C-S. One of the purposes of Commercial Districts is to provide appropriately located areas for retail stores, offering commodities and services required by residents of the city and its surrounding market area. A purpose specific to the C-S District is to provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts.

The goods and services offered by the proposed use are consistent with services available from businesses within the immediate area. The hours of operation of the store, as conditioned are compatible with businesses in the surrounding area. Conditions of Approval have been included which minimize impacts of the store on the surrounding area by prohibiting the sale of alcohol, prohibiting loitering and requiring the operator to continuously clean the site and keep it free from litter.

New landscaping will be provided to help screen the use from the surrounding area.

- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

A service station and convenience market is allowed as a Conditional Use in the C-S Zoning District. The gas station currently operates 24 hours a day and no changes are proposed to these hours. As conditioned, the store will serve customers from 5:00 am to 11:00 pm. Deliveries to the store would be limited to the hours of 6:00 am to 9:00 pm. The store will sell food, drinks and coffee which are compatible with uses in the Downtown Specific Plan Area.

The Municipal Code requires the site to provide a total of 14 parking spaces and 14 parking spaces will be located on the site. Once complete, two driveways will be located on First Street and one driveway will be located on Ray Street to allow for entering and exiting of the site. The City's Traffic Engineer has reviewed the proposed circulation on and off the site and has determined that adequate circulation will be provided to support the use.

- C. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.**

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and the Downtown Specific Plan. As with any Conditional Use Permit, the use permit may be reviewed and potentially modified if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Sections 15301, Existing Facilities, Class 1, and 15303, New Construction, Class 3. Therefore, no environmental document accompanies this report.

CONCLUSION

The proposed project has been modified since the December 12, 2012 Planning Commission to address most of staff's concerns. Staff believes that the required use permit findings for the project can be met if the project is approved with the Draft Conditions of Approval recommended by Staff in Exhibit A. These conditions will ensure that the proposed market does not create significant noise impacts, will enhance landscaping on the site, and will limit the hours of operation of the store. Staff believes the removal of two parking spaces and the two driveways on First Street and one driveway on Ray Street will result in adequate on-site circulation for the project.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Cases P12-0556 and P12-0557, by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve P12-0556 and P12-0557 subject to the conditions listed in Exhibit A.

Staff Planner: *Erica Fraser*; (925) 931-5621, efraser@cityofpleasantonca.gov

EXHIBIT A
P12-0556 (CUP) and P12-0557 (Design Review)
DRAFT CONDITIONS OF APPROVAL

SPECIAL CONDITIONS OF APPROVAL

Planning

1. Plans submitted to the Building and Safety Division shall show that the gable roof on the front (south) elevation is pushed back to be similar to the other gable shown on the renderings.
2. The Building Permit Plans shall show the manufacturer and color of the proposed awnings. Awnings shall be constructed of a sun-resistant canvas material and shall not be illuminated. The awning design shall be consistent on all plans. The final design and material of the awning shall be approved by the Director of Community Development
3. Unless otherwise approved by the Director of Community Development, the proposed fuel dispensers shall match the height, color, size and design of the existing fuel dispensers, Any modifications to size, color, portions that are illuminated, etc. shall be expressly noted on elevation drawings submitted with plans to the Building and Safety Division for plan check and are subject to the review and approval of the Director of Community Development.
4. The sale of alcohol is prohibited.
5. No outdoor music is permitted.
6. The Applicant shall post signage around the store which prohibits loitering on the site. Said signage shall be subject to the review and approval by the Director of Community Development prior to installation.
7. All merchandise shall be kept entirely within the convenience market. At no time shall any merchandise or displays be located outside of the building, either in front of the store or within the pump area. The storage of shopping carts or baskets outside of the building is prohibited.
8. Water conservation devices shall be installed as part of the project. The water conservation devices shall be stated on the plans submitted for the issuance of a Building Permit.
9. Energy efficient lighting shall be installed within the retail building. The energy efficient lighting shall be shown on the plans submitted for the issuance of a building permit.

10. The applicant shall install a picket fence along western property line. The location, material, color, and height of this fence shall be shown on plans submitted to the Building and Safety Division for permits. The fence and block wall shall be repainted and the colors shall be noted on the project plans. This fencing and any other walls or fences shall be shown on a fencing plan included in plans submitted to the Building and Safety Division. The fencing plan is subject to the review and approval by the Director of Community Development. All fencing shall meet sight-distance requirements as determined by the City Traffic Engineer.
11. The hours of operation for the convenience store shall be limited to 5:00 am to 11:00 pm except that employees may also work inside the store from 4:00 am to 5:00 am.
12. All delivery and unloading of merchandise and fuel shall take place on the subject property. At no time shall delivery vehicles be parked on public streets or adjacent properties for purposes of unloading merchandise or delivering fuel.
13. Deliveries for the convenience market and service station shall take place between 6:00 a.m. and 9:00 p.m. The business operator/responsible party shall ensure that deliveries occur during off-peak hours and delivery vehicles are parked in parking stalls, to the extent possible, and do not block driveways or circulation around the site. Delivery vehicles shall be turned off and shall not idle while making deliveries.
14. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping included in this project including the landscaping in the City right-of-way between the back of sidewalk and the property line to the east of the convenience market 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.
15. The business operator/responsible party shall ensure that the site is regularly checked for litter and all litter and debris is removed from the site on a continual basis. The operator/responsible party shall regularly empty all trash cans on the site.
16. The Building Permit Plans shall show that a minimum of one trash receptacle and one recycling receptacle will be placed in front of the store. The Design and location of the receptacle are subject to Director of Community Development approval.
17. No temporary or permanent signage is approved as part of this application. Any signage shall be subject to separate City review and approval.

18. If additional hours of operation, number of employees, or activities beyond what is stated in the applicant's written narrative dated, "Received March 12, 2013" 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 judged to be substantial.
19. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not cause glare or shine onto neighboring properties. The project/building developer shall submit a final lighting plan with the plans submitted to the Building and Safety Division for permits, including drawings and/or manufacturer's specification sheets showing the intensity, size, design, and types of light fixtures proposed for the exterior of the buildings and, if applicable, for the site.
20. The Hardiplank siding shall have a smooth finish.
21. The Building Permit Plans shall include elevations and a floor plan for the proposed trash enclosure which shows that the enclosure has been adequately sized to accommodate trash and recycling bins.
22. The phone booth and overhead utility line and pole to the booth on Ray Street shall be removed prior to Final Building Inspection.
23. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
24. Prior to beginning any site or groundwater remediation, the Applicant shall obtain Design Review approval from the Planning Division.
25. No roof mounted equipment such as blowers, condensing units or HVAC units shall be installed on the building.
26. The Floor Plan submitted to the Building and Safety Division for a Building Permit shall be accurately drawn to reflect the correct dimensions of the convenience store.
27. Plans submitted to the Building and Safety Division shall include a revised landscaping plan that includes evergreen trees and shrubs to be planted in the landscaping areas along the western boundary of the site, subject to the review and approval by the Director of Community Development.
28. A final landscape plan and irrigation plan shall be submitted to and approved by Director of Community Development as part of the plan check plans prior to

issuance of a building permit. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, shall be accurately drawn and depict all proposed species and species to remain, and shall be detailed in terms of species, location, size, quantities, and spacing. Plant species shall be of a drought tolerant nature with an irrigation system that maximizes water conservation throughout the development (e.g. drip system).

29. The project shall comply with the State of California's Model Water Efficient Landscape Ordinance and shall implement Bay Friendly Basics. A licensed landscape architect shall verify the project's compliance with the ordinance: 1) prior to the issuance of a building permit; and 2) prior to final inspection. The verification shall be provided to the Planning Division.
30. The State of California's Green Building Standards Code, "CALGreen", as amended, shall apply to the project, as applicable.
31. The Landscape Plans shall be revised to show that evergreen shrubs which reach a minimum height of 36 inches will be planted in the planter areas along Ray Street and First Street, except that plants near the driveways shall maintain a height of 30 inches subject to the review and approval of the Traffic Engineer (to maintain sight distance). Accent plant materials shall also be planted in this area to promote visual interest of the site.
32. The Landscape Plans shall show that the planter located between the building wall and the sidewalk on First Street will have significantly more evergreen shrubs and groundcover to promote visual interest of the site subject to the approval of the Director of Community Development.
33. All equipment including HVAC, enhanced vapor recovery, and remediation equipment shall be shown on the Landscape Plans. All equipment shall be screened to the satisfaction of the Director of Community Development.
34. The Building Permit Plans shall show that the proposed mechanical equipment shall be relocated a few feet to the west to reduce impacts to the trees.
35. The landscape plans shall show that evergreen vines will be planted and trained up the decorative trellises on the sides and rear of the building.
36. If remediation of the site results in the loss of a parking space or otherwise further compromise the on-site circulation, the Community Development Director may require the Conditional Use Permit to be reviewed by the Planning Commission to determine if modifications are required to the site plan or require a reduction in size of the building to improve circulation and meet the requirements of the Municipal Code.

Traffic Engineering

37. Plans submitted to the Building and Safety Division shall include an elevation drawing of the northwestern-most fuel dispenser to be one-sided such that only its southern face dispenses fuel. The site plan included with plans submitted to the Building and Safety Division shall show the pavement adjacent to the northern side of this fuel dispenser marked to prevent vehicles from blocking the one way circulation on the site.
38. Plans submitted to the Building and Safety Division shall include pavement markings that direct the one-way flow of traffic around the canopy.
39. The applicant or responsible party shall pay any traffic impact fees for the subject use as determined by the City Traffic Engineer. This includes both the Pleasanton Traffic Impact Fee and the Tri-Valley Transportation Fee. These fees shall be paid prior to issuance of a building permit.
40. The developer shall maintain landscaping directly at all project entrance/exits to 30 inches, or lower, to maintain sight distance at the corners. Plant materials outside of this area shall conform to Condition of Approval No. 31 and the area which shall maintain lower plant materials shall be subject to the review and approval of the Traffic Engineer.
41. All new parking spaces shall conform to the City standard parking dimensions. Plans submitted to the Building Division for permits shall have the dimensions clearly noted on the plans.

Engineering

42. The project pervious pavement area shall meet the Alameda County (See C.3 Stormwater Technical Guidance) and State Water Board requirements (see California Regional Water Quality Control Board San Francisco Bay Region Order R2-2009-0074) to be considered pervious pavement.
43. The Applicant is required to provide a sidewalk with a 2% cross slope at the 48' ADA compliant driveway on Ray Street. Prior to the issuance of a Building Permit, the Applicant shall revise the plans to show compliance with current ADA requirements and required right of way and public service easement shall be dedicated to the City.
44. If an existing drainage swale is proposed to be filled it shall have subdrains installed unless otherwise approved by the City Engineer and the developer's soils engineer. All subdrains shall have metal cleanouts installed at the beginning of the pipe and at all angle points. The end of the pipe shall terminate in a storm drain or other storm drain outfall, subject to the approval of

the City Engineer. The applicant's engineer shall submit a final subdrain location map to the City Engineer.

Fire

45. The building covered by this approval shall be equipped with an automatic fire sprinkler system. Plans and specifications for the automatic fire sprinkler system shall be submitted to the City of Pleasanton Permit Center distribution 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 City of Pleasanton Permit Center 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. The fire alarm system shall be monitored in accordance with the Pleasanton Municipal Ordinance #2015. The fire alarm system shall transmit zone information to a UL listed Central Station as specified in the Ordinance.
46. All requirements of 2010 California Fire Code, Chapter 22 for motor fuel dispensing operations shall be met. All underground storage tank closure/installation plans shall be submitted to the City of Pleasanton Permit Center for distribution to the Livermore-Pleasanton Fire Department, Hazardous Materials Division for review and acceptance.
47. The applicant shall secure permits from the Livermore-Pleasanton Fire Department for the fuel dispensers and underground fuel storage tanks.
48. The gas station shall comply with all requirements of the 2010 California Fire Code, Chapter 22 for motor fuel dispensing operations and specifically with Section 2204.3 for unattended self-service motor fuel dispensing facilities.

Building

49. The Site Plan submitted to the Building and Safety Division for a Building Permit shall show the correct path of travel (i.e. entrance or exit) for all driveways.
50. In accordance with the Fats, Oils and Grease (FOG) Program, all sinks and wash basins in the convenience store (excluding those located inside the restrooms) shall be plumbed to a grease trap. The grease traps shall be installed in an above ground orientation with sufficient clearance above the grease trap for routine maintenance and constructed out of a plastic material for corrosion resistance and ease of replacement.

STANDARD CONDITIONS OF APPROVAL

Community Development Department

51. The applicant or responsible party shall obtain all required City permits for the project scope prior to construction.
52. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
53. The project applicant/developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, unless otherwise approved by the department.
54. 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

55. The proposed development and use shall conform substantially to the project plans and colors/materials board, Exhibit B, dated "Received, March 13, 2013" and narrative dated "Received, March 13, 2013" 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 Zoning Administrator if found to be in substantial conformance to the approved exhibits.
56. If the operation of this use results in conflicts pertaining to parking, interior 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.

57. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project 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 expiration of the 15-day time-period.
58. The approved building materials and colors shall be stated on the project plans submitted for issuance of building permits.
59. Prior to issuance of a building permit, the developer shall pay the required commercial development school impact fee as prescribed by state law and as adopted by the Pleasanton Unified School District.
60. The Conditional Use Permit and Design Review approvals will lapse within one (1) year from the date of approval unless a building permit is issued and construction has commenced and is diligently pursued toward completion or the City has approved an extension.
61. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
62. 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 Saturday. 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, interior construction, etc), 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.
63. 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.

64. The project developer shall post cash, letter of credit, or other security satisfactory to the Director of Community Development in the amount of \$5,000 for each tree required to be preserved, up to a maximum of \$25,000. This cash bond or security shall be retained for one year following completion of construction and shall be forfeited if the trees are destroyed or substantially damaged. No trees shall be removed other than those specifically designated for removal on the approved plans or tree report.
65. The project developer shall comply with the recommendations of the tree report prepared by HortScience, dated March 29, 2012. No tree trimming or pruning other than that specified in the tree report shall occur. The project developer shall arrange for the horticultural consultant to conduct a field inspection prior to issuance of City permits to ensure that all recommendations have been properly implemented. The consultant shall verify in writing that such recommendations have been followed.

Landscaping

66. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping 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.
67. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas.
68. The project developer shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.
69. All trees used in landscaping be a minimum of 15-gallons in size and all shrubs a minimum of five-gallons, unless otherwise shown on the approved landscape plan.
70. The following statements shall be printed on to the site, grading, and landscape plans where applicable to the satisfaction of the Director of Community Development prior to issuance of a building permit:

- a) No existing tree to be saved may be trimmed or pruned without prior approval by the Community Development Director.
 - b) No equipment may be stored within or beneath the driplines of the existing trees to be saved.
 - c) No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees to be saved or in drainage channels, swales, or areas that may lead to the dripline.
 - d) No stockpiling/storage of fill, etc., shall take place underneath or within five feet of the dripline of the existing trees to be saved.
71. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) outside of the existing tree drip lines, unless otherwise approved by the Director of Community Development. The fencing shall remain in place until final landscape inspection of the Community Development Department. Removal of such fencing prior to that time may result in a “stop work order.”

Building

72. Prior to or at the time of issuance of building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. The proposed plan must be approved by the Building Division prior to any building permit inspections. 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.
73. At the time of building permit plan submittal, the project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures to prevent stormwater runoff onto adjoining properties.

Engineering

74. A “Conditions of Approval” checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.

75. The project 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.
76. All existing septic tanks or holding tanks shall be properly abandoned, pursuant to the requirements of the Alameda County Department of Health Services prior to the start of grading operations, unless specifically approved by the City Engineer.
77. 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.
78. The developer shall submit a comprehensive traffic control plan prior to issuance of a Building Permit for review by the City Traffic Engineer. The plan shall include scheduling of major truck trips and deliveries, to avoid peak travel hours, lane closure procedures such as flagger stations, signage, cones, and other warning devices that will be implemented during construction.
79. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
80. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
81. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
82. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
83. The project developer and/or the project developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.
84. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street shall be privately maintained by the property owners.
85. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.

86. A detailed grading and drainage plan prepared by a licensed Civil Engineer including all supporting information and design criteria (including but not limited to any peer review comments), storm drain treatment calculations, hydromodification worksheets, etc., shall be submitted as part of the improvement plans.
87. All utility lines shall be installed in conduit. Only PG&E switch enclosures or capacity banks can be installed above ground provided the units are screened with landscaping to the satisfaction of the Director of Community Development.

Fire

88. Address numbers shall be installed on the front or primary entrance for all buildings. Minimum building address character size shall be 12" high by 1" stroke. If building is located greater than 50 feet from street frontage, character size shall be 16" high by 1 ½" stroke minimum. 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.
89. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
90. Prior to any construction framing, the project 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.
91. 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.
92. 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.
93. A Hazardous Materials Declaration shall be provided for this tenant and/or use. The form shall be signed by the owner/manager of the company occupying the

suite/space/building. No building permit will be issued until the Hazardous Materials Declaration is provided. The form is available through the permit center or from the LPPD Fire Prevention Bureau.

94. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPPD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.
95. 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.

96. 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.

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.)

97. The building(s) covered by this approval shall be designed and constructed to the Title 24 Building Standards, including Building, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building and both State and Federal accessibility requirements in effect and as amended by the City of Pleasanton at the time of Building Permit submittal.

98. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
99. All Building and Fire permit plans, including demolition, on-site, building shell and tenant improvements shall be submitted to the Building and Safety Division for review and approval.

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.)

100. 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.
101. Automatic fire sprinklers shall be installed in all occupancies in accordance with City of Pleasanton Ordinance 2015. Installations shall conform to NFPA Pamphlet 13 for commercial occupancies NFPA 13D for residential occupancies and NFPA 13R for multifamily residential occupancies.
102. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 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 the CFC currently in effect.
103. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
104. 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.

105. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame-producing devices, asphalt/tar kettles, etc.

URBAN STORMWATER CONDITIONS OF APPROVAL

106. The project shall comply with the “Alameda Countywide NPDES Permit #CAS612008 dated October 14, 2009 (Revised on November 28, 2011) and amendments to this permit” issued by California Regional Water Quality Control Board, San Francisco Bay Region, a copy of which is available at the Community Development Department, Public Works/Engineering section at City offices, Alameda County Clean Water Program and at State Water Board.

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

107. Design Requirements

- A. 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.
 - b. The Permit requires a proactive Diazinon pollutant reduction plan (aka Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
 - c. The Permit requires complying with the Copper Pollutant Reduction Plan and the Mercury Pollutant Reduction Plan.
 - d. Fuel dispensing areas shall be covered with canopies; canopy downspouts shall be routed to prevent drainage flow across the fuel dispensing area. Fuel dispensing areas shall be located on concrete surfaces. The surface must be graded and constructed to prevent drainage flow across the fueling area. The fuel dispensing area shall be graded to drain accidental spills into a containment area.
- B. The following requirements shall be incorporated into the project:
- a. The project 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 developer may be required to install a structural control, such as an oil/water separator, sand filter, or approved equal (in the parking lot) (on the site) 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 developer shall submit sizing design criteria to treat stormwater runoff 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, 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 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.

108. 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.

Stormwater

- a. The project 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.
- b. 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.
- c. 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.

- i. The project 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 developer is responsible for ensuring that the contractor is aware of and implements such measures.
- ii. All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the 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 in place.
- iii. 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.
- iv. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
- v. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- vi. Create a contained and covered area on the site for the storage of cement, paints, oils, fertilizers, pesticides, or other materials used on

the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.

- vii. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- viii. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
- ix. 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.
- x. 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.
- xi. 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.

109. 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.

1. 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. On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."
- b. Proper maintenance of landscaping, with minimal pesticide and fertilizer use.
- c. Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.
- d. 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.
- e. 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.
- f. 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.
- g. Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.
- h. The fuel dispensing area shall be dry-swept routinely, and dispensing equipment shall be inspected routinely for proper functioning and leak prevention. The facility shall have a spill clean-up plan approved by the Fire Department.