

EXHIBIT A

DRAFT CONDITIONS OF APPROVAL P14-0753/ 4460 Black Avenue Suite A Swapnil Anand, Nurture Kids Learning Center

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The location and operation of the proposed use shall conform substantially to Exhibit A (dated "Received" May 27, 2014), on file with the Planning Division, except as modified by these conditions. Minor changes to the approved operation and schedule may be approved by the Community Development Director if determined to be in substantial conformance with the approved use permit.
2. The school capacity shall be limited to a maximum of 40 students present at any one time.
3. If additional hours of operation or activities beyond that proposed in the applicant's written narrative, dated "Received" May 27, 2014, on file with the Planning Division, are desired, prior City review and approval is required. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
4. All class times shall be staggered to maintain a minimum of 10 minutes between each class to allow for adequate drop-off and pick-up parking and circulation.
5. If operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, at the discretion on the Community Development Director, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit. Possible mitigation measures can include, but are not limited to: modifying the hours of operation, reducing the number of students or classes, or other measures deemed necessary by the Planning Commission.
6. Students 12 years and younger shall be escorted into and out of the facility and signed in and out by a parent or supervising adult.
7. Students 12 years and younger shall be escorted to and from the restrooms by an adult staff member of the tutorial school.
8. The west facing exit door shall be used for emergency access only. All doors of the business shall remain closed when not being used for ingress/egress purposes.

9. The applicant shall inform all students not to loiter or make loud noises outside the building before or after classes.
10. In the future, should the Pleasanton School District change the dismissal times for the public schools, the Community Development Director/Planning Manager may modify the dismissal times of the Learning Center to help alleviate nearby traffic congestion.
11. The applicant shall regularly distribute a handout to the parents/guardians of the school children encouraging them to carpool and to travel to and from the school via Santa Rita Road and not use Black Avenue west of the school site.
12. The applicant shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
13. Unless otherwise approved by the Chief Building Official, a drinking fountain shall be installed inside of the subject tenant space prior to occupancy. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
14. Prior to occupancy, the applicant shall contact the Building and Safety Division and the Fire Marshall to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits prior to commencement of any work.
15. The applicant shall obtain City design review approval prior to the commencement of construction of any modifications to the existing site, landscaping, and/or exterior of the building.
16. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings.

Building and Safety Division

17. At no time shall portable partitions or improvements within the "common hall" block ingress or egress out of individual classrooms or the tenant space.

STANDARD CONDITIONS

Community Development Department

18. The applicant shall pay an all fees to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

19. 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.

Planning

20. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. At all times these conditions of approval shall be on all construction plans kept on the project site.
21. If the applicant wishes to relocate the use to a new address and/or suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
22. This Conditional Use Permit approval will lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.
23. The applicant, employees and/or volunteer staff shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
24. This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation.

Building and Safety Division

25. Tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.

26. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design and/or operation is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.