

EXHIBIT A-1

DRAFT CONDITIONS OF APPROVAL PUD-102 3192 SANTA RITA ROAD

SPECIAL CONDITIONS OF APPROVAL

Planning

1. The subject site is rezoned from Neighborhood Commercial (C-N) District to Planned Unit Development – Commercial (PUD-C) District. The development standards of the subject site shall follow those of the C-N (Neighborhood Commercial) District of the Pleasanton Municipal Code. The permitted and conditionally permitted uses for the subject property shall be those of the C-N (Neighborhood Commercial) District of the Pleasanton Municipal Code with the following additions:
 - Convenience Market, with or without the sales of alcoholic beverages, in conjunction with a gas station – conditionally permitted; and
 - Drive-through carwash in conjunction with a gas station – conditionally permitted.
2. The construction plans submitted for issuance of a building permit shall clearly state that: 1) an AeroDry Systems quiet dryer system or equivalent will be installed in the drive-through carwash, and 2) IVS Power Vacuum System or equivalent will be used for the two vacuum units near parking spaces 6 and 7. Said plans shall be subject to review and approval by the Director of Community Development. For any proposed changes to the approved systems, the applicant shall provide a letter from the project acoustic consultant confirming that the proposed system(s) conforms to the City's Noise Ordinance. Changes to the approved systems shall be subject to review and approval by the Director of Community Development. At the discretion of the Director of Community Development, a third party review may be required at the applicant's expense.
3. The proposed sound attenuating fence shall be revised to a sound attenuating stucco and stone wall. The colors and materials of the wall shall match the colors and materials of the convenience market/carwash building and shall be shown on the plans submitted to the Building and Safety Division for plan check and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance. Prior to issuance of a building permit, the applicant's noise consultant shall certify in writing to the Director of Community Development that the construction drawings comply with the Noise Assessment report dated July 15, 2014, on file with the Planning Division.

4. Prior to operation of the car wash, the applicant shall submit to the Planning Division written certification by the project acoustic consultant indicating that the drive-through carwash facility is in compliance with the application submitted, all conditions imposed, and all provisions of Chapter 9.04 of the Pleasanton Municipal Code (Noise Ordinance).
5. The proposed “shoe box” style building-mounted lights are not approved and the applicant shall install decorative lights that are complementary to the convenience market/carwash building. Prior to the issuance of a building permit, the applicant shall provide manufacturer’s specification sheets for the building-mounted lights to the Director of Community Department for review and approval.
6. The tile roof of the proposed convenience market/carwash building shall match the color, shape, and style of the tiles on the existing gas station canopy. Prior to issuance of a building permit, the applicant shall provide a sample to the Director of Community Development for review and approval.
7. Prior to issuance of a building permit, the applicant shall provide detail of the two vacuums located next to the parking spaces, including design, noise levels, hours of operations, etc. to the Director of Community Development for review and approval.
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 convenience store. The energy efficient lighting shall be shown on the plans submitted for the issuance of a building permit.
10. The construction plan sets submitted for issuance of a building permit shall show that a minimum of one trash receptacle and one recycling receptacle will be placed in the front of the store. The design and location of the receptacles are subject to review and approval by the Director of Community Development.
11. No temporary or permanent signage is approved as part of this application. Any signage shall be subject to separate City Sign Design Review approval.
12. 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.

13. All trash and refuse shall be contained completely within the trash enclosure. Trash containers shall be stored within the trash enclosure at all times except when being unloaded. The trash enclosure shall be sized to accommodate trash, recycling, and green waste containers. The construction plan set submitted for issuance of a building permit shall include a floor plan for the proposed trash enclosure which shows that the enclosure has been adequately sized to accommodate the trash and recycling containers.
14. 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 use.
15. All roof-mounted equipment such as blowers, condensing units or HVAC units shall be completely screened by the roof parapet.
16. The construction plan set submitted for issuance of a building permit shall correctly indicate the square footage of the carwash facility.
17. The construction plans submitted for issuance of a building permit shall include a revised landscape plan that accurately shows the location of proposed groundcover and any modifications to the existing landscaping, subject to the review and approval by the Director of Community Development. A final landscape plan and irrigation plan shall be submitted to and approved by the 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 drought tolerant and the irrigation system shall maximize water conservation throughout the development (e.g. drip system).
18. The applicant shall mitigate the heritage tree removal by making a payment to the Urban Forestry Fund based on the appraised value of the two heritage-sized trees (\$5,090), or an amount as determined by the Director of Community Development. The required payment shall be paid in full prior to issuance of a building permit.
19. The location and design of the planters in the front of the convenience market shall be shown on the construction plan sets submitted for issuance of a building permit and is subject to review and approval by the Director of Community Development. The placement of the planters shall not block the walkway and/or drive aisle.
20. 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.

21. The State of California's Green Building Standards Code, "CALGreen", as amended, shall apply to the project, as applicable.

Building

22. 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.
23. 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.

Traffic Engineering

24. 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.
25. 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.
26. 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.

Engineering

27. 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.

Building

28. 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 trap(s) shall be installed in an

above ground orientation with sufficient clearance above the grease trap(s) for routine maintenance and constructed out of a plastic material for corrosion resistance and ease of replacement.

STANDARD CONDITIONS OF APPROVAL

Community Development Department

29. The permit plan check package will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design is significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.
30. The applicant or responsible party shall obtain all required City permits for the project scope prior to construction.
31. 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.
32. The project applicant shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, unless otherwise approved by the department.
33. 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 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

34. The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued, or the City has approved a time extension.
35. The proposed development shall conform substantially to the project narrative, the project plans, Exhibit B, dated "Received, July 15, 2014," Arborist Report by Arbor Resources, dated "Received July 26, 2013," and Noise Assessment report by Illingworth & Rodkin, Inc. dated "Received July 15, 2014," on file with the Planning Division, except as modified by the conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance to the approved exhibits.
36. The approved building materials and colors shall be stated on the project plans submitted for issuance of building permits.
37. 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.
38. 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.
39. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No construction shall be allowed on State or Federal Holidays, Saturdays, 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.
40. 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.

41. 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.
42. The project developer shall comply with the recommendations of the tree report prepared by Arbor Resources, dated "Received July 26, 2014." 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

43. 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.
44. 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.
45. All trees used in landscaping shall be a minimum of 15-gallons in size and all shrubs a minimum of five-gallons, unless otherwise shown on the approved landscape plan.
46. The following statements shall be included within 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.
47. 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

48. Prior to issuance of building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and show 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.
49. 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

50. A “Conditions of Approval” checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
51. 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.
52. 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.

53. 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.
54. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
55. There shall be no direct roof leaders connected to the street gutter or storm drain system, unless otherwise approved by the City Engineer.
56. 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.
57. 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.
58. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
59. 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 building permit plans.

Fire

60. 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.
61. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
62. 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.

63. 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.
64. 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 LPFD Fire Prevention Bureau.
65. Should any operation or business activity involve the use, storage or handling of hazardous materials, the firm shall be responsible for contacting the LPFD prior to commencing operations. Please contact the Hazardous Materials Coordinator at 925/454-2361.
66. 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.

67. 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.)

68. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

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.)

69. 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.

70. A fire alarm system shall be provided and installed in accordance with the California Fire Code 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.

71. 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.

72. 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.

73. 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

74. The proposed development shall conform to applicable C3 stormwater requirements.

[end]