

**EXHIBIT A-1  
DRAFT CONDITIONS OF APPROVAL  
PUD-98  
CarMax Auto Superstores  
Staples Ranch  
April 9, 2014**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. Permitted uses on subject PUD include: sales and purchasing of pre-owned vehicles, initial vehicle and final quality control inspections, limited retail vehicle servicing and repair, vehicle detailing and reconditioning, vehicle appraisals, private licensed dealer vehicle auctions, auto painting, non-public carwash with reclaimed water system, non-public fuel storage and dispenser, and temporary outdoor vehicle staging.
  
2. The hours of operation for subject use shall be as described in the table below. The applicant shall secure prior City review and approval for additional hours or activities beyond those described in the written narrative and plans, dated "Received March 4, 2014." The Director of Community Development may approve proposed modifications or refer the matter to the Planning Commission and/or City Council if judged to be substantial.

<b>Operation</b>	<b>Monday-Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>Auto Sales</b>	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.	12:00 p.m. to 7:00 p.m.
<b>Vehicle Reconditioning</b>	7:30 a.m. to 11:00 p.m.	7:30 a.m. to 11:00 p.m.	7:30 a.m. to 9:00 p.m.
<b>Auto Service</b>	7:30 a.m. to 6:00 p.m.	7:30 a.m. to 6:00 p.m.	Closed.
<b>Auctions</b>	9:00 a.m. to 9:00 p.m.	None.	None.
<b>Truck Deliveries</b> <b>  Loading/   unloading of   vehicles</b> <b>  Parking Lot   Sweeping</b> <b>  Leaf Blowing</b>		8:00 a.m. to 8:00 p.m.	

Vehicle Reconditioning between the hours of 9:00 p.m. and 11:00 p.m. shall be limited to activities conducted exclusively inside the Service Building, the transporting of vehicles from the parking area into and out of the Service Building, and shall be conducted in a manner and scope that limits noise to the neighboring residential property.

3. No test driving shall occur on residential streets.
4. The PUD development plan shall expire two years from the effective date of this ordinance unless a building permit is issued and construction has commenced and is diligently pursued or as otherwise vested by an approved Development Agreement.
5. The project developer shall pay any and all fees to which the property may be subject prior to issuance of permits or as provided for in a Development Agreement. The type and amount of fees shall be those in effect at the time the permit is issued.
6. The subject project shall be developed in accordance with the Neighborhood Park/Detention Basin Funding and Improvement Agreement.
7. The subject project shall be developed in accordance with the Cost-Sharing and Pre-Development and Cooperation Agreements.
8. All future additions, site design changes, and new structures shall be reviewed on a case-by-case basis in accordance with the purposes and requirements of Chapter 18.68 of the Pleasanton Municipal Code, unless otherwise governed by an approved Development Agreement. All future site design changes, landscaping changes, building additions, and new buildings shall be subject to this process, except as otherwise conditioned.
9. All roll-up doors shall be recessed a minimum of 8-inches into the building wall, unless the building wall is a concrete-tilt-up wall in which case the roll-up doors shall be recessed approximately two or three inches into the building wall. Plan check plans submitted to the Building and Safety Division shall address this condition of approval.
10. Prior to installation, the design of any outdoor furniture or potted plants shall be submitted for review and approval by the Director of Community Development.
11. All parking spaces used by the public shall be striped.
12. The use of exterior loud speakers shall be prohibited, except for emergency purposes.
13. Plan check plans submitted to the Building and Safety Division shall not show the entry sign shown at the terminus or the entry drive (shown on Sheets C4.0, C7.0, C8.0, C9.0, the lighting plans, and L1.0 of Exhibit B).
14. The proposed fuel dispenser shown on Exhibit B shall not be visible from the ground level beyond the limits of the vehicle staging area.

15. Tires stored at the subject site, including those stored within the area adjacent to the trash enclosure, shall not be visible. All tire storage shall occur within an enclosed and covered area that meets applicable stormwater requirements.
16. Plan check plans submitted to the Building and Safety Division shall include a specification and/or sample for "smoke-colored" glazing as illustrated but not as described with a notation on Exhibit B. Said sample shall be subject to the review and approval by the Director of Community Development.
17. Plan check plans submitted to the Building and Safety Division shall include a detail for the proposed security gate. Said detail shall include proposed dimensions and colors of the gate and include any other features associated with the gate, including a traffic signal if proposed.
18. Plans submitted to the Building and Safety Division for permits shall list the proposed floor-area-ratio (FAR).
19. All proposed trellises must be painted metal (not wood), or approved equal.
20. The applicant shall secure all applicable permits from the Bay Area Air Quality Management District for paint booths.
21. Plan check plans submitted to the Building and Safety Division shall include a horizontal trellis above the windows on the east façade of the Final Quality Control Building.
22. The lighting fixture and lighting pole shall be the same color. Said color shall be neutral, shall be noted on a specification sheet or detail identifying the design and pole height on plan check plans submitted to the Building and Safety Division, and is subject to the approval by the Director of Community Development.
23. The curtain wall system on the sales and presentation building shall be recessed a minimum of 4-inches from the façade.
24. In accordance with Climate Action Plan measure TDM2-7, at such time LAVTA establishes service to the subject site, the applicant shall provide transit passes or other transit use incentives for a period of one year to establish transit use for employees.
25. In accordance with Climate Action Plan Measure TR 1-9, the applicant or responsible party shall ensure that drivers of diesel vehicles on the subject site do not idle their vehicles.
26. All vehicles on the site shall be parked in an orderly manner. Vehicles within areas with marked parking stalls shall be parked within the stalls, and vehicles

within the Vehicle Staging Area shall be parked in an orderly fashion to the extent feasible.

27. At no time shall outdoor storage of vehicle parts (except tires within the dedicated tire storage area), occur on the site, including the Vehicle Staging Area.
28. Fabric roll-up doors will be allowed if the project applicant can demonstrate to the satisfaction of the Director of Community Development that they provide better sound attenuation than the metal doors shown on Exhibit B.
29. The proposed wall design, material, and height, as well as the exact location of the wall proposed between the shared boundary line with the Continuing Life Communities site, the Neighborhood Park, and the subject site shall be as shown on Exhibit B. Any proposed changes to the design and location shall be subject to the review and approval of the Director of Community Development.
30. To help ensure than an adequate landscape buffer is provided in/by the Neighborhood Park, prior to issuance of building permit, the applicant shall reimburse the City for 50% of the trees installed in the Neighborhood Park as part of the buffer between the subject site and the Neighborhood Park. The final reimbursement shall be determined by the City Landscape Architect.
31. The project developer shall be responsible for its proportionate share of the maintenance of the Staples Ranch Neighborhood Park Detention Basin as specified in the Funding and Improvement Agreement (Staples Ranch Neighborhood Park/ Detention Basin).
32. The landscaping on the western boundary line shall be planted as shown on Exhibit B. The buffer may include bioretention areas, trees and shrubs, and said buffer shall be shown on plan check plans submitted to the Building and Safety Division. All trees within the buffer shall be minimum 24-inch box size. Any proposed changes to the landscape in this area shall be subject to the approval of the Director of Community Development.
33. Plan check plans submitted to the Building and Safety Division shall indicate locations of all easements on landscaping plans.
34. Plan check plans submitted to the Building and Safety Division shall include written verification from Zone 7 that the landscaping and irrigation in Zone 7's easement are acceptable.
35. Plan check plans submitted to the Building and Safety Division shall include written verification from PG&E that the landscaping and irrigation in PG&E's easement are acceptable.

36. The height of the fence along I-580 shall not exceed 6-feet. Barbwire shall not be allowed. Plan check plans submitted to the Building and Safety Division shall include verification of Caltrans' approval/denial.
37. Walls and solid privacy fencing shall not be located on the existing PG&E and Zone 7 easements by Interstate-580.
38. Plan check plans submitted to the Building and Safety Division shall include a specification and/or detail for the proposed corten steel guard rail. Any changes to the design style of the proposed guard rail shall be subject to the review and approval by the Director of Community Development.
39. Except as otherwise modified by the conditions of approval for this case, compliance with the City's noise standards shall be achieved.
40. The project developer shall obtain a Building Permit from the Building Department and any other applicable City permits for the project prior to the commencement of any construction.
41. The final location of pad-mounted transformers shall be subject to approval by the Director of Community Development prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping to the satisfaction of the Director of Community Development. All transformers shall be shown on the plans submitted for issuance of building permits.
42. Conveyance documents for all parcels on the Staples Ranch Site shall include the required disclosures listed below. Each property owner on the Staples Ranch Site shall provide all of its future tenants and any purchaser of any property on the Staples Ranch Site with copies of the required disclosures listed below. The property owner will disclose to all potential tenants and property owners conditions that may not be readily apparent which may occur on or near the Staples Ranch Site:
  - a. The presence of and typical activities and physical characteristics associated with the auto mall planned on the Staples Ranch Site including vehicle servicing, washing, and vacuuming, bright lighting, illuminated freestanding freeway sign, noise, early and late hours of operation, and large truck deliveries.
  - b. The presence of and typical activities and characteristics associated with park uses on the Staples Ranch Site including bright lights, noise, large buildings, large delivery trucks, early and late use hours of park use.
  - c. The presence of typical activities and characteristics associated with retail and/or office uses on the Staples Ranch site including bright lighting, noise, early and later hours of operation, and large delivery trucks.

- d. The future extension El Charro Road to Stanley Boulevard, as shown in the General Plan.
  - e. The anticipated I-580 freeway widening by Caltrans.
43. The trash enclosure shall be sized to accommodate both trash and recycling containers, and be on an accessible route. The trash enclosure bins shall be kept inside the enclosure except when being unloaded.
  44. All HVAC equipment, antennas, satellite receiving stations, etc., shall be located within the building's roof-equipment wells, and shall project no higher than a horizontal plane defined by the top-edge of the parapet walls. Small Wi-Fi antennas on light poles are permitted. Security cameras on top of the buildings do not have to be screened.
  45. The project developer shall effectively screen views from a person standing at ground level all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
  46. The project shall comply with the current City/Pleasanton Garbage Service recycling and composting programs.
  47. The project landscaping and irrigation shall be designed for and utilize recycled water.
  48. 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 prior to the issuance of a building permit, and prior to final inspection. The verification shall be provided to the Planning Division.
  49. Prior to occupancy, the landscape architect for the project shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design.
  50. Unless otherwise shown on the approved PUD landscape plan, all trees used in landscaping be a minimum of 24" box in size and all shrubs a minimum of five (5) gallons.
  51. A final landscape and irrigation plan shall be submitted to and approved by Director of Community Development as part of the building permit plan set prior to issuance of a building permit. Said landscape plan shall be detailed in terms of

species, location, size, quantities, and spacing. Plant species shall be of drought-tolerant nature and the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible. Irrigation system shall meet all requirements for compatibility with recycled water supply per City of Pleasanton Recycled Water Standards.

52. The State of California's Green Building Standards Code, "CALGreen", shall apply to the project, if applicable.
53. Appliances meeting Energy Star standards shall be installed as part of the project. The proposed appliances shall be indicated on the plans submitted to the Building and Safety Division for the issuance of a building permit.
54. Energy efficient lighting shall be installed for the building. The energy efficient lighting shall be shown on the plans submitted for the issuance of a building permit.
55. The Sales Building shall be constructed to allow for future installation of a Photovoltaic (PV) system. The project/building developer shall comply with the following requirements for making the building photovoltaic-ready. Making the building photovoltaic-ready shall require the following measures to be implemented with the construction of the structure:
  - a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels:
  - b. An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current: and
  - c. These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the building permit.
56. 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.
57. Any excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No temporary stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
58. All backflow prevention devices and double check detector valves installed with the development shall be painted forest green (Pantone Color System Number 357) and shall be screened from view from public/private streets. Screens shall consist of berms, walls, or landscaping satisfactorily integrated into the landscape plan. Landscape screens shall include shrubbery designed by species and planting density to establish a complete screen within one year from date of planting. Weather protection devices such as measures to protect pipes

from freezing shall require approval by the Director of Community Development prior to use; at no time shall fabric or other material not designed and/or intended for this purpose be wrapped around or otherwise placed on these devices. All backflow prevention devices shall be shown on the plans submitted for issuance of building permits together with screening mechanism and/or weather protection devices. Proposed screening and weather protection devices shall be reviewed for conformity to these requirements and approved by the Director of Community Development prior to issuance of a building permit.

59. Pre-Development & Cooperation Agreement:

a. Applicant acknowledges that the City has provided to applicant a copy, and the applicant is aware of the existence, of that certain Pre-Development and Cooperation Agreement by and among the City of Livermore, the County of Alameda, the Surplus Property Authority of the County of Alameda, the City of Pleasanton, and CaiMat Co., d/b/a Vulcan Materials Company, Western Division ("Vulcan"), dated as of September 18, 2007 (the "Cooperation Agreement"), and further acknowledges that applicant has reviewed and understands the provisions of the Cooperation Agreement, including but not limited to the provisions thereof that prohibit the City's issuance of certain permits for applicant's project unless and until the City complies with its obligations under the Cooperation Agreement, and allow Vulcan to join applicant as a real party in interest in any action to enforce the City's obligations under the Cooperation Agreement. Applicant consents to the recordation of the Memorandum of Agreement on title to Applicant's property and shall execute and deliver to City all documents required to evidence the consent to recordation.

b. Applicant shall provide each potential tenant or purchaser of the project site with the following written disclosure:

This property is located in the vicinity of operating quarries on land designated by the County of Alameda for sand and gravel quarry and related operations, including asphalt and concrete plants, landfill, recycling of construction materials, reclamation and other similar uses (the "Quarry Lands"). The Quarry Lands have been designated by the State of California as containing aggregate and mineral resources of regional significance. Operations and reclamation activities at the Quarry Lands are projected to continue until at least 2030. Quarry operations may result in airborne particulate matter, bright lights, noise and vibration, unattractive visual appearance, and heavy truck traffic. El Charro Road serves as the main access route to the Quarry Lands and is subject to a high volume of heavy truck traffic related to the Quarry Lands.

c. All property owners shall attach the following rider to each deed for any property within the Staples Ranch Site:

Grantee hereunder acknowledges and agrees that the subject property is located in the vicinity of active and operating quarries and processing facilities. Grantee also acknowledges that quarry operations may result in airborne particulate matter, bright lights, noise and vibration, unattractive visual appearance, and heavy truck traffic on El Charro Road and adjacent streets and roadways within or outside the quarries. Grantee accepts possible inconvenience of discomfort from any of the foregoing and Grantee hereby acknowledges and agrees that no claim of nuisance shall lie based on any of the foregoing. Grantee hereby covenants to include this same paragraph, in its entirety, in any subsequent deed by Grantee of all or any portion of the subject property. Grantee further covenants to include this same paragraph within any lease for all or any portion of the subject property.

**Stoneridge Drive Specific Plan Amendment/Staples Ranch Project  
Mitigation Monitoring and Reporting Plan**

60. The subject project shall be implemented as required by the EIR and Mitigation Monitoring and Reporting Plan (MMRP). All mitigation measures of the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR are hereby incorporated by reference and shall be implemented as required by the EIR and MMRP. If any of the conditions of approval conflict with any applicable EIR mitigation measures, the requirements of EIR mitigation measures apply.
61. Prior to the issuance of a building permit, the project developer shall pay all traffic fees to which the property may be subject, as set forth in the Mitigation Monitoring and Reporting Plan.
62. In accordance with measure VQ-3.1 of the MMRP, all exterior lighting shall be directed downward and all perimeter lighting shall be shielded or utilize equivalent technology to avoid shining on neighboring properties. Energy efficient lamp technologies shall be incorporated wherever feasible (mercury vapor shall be avoided, and incandescent lights shall be avoided unless they are integrated with a control mechanism that limits their operation time). The use of such lighting shall help minimize impacts on reduced visibility of the night sky. Plans submitted to the Building and Safety Division for permits shall demonstrate compliance with this measure to the satisfaction of the Director of Community Development.
63. In accordance with measure VQ-3.2, the project developer shall design lighting systems to provide appropriate light illumination for the proposed project and protect surrounding uses from spillover light and glare by incorporating the following guidelines and specifications:
  - a. Prior to the issuance of a building permit, a lighting plan that includes specifications for pylon signs, monument signs and exterior

lighting shall be submitted for review and approval by the Director of Community Development. The plan shall include a photometric diagram, prepared by a certified lighting professional, showing predicted maintained lighting levels produced by the proposed lighting fixture facilities that achieve the following during hours of operation:

- i. The first row of light standards shall not exceed a foot candle level of 50.0 by the northern boundary and 35.0 by the eastern and southern boundaries as measured at ground level.
  - ii. The foot candle level for the remainder of the project site shall not exceed 10.0 foot candles as measured at ground level, except:
    - In designated display areas where merchandise is presented to customers, the foot candle level may be up to, but not exceed, 30.0 at ground level; and
    - At the senior continuing care community, foot candle spill over from the project site shall not exceed 1.0 foot candle at ground level.
  - iii. Lighting fixtures for automobile sales and services shall not exceed 25 feet in height, for ground mounted poles.
  - iv. Unless otherwise approved by the Director of Community Development, lighting fixtures for parking and security purposes within the project site that are adjacent to the senior continuing care community shall not exceed 14 feet in height and shall be fully-shielded to reduce spill light directly on to the residences at the community.
- b. During non-operational evening hours, all exterior parking lot lighting levels shall be designed such that they do not exceed 10 foot candles. The lighting plan submitted to the Building and Safety Division with plan check plans shall be modified to comply with these measures.
64. In accordance with measure VQ-3.3, all interior lighting shall be turned off during non-operational evening hours, with the exception of lighting needed for security reasons.
65. In accordance with measure AQ-2.1, the applicant shall implement the following mitigation measures during all construction phases to reduce impacts associated with construction dust to the extent feasible, as determined by the City Engineer. These measures shall be incorporated into the construction documents describing procedures and specifications for contractors to follow.
- a. Water all active construction areas at least twice daily.

- b. Cover all trucks hauling soil, sand, and other loose materials to or from the Project Area or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in distributed areas as quickly as possible.
  - k. Suspend excavation and grading activities to the extent feasible when instantaneous wind gusts exceed 25 mph.
  - l. Limit, to the extent feasible, the number of areas adjacent to residences subject to excavation, grading and other construction activity at any one time.
66. In accordance with measure AQ-3.1, the applicant shall employ measures as described within Operational Air Emissions Plan included as Exhibit B.
67. In accordance with measure BIO-5.1, prior to the beginning of tree removal or mass grading, between February 15 and August 15, including grading for major infrastructure improvements, an avian nesting survey shall be conducted of all habitat within 350 feet of any grading or earthmoving activity. The survey shall be conducted by a qualified biologist, as determined by the City, and occur no more than 21 days prior to disturbance. If no active nests are found, no further action is required.

If active nests for special status avian species or raptor nests are found within the construction footprint, construction activities shall be delayed within a minimum 500-foot buffer zone surrounding active raptor nests and a minimum 250-foot buffer zone surrounding nests of other special status avian species until the young have fledged. This buffer zone shall not extend beyond the Staples Ranch site. The appropriate buffer can be modified by the City in consultation with qualified biologists and the California Department of Fish and Game (CDFG). No action other than avoidance shall be taken without CDFG consultation. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist, as determined by the City.

The buffer zone shall be delineated by highly visible temporary construction fencing, and no intensive disturbance (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing

activities) or other project related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest.

If the project is built in phases, this condition of approval shall be implemented for each phase of development.

68. In accordance with measure HZ-2.1, prior to initiation of any on-site construction activities, the project developer shall contact the Underground Service Alert (USA) whose purpose is to receive planned excavation reports from public and private excavators and to transmit those planned excavation reports to all participating excavation. The USA will contact local utilities and inform them that construction is about to begin in their service area. This notice allows local utilities to mark the areas where their underground facilities are located near the construction site so that they may be avoided during project construction.
69. In accordance with measure HZ-2.1, prior to construction activities within 50 feet of the PG&E gas line, the project contractor shall identify and demarcate the location of the natural gas pipeline using highly visible markers that will remain in place throughout project construction in the vicinity of the pipeline and ensure that all construction workers are aware of the location of the line. The location of the pipeline shall be noted on the site and construction plans. Further, the project contractor shall take all appropriate measures necessary to ensure that the line is not disturbed.
70. In accordance with measure HZ-2.1, the project developer shall develop an emergency response plan prior to construction that will include response measures in the event that there is disturbance of any underground utilities. The plan will be subject to review and approval by the Building and Safety Division and/or City Engineer.
71. In accordance with measure HY-1.1, and in accordance with the applicable provisions of the Municipal Regional Permit (MRP)-NPDES Permit, implementation of and compliance with the stormwater quality BMPs are required. However, to ensure that implemented BMPs are effective for reducing potential pollutant loads to a sufficient level of protection, each project developer shall prepare and implement a site-specific Water Quality Management Plan (WQMP) with BMPs targeted to reduce post-construction pollutants listed in Table 3.5-5 of the EIR.

This WQMP shall identify specific stormwater BMPs for reducing potential pollutants in stormwater runoff. BMPs shall be selected to target pollutants listed in Table 3.5-5 of the EIR; selection criteria and documentation shall be incorporated into the WQMP. A qualified engineer shall prepare and submit, concurrently with the submittal of off-site or

on-site improvement plans, (whichever comes first), the WQMP for review and approval by the City Engineer. The WQMP must be approved by a qualified engineer of the City's Engineering Division prior to the beginning of construction activities.

The WQMP shall include the following BMPs along with selected BMPs to target pollutant removal:

- a. Waste and materials storage and management BMPs (design and construction of outdoor materials storage areas and trash and waste storage areas, if any, to reduce pollutant introduction).
- b. Spill prevention and control BMPs.
- c. Slope protection BMPs.
- d. Water efficient irrigation practices.
- e. Permanent erosion and sediment controls (e.g., hydroseeding, mulching, surface covers).

Projects within the Project Area will be required to comply with the applicable provisions C3.c of MRP, including Low Impact Development (LID) source control, site design, and stormwater treatment if applicable.

The WQMP shall not include infiltration BMPs unless they comply with design guidelines and requirements specified in TC-1: Infiltration Basins in the CASQA Stormwater Quality BMPs Handbook for New Development and Significant Redevelopment (2003) and/or are specifically approved by the City Engineer and shall meet MRP - NPDES Permit minimum requirements including adequate maintenance and that the vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least 10 feet.

72. In accordance with the requirements of measure HY-1.2, an Integrated Pest Management Plan shall be prepared and implemented to minimize the risk of pollutants associated with landscape establishment and maintenance practices in surface water runoff and infiltration to groundwater. All Integrated Pest Management Plan guidelines shall comply with California Department of Pesticide Regulation and Alameda County Agricultural Commissioner rules and regulations in regards to pesticide storage, use, transportation, reporting, and safety. The plan shall encourage minimization and efficiency of chemical and fertilizer use. Because the receiving water has been listed as impaired by diazinon, diazinon use shall be prohibited. Each property owner shall be responsible for implementation of the Integrated Pest Management Plan. The plan must be approved by the City Engineer prior to the beginning of occupancy.
73. In accordance with measure LU-5.2, conveyance documents for all parcels on the Staples Ranch Site shall include the required disclosures, deed riders, and easements listed below. Each property owner shall provide all of its future

tenants and any purchaser of any property on the Staples Ranch Site with copies of the required disclosures, deed riders, and easements listed below.

All Staples Ranch Site property owners, other than the property owner of the senior continuing care community site(s), shall either record the deed rider below or Livermore's standard Avigation Easement a copy of which is attached as Exhibit G of the Cost-Sharing Agreement.

Grantee hereunder acknowledges and agrees that the subject property is located in the vicinity of an active and operating general aviation airport, outside the City of Livermore's designated Airport Protection Area and 65 CNEL impact area. Grantee accepts possible and normal consequences including noise, light and vibration arising out of the proper operation of aircraft for current and future operations consistent with the 1975 Livermore Airport Master Plan and Grantee hereby acknowledges and agrees that no claim of nuisance shall lie based on the foregoing. Grantee shall not be deprived of any right it might have against any individual or private operator for negligent or unlawful operation of aircraft. Grantee hereby covenants to include this same paragraph, in its entirety, in any subsequent deed by Grantee of all or any portion of the subject property. Grantee further covenants to include this same paragraph within any lease for all or any portion of the subject property.

74. In accordance with measure LU-5.2, the applicant shall include deed riders/disclosures about the Livermore Municipal Airport consistent with Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353.
75. In accordance with measure NO-1.1, prior to the City's issuing of building permits for the project, the project developer shall submit to the City noise analyses prepared by a qualified acoustical consultant that demonstrate that all structures will meet City interior noise level standards. Commercial and office uses will need to meet the City standard of 45 dBA peak hour Leq that would allow the conduct of normal business activities inside these facilities. Noise reduction features may include, but are not limited to, building siting, upgraded insulation, sound rated windows and doors, sound rated exterior wall assemblies, and acoustical caulking.
76. In accordance with measure NO-1.5, all car washes shall be located and designed such that noise from the car washes, including the vacuuming areas, shall not exceed 60 dBA at any habitable structure. The project developer shall submit a noise study to the Director of Community Development verifying that the carwashes adhere to this requirement, prior to the issuance of a building permit.

77. In accordance with measure NO-3.1, the project developer shall implement construction best management practices, including the following, to reduce construction noise:
- a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.
  - b. Select routes for movement of construction related vehicles and equipment so that noise sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.
  - c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and Federal holidays. If complaints are received regarding the Saturday construction hours, the Director of Community Development may modify or revoke the Saturday construction hours. The Director of Community Development may allow earlier "start times" for specific construction activities (e.g., concrete foundation/floor pouring), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction and construction traffic noise will not affect nearby residents.
  - d. All construction equipment must meet Department of Motor Vehicle (DMV) noise standards and shall be equipped with muffling devices.
  - e. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.
  - f. The property owner shall designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Director of Community Development.
  - g. Additional best management practices may be required by the Building and Safety Division and/or City Engineer. All additional best management practices shall be reviewed and approved by the Building and Safety Division and/or City Engineer, prior to implementation.
78. In accordance with measure TR-5.1, no buildings shall be located within 32-feet of the northern property line.
79. In accordance with measure TR-7.1, the project site shall include a minimum of two points of emergency vehicle access consistent with the City of Pleasanton's Circulation Element (Policy 5, Program 5.2). The location and the design of the emergency vehicle access and gate and lock shall be subject to the review and approval of the Fire Marshal, Director of Community Development, and City Engineer.
80. In accordance with measure TR-9.1, the project shall include acceptable on-site bicycle and pedestrian facilities, including access to Stoneridge Drive. The

bicycle and pedestrian connections shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the first building permit.

81. In accordance with measure TR-12.1, prior to the issuance of final improvement plans or grading permits, the project developer shall develop and provide a construction access plan to be reviewed and approved by the City Engineer. This plan will include, at a minimum, the following construction traffic management strategies for each phase of development:
  - a. Using El Charro Road for construction related access for all phases of development, to the maximum extent feasible, rather than Stoneridge Drive.
  - b. A set of comprehensive traffic control measures, including the scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs and flag persons if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information will include a construction staging plan for any public right of way used of each phase of the proposed project.
  - c. Provisions of parking management and spaces for all construction workers for each phase of construction.
  - d. Notification procedures for adjacent property owners regarding when major deliveries, detours, and lane closures will occur.
  - e. The location of construction staging areas for materials, equipment and vehicles.
  - f. The identification of haul routes for the movement of construction vehicles that would minimize impacts on vehicular traffic, circulation, and safety; and a provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul tracks can be identified and corrected by the project developers.
  - g. A process for responding to, and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager.
  
82. In accordance with measure CR-1, prior to the issuance of a grading permit or building permit for the project, the project developer shall retain the services of a qualified archaeological consultant having expertise in California prehistoric archaeology. The archaeological consultant shall determine if planned development could potentially impact important archaeological resources and shall then design an appropriate archaeological monitoring program. Upon completing the archaeological monitoring program, the archaeological consultant shall submit a written report of findings first and directly to the Director of Community Development. At a minimum, the archaeological monitoring program shall include the following:
  - a. An archaeological monitor shall be on site during native soils disturbing activities.
  - b. The archaeological consultant shall advise all project contractors to be on the alert for evidence of expected resources, of how to identify the evidence

- of the expected resources, and of the appropriate protocol in the event of discovering an archaeological resource.
- c. The archaeological monitor shall be present on the Staples Ranch site until the Director of Community Development, in consultation with the archaeological consultant, determines that project construction activities could have no effects on significant archaeological resources.
  - d. The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.
  - e. If an intact archaeological deposit were to be encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The City shall empower the archaeological monitor to temporarily redirect demolition/excavation/construction crews and heavy equipment until the resource is evaluated. The archaeological consultant shall immediately notify the Director of the Community Development of the encountered resources.
  - f. Should archaeological resources be encountered during construction, the project developer shall consult with City and tribal representatives to determine the appropriate disposition of findings. Mitigation measures shall include one of the three alternatives below:
    - i. In-Situ Preservation: The project developer shall preserve artifacts and resources as found and shall apply suitable open space, capping, or monumentation to the site. The project developer shall alter development plans to accommodate this alternative, as necessary.
    - ii. Excavation/Recovery: The archaeological consultant shall excavate the site, evaluate the site for historical references, recover artifacts as appropriate, and cover the site to preserve remaining artifacts. The project developer shall maintain sufficient buffering between development subsurface construction and the location of resources.
    - iii. Excavation/Removal: The archaeological consultant shall excavate and recover the cultural resources as described above and remove artifacts as necessary. However, due to the depth of development excavation, the site would be permanently disturbed.

If the City requires data recovery, the archaeological consultant shall first prepare an Archaeological Data Recovery Plan that s/he shall submit to the Director of Community Development for review and approval.

If development plans call for trenching within 200 feet of the Arroyo Mocho, a program of subsurface mechanical trenching along the impacted route shall precede project trenching in an attempt to locate additional archaeological sites and/or the original meander of the Mocho, where such sites would most likely be. If additional sites were to be found, the project developer shall adhere to the above mitigation measures.

If human remains are discovered, the project developer shall contact the County Coroner immediately. If the coroner determines that the human remains are Native American remains, the project developer shall notify the California State Native American Heritage Commission.

The archaeological consultant shall prepare a Final Archaeological Resources Report, meeting City and state standards, evaluating the historical importance of the archaeological resource and describing the archaeological and historical research methods employed in the testing, monitoring, and data recovery programs. The Director of Community Development shall review and approve this document. The project developer shall file the report with appropriate state offices.

83. In accordance with measure UT-1, plans submitted to the Building and Safety Division for plan check shall incorporate low-flow irrigation head and/or drip irrigation with electric controllers set to water after 7:00 p.m. and before 10:00 a.m., and property soil preparation for landscaped areas that includes a minimum of two inches of mulch and two inches of organic soil amendment, as recommended by a qualified landscape architect.
84. If it is determined through field inspections and/or monitoring that a site is not in compliance with an EIR mitigation/improvement measure, the responsible party for implementation of the mitigation/improvement measure is the responsible party to bring the mitigation/improvement measure into compliance. The responsible party is listed in the EIR Mitigation Monitoring and Reporting Plan. The City of Pleasanton may require the responsible party to conduct a peer review report by a consultant chosen by the City of Pleasanton to determine compliance and to recommend measures to correct noncompliance. All peer review costs shall be borne by the party responsible for the implementation of the mitigation/improvement measure.

As parcels are sold, new property owner(s) will be responsible for all of the their parcel's "Project Developer" mitigation responsibilities as listed in the EIR Mitigation Monitoring and Reporting Plan, including but not limited to: implementing mitigations, monitoring, reporting, bringing mitigation/improvement measures in nonconformance into conformance, and reimbursing the City of Pleasanton for costs borne by the City of Pleasanton to review monitoring reports and conduct other monitoring activities related to their parcel(s).

Prior to the issuance of a building permit, a Mitigation Monitoring fund (or other funding mechanism acceptable to the City of Pleasanton) shall be established by the City of Pleasanton. The applicable Project Developer shall deposit funding into the Mitigation Monitoring fund (or other funding mechanism acceptable to the City of Pleasanton) to cover estimated City of Pleasanton costs to review future monitoring reports, contract with peer review consultants,

conduct field inspections, attend meetings, and conduct other monitoring activities related to the Project Developer's mitigation related responsibilities. The initial deposit amount shall be determined by the City Engineer. In the event that the Mitigation Monitoring fund (or other acceptable funding mechanism) does not adequately cover future costs borne by the City of Pleasanton, the property owner of the project development site will be responsible for the City of Pleasanton's costs to review monitoring reports, contract with peer review consultants, conduct field inspections, attend meetings, and conduct other monitoring activities related to the Project Developer's PUD site.

#### **Operations Services Division**

85. In locations where the Water Line Easement (WLE) is not located within a drive aisle, the applicant shall stripe the area so that no vehicles are parked on the easement.

#### **Building and Safety Division**

86. Building and site plans are to be submitted to the Building and Safety Division on a computer disk in a format approved by the Chief Building Official. Digitized information shall be submitted before requesting a final inspection and should reflect as built site and architectural information as approved by the Chief Building Official.
87. The applicants shall submit a pad elevation certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official, certifying that the pad elevations and building location (setbacks) are pursuant to the approved plans, prior to receiving a foundation inspection for the structure.
88. The height of the building shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit "B" or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Building and Safety Division before the first framing inspection by the Building and Safety Division.

#### **Engineering Division**

89. The developer shall submit a written request, along with necessary plots and descriptions, to the City Engineer for quitclaiming of existing easements that are in conflict with proposed development. The quitclaim of existing easements will be subject to review and approval of the City Engineer and the City Council.
90. The relocation of Emergency Vehicle Access Easement (EVAE) is approved as shown on Exhibit B. Proposed changes to the alignment shall be subject to review and approval of the City Engineer and Fire Marshall.
91. The relocation of Water Line Easements (WLE), Maintenance Access Easements (MAE), Sanitary Sewer Easements (SSE) and Public Service

Easements (PSE) are approved as shown on Exhibit B. Proposed changes to the alignments shall be subject to review and approval of the City Engineer.

92. The licensed Civil Engineer shall provide storm water calculations for extension of storm water for use of remainder of Parcel 1 on east side between CarMax and El Charro Road. These calculations are subject to review and approval of the City Engineer.
93. The proposed numbers of connections to sanitary sewer main shall be minimized for sampling incoming sewer.
94. The proposed fire service shall have Double Check Detector Check valve installed within PSE as per City Standard Detail.
95. The proposed domestic water meter and irrigation meter shall have Reduced Pressure Backflow Device installed within PSE as per City Standard Detail.
96. The sliding EVAE gate shall have locking arrangement acceptable to City Fire Department and the City Operation Service Center.
97. The licensed Civil Engineer shall provide pavement design calculations for all EVAE, WLE, MAE, SSE areas. It should be capable of all-weather access for Fire Truck Loading and Maintenance Vehicle Loading whichever is greater.
98. Any damage to existing street improvements attributable to construction of the project 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. "Existing street improvements" means street conditions at the time construction of the project commences.
99. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project; such determinations are separately made by the Operations Services Department of the City.

**Urban Stormwater**

100. The developer or applicant shall install trash capture devices within the project's storm drain inlets or storm drain piping to capture trash within the development. These devices shall trap particles of 5mm or greater and have treatment capacity not less than the peak storm from a "one year, one hour" event within the drainage area. The developer's or applicant's engineer shall submit calculations and product submittals to the City Engineer for review and approval prior to the issuance of a grading or building permit, whichever is sooner.

101. All service operations involving fluid changes must occur indoors; all fluids shall be disposed of in an appropriate manner and shall not be placed in the storm drain or sanitary sewer but shall drain to a sump.
102. Improvement plans submitted to the Building and Safety Division shall show the fuel dispensing area covered with a canopy. Canopy downspouts shall be routed to prevent drainage flow across the fuel dispensing area. Drainage under a canopy shall drain toward the center. The drain shall connect to the sanitary sewer and shall have an oil/sand filter or other measure as approved by the City Engineer. Fuel dispensing areas shall be located on concrete surfaces which extend at least eight feet (8'0") from the face of the fuel dispenser and at least four feet (4'0") from the nose of the pump island. The surface must be graded and constructed to prevent drainage flow across the fueling areas. 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.

#### **Traffic Division**

103. Car-carrier delivery trucks shall access the site through the intersection of I-580 at El Charro Road southbound to Stoneridge Drive. The property owner and/or business operator shall inform each delivery company or party delivering to the site that its drivers are not to use Stoneridge Drive west of the project entry drive when accessing or leaving the subject site.
104. All truck deliveries, loading, and unloading shall take place on the subject property (and not on any public streets). Said delivery, loading/unloading areas must be shown on the plan check plans submitted to the Building and Safety Division.
105. Plan check plans submitted to the Building and Safety Division shall include a plan showing the truck turning path through the project site for the car-carrier delivery trucks, subject to the review and approval by the City Traffic Engineer.
106. Unless otherwise approved by the Director of Community Development, project sidewalks shall be 5-feet wide and separated from the roadway by landscaping.
107. The project applicant shall provide stop signs at the northern "end" of the entry drive. Plan check plans submitted to the Building and Safety Division shall show a stop sign provided in the median and on the right-hand side of the roadway; final locations are subject to the review and approval by the City Traffic Engineer.
108. The project applicant shall make any needed modifications to the traffic signal at the intersection of Stoneridge Drive and the project driveway to fully facilitate movements in and out of the project, as determined by the City Traffic Engineer. This shall include the turning of the signal heads for proper alignment for the

southbound approach and alignment of the video detection camera to provide proper detection of the newly constructed roadway.

109. The project applicant shall provide an overhead illuminated street name sign at the traffic signal at the project driveway entry on the east leg of the intersection. Said sign shall meet specifications required by the City Traffic Engineer.
110. Prior to occupancy, the project applicant shall stripe a crosswalk on the north leg of the signalized intersection of Stoneridge Drive at the project driveway to facilitate pedestrian crossing. Said crosswalk shall meet specifications required by the City Traffic Engineer.
111. The project applicant shall repair any damage to the green bike lane crossing the entry drive at Stoneridge Drive due to project-related vehicular traffic during construction, as determined by the City Traffic Engineer.
112. The property owner shall be responsible for the construction of a bus shelter adjacent to the Neighborhood Park. Unless otherwise approved by the City Traffic Engineer and City Engineer, the pad for the bus shelter shall be 20 feet in length and 6 feet in depth. The pad shall be located behind the sidewalk. The bus shelter shall be designed to allow for visibility of oncoming buses, to offer safety and protection from the elements, to accommodate a wheelchair, to have adequate lighting and seating, to have (or have nearby) a trash receptacle, and to allow for the display of maps and transit information. The location, installation timing, and design of the bus shelter shall be determined by the City Engineer. If the shelter is to be installed after occupancy, prior to occupancy the property owner of the auto mall site shall bond for the construction of the shelter in an amount and manner determined by the City Engineer. The bond amount shall increase by annually to cover the general cost of inflation related to construction. The annual inflationary increase shall be set to a standard index for the San Francisco Bay Area, as determined by the City Engineer.

### **Fire Department**

113. Fire flow shall not be less than 2,500 gallons per minute on-site with private hydrants spacing 400 feet in accordance with 2010 California Fire Code, Appendix B.
114. Hazardous Materials Business Plan shall be provided to the Livermore-Pleasanton Fire Department prior to application for fire final.
115. Details for operations of the Service Building shall be submitted to the Hazardous Materials Division of the Livermore-Pleasanton Fire Department. Plans may be deferred submittal.

116. Key shall be provided for Knox box entry system prior to occupancy. All gates and barriers shall be acceptance tested by the Livermore-Pleasanton Fire Department prior to occupancy.

### **STANDARD CONDITIONS**

#### **Community Development Department**

117. 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.
118. 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 and all of the project work is accepted by the City, unless otherwise approved by the City Engineer or Director of Community Development.
119. The project developer shall submit a written dust control plan or procedure as part of the building permit plans.
120. 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 Division**

121. The proposed development shall conform substantially to the project plans, LEED checklist, Project Narrative, Climate Action Plan, Transportation Management Plan, Colors/materials board, Exhibit B, dated "Received, March 4, 2014," on file with the Planning Division, except as modified by these 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.

122. The project applicant//developer shall implement the measures identified in the U.S. Green Building Council's (USGBC), "Leadership in Energy and Environmental Design (LEED)" rating system to achieve a "certified rating" in the design, construction, and operation of the commercial portion of the project. The green building measures shall be shown on plans submitted to the Building and Safety Division for issuance of a building permit. Each point identified shall have a notation indicating the sheet the point can be found, and each sheet shall note where the point is located. All proposed green building measures shall be shown throughout the plan set as determined by the Planning Division.
123. 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 has significantly changed. In no case will a permit be issued prior to the effective date of the ordinance.
124. 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.
125. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, 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. City and the project applicant shall use best efforts to select mutually agreeable legal counsel to defend such action, and the project applicant shall pay compensation for such legal counsel; provided, however, that such compensation shall include only compensation paid to counsel not otherwise employed as City staff and shall exclude, without limitation, City Attorney time and overhead costs and other City staff time and overhead costs and normal day-to-day business expenses incurred by City. The project applicant's obligation to pay for legal counsel shall not extend to fees incurred on appeal unless otherwise authorized by the project applicant. The project applicant shall also reimburse the City for any award of attorney fees or court costs awarded to any third person in any administrative, legal or equitable action or other proceeding instituted by a third party challenging the validity of approval of the project. In the event City and the project applicant are unable to select mutually agreeable legal counsel to defend such action or proceeding, each party may select its own legal counsel at its own expense.
126. 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.

127. Planning Division approval is required before any changes are implemented in site design, grading, building design, exterior colors or materials, landscape material, etc.
128. Before project final, all landscaping shall be installed, review, and approved by the Planning Division.
129. The project developer must provide to the Director of Community Development a building height certification performed by a licensed land surveyor or civil engineer. Said certification must allow for the installation of finished roof materials and must meet the approved building height.
130. The approved building materials and colors shall be stated on the plans submitted for issuance of building permits.
131. Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard.
132. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
133. Portable toilets used during construction shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.

#### **Engineering**

134. 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.
135. Storm drainage swales, gutters, inlets, outfalls, and channels not within the area of a dedicated public street or public service easement approved by the City Engineer shall be privately maintained by the property owners or through an association approved by the City.
136. 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 plan check plans submitted to the Building and Safety Division.

## **Fire**

137. The project developer shall keep the site free of fire hazards from the start of construction until the final inspection.
138. 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.
139. 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.
140. Commercial 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.
141. Provide a Hazardous Materials Declaration for this tenant and/or use. Form shall be signed by owner/manager of 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.
142. 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.
143. 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)
  - G. Service Operations
  - H. Fire Hazard Commodity Classification of materials use and storage

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.

144. The Fire Prevention Bureau reviews building/civil drawings for conceptual on-site fire mains and fire hydrant locations only. Plan check comments and approvals DO NOT INCLUDE:
  - Installation of the on-site fire mains and fire hydrants. Specific installation drawings submitted by the licensed underground fire protection contractor shall be submitted to the Fire Prevention Bureau for approval.
  - Backflow prevention or connections to the public water mains.
145. 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.
146. On-site access ways and internal drives shall be designated as fire lanes and identified as approved by the Fire Department. Signs shall be according to state standards and read "No Parking - Fire Lane" and must be shown on the plans. Where Fire Department vehicle access through or around a site involves changes in direction or curves, minimum-turning radius shall be as follows. The fire truck turning radius is approved as shown on Exhibit B. Any modifications to this plan, shall incorporate an inside radius of 45 feet and outside radius of 55 feet to facilitate fire truck turning radius for entry and exit from the site.
147. Dead-end access ways and internal drives shall not exceed 300 feet in length and shall terminate in turnaround no less than 100 feet in diameter or hammer-head (tee). Standards and options are available through the Fire Prevention Bureau.
148. Address numbers shall be installed on the front or primary entrance for all buildings that have an address. Minimum building address character size shall be 10" high by 3/4" stroke. Where multiple access is provided, address or tenant space number shall be provided on each access and/or warehouse door and character size shall be no less than 4" high by 1/2" stroke. 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.

### **Building**

149. 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 (with accurate elevations above sea level indicated) and on-site

drainage control measures to prevent stormwater runoff onto adjoining properties.

150. Prior to issuance of building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.

**Landscaping:**

151. The project developer shall enter into an agreement with the City, approved by the City Attorney, which guarantees that all landscaping and open space areas 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.
152. Six-inch vertical concrete curbs shall be installed between all paved and landscaped areas, except on the outside edges of landscape islands along the car carrier and trash truck routes, where rollover curbs are acceptable if they are not adjacent to a pedestrian walkway.
153. 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.
154. For purposes of erosion control, the applicant/developer shall plant a hydroseed mixture that has been designed by the project Landscape Architect. The hydroseed mixture shall be specified on the building permit plans for review and approval by the Director of Community Development and shall be maintained by the applicant/developer until permanent landscaping is in place.

**CODE REQUIREMENTS**

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

### **Planning Division**

155. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060 K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

### **Fire**

156. 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.

157. 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.

158. Fire alarm system shall be provided and installed in accordance with the CFC currently in effect, the City of Pleasanton Ordinance 2015 and 2010 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.

159. 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.

160. Underground fire mains, fire hydrants and control valves shall be installed in conformance with the most recently adopted edition of NFPA Pamphlet 24, "Outside Protection".

- The underground pipeline contractor shall submit a minimum of three (3) sets of installation drawings to the Fire Department, Fire Prevention Bureau. The plans shall have the contractor's wet stamp indicating the California contractor license type, license number and must be signed. No underground pipeline inspections will be conducted prior to issuance of approved plans.
- All underground fire protection work shall require a California contractor's license type as follows: C-16, C-34, C-36 or A.
- All field-testing and inspection of piping joints shall be conducted prior to covering of any pipeline.

161. 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.

### **Building**

162. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Chief Building and Safety Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
163. The project developer shall post address numerals on the building so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.
164. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
165. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

### **Bicycle Parking**

166. The project shall provide a minimum bicycle parking equivalent to 5% of the total number of automobile parking spaces. The maximum required bicycle parking spaces is 20.
- Bicycle racks shall:
- a) Be visible and accessible
  - b) Support the frame of the bicycle and not just one wheel
  - c) Allow the frame and one wheel to be locked to the rack
  - d) Allow the use of either a cable or U-shaped lock
  - e) Be securely anchored
  - f) Be usable by bikes with no kickstand
  - g) Be usable by a wide variety of sizes and types of bicycles.
- Prior to the installation, the applicant/developer shall submit the design and location of the bicycle racks to the Director of Community Development for review and approval.

### **URBAN STORMWATER CONDITIONS**

167. The project shall comply with the City of Pleasanton's Stormwater NPDES Permit #CAS612008, dated October 14, 2009 and amendments (hereafter referred to as NPDES Permit). This NPDES Permit is issued by the California Regional Water Quality Control Board, San Francisco Bay Region (hereafter referred to as Regional Water Quality Control Board). Information related to the NPDES Permit

is available at the City of Pleasanton Community Development Department, Engineering Division, and on line at:

- <http://www.ci.pleasanton.ca.us/business/planning/StormWater.html>
- [http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/Municipal/index.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml)

## **A. Design Requirements**

1. NPDES Permit design requirements include, but are not limited to, the following:
  - a. Source control, site design, implementation, and maintenance standards when a regulated project (such as a commercial and industrial project) creates and/or replaces 10,000 square feet or more of impervious surface, including roof area, street, and sidewalk.
  - b. Compliance with a Diazinon pollutant reduction plan (Pesticide Plan) to reduce or substitute pesticide use with less toxic alternatives.
  - c. Compliance with a Copper Pollutant Reduction Plan and a Mercury Pollutant Reduction Plan.
2. The following requirements shall be incorporated into the project:
  - a. The project developer shall submit a final grading and drainage plan, including stormwater treatment calculations, prepared by a licensed civil engineer depicting all final grades, onsite drainage control measures, and bio-retention swales. Irrigated bio-retention swales shall be designed to maximize stormwater entry at their most upstream point. The grading and drainage plans shall be subject to the review and approval of the City Engineer prior to the issuance of a grading or building permit, whichever is sooner.
  - b. In addition to natural controls, the project developer may be required to install a structural control(s), such as an oil/water separator(s), sand filter(s), or approved equal(s) in the parking lot and/or on the site to intercept and pre-treat stormwater prior to reaching the storm drain. The design, location(s), and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. 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 to the City Engineer the sizing design criteria and calculations for Trash Capture Devices (TCDs), and for the

treatment of stormwater runoff. The design criteria and calculations shall be subject to the review and approval of the City Engineer and shall be submitted prior to the issuance of a grading or building permit, whichever is sooner.

- d. Building/Structures shall be designed to minimize the occurrence and entry of pests into buildings, thus minimizing the need for pesticides, as determined by the Chief Building Official prior to the issuance of a building permit.
- e. The project's landscape and irrigation plans shall be designed to: 1) minimize the use of fertilizers and pesticides that can contribute to stormwater pollution; and 2) promote surface infiltration. Prior to the installation of project landscaping and irrigation, the project landscape architect shall submit a landscaping and irrigation plan to the City Engineer for review and approval and submit written verification stating the project incorporates the following:
  - i. Plants tolerant of saturated soil conditions and prolonged exposure to water in areas that provide detention of water.
  - ii. Plants and soil amendments appropriate to site specific characteristics such as topography and climate.
  - iii. Landscaping and irrigation consistent with Bay-Friendly Landscaping.
  - iv. Water conservation techniques to promote surface infiltration.
- f. Trash dumpsters and recycling containers shall be in an enclosed and roofed area to minimize water flowing in and from the area and to contain litter and trash to minimize disbursement by the wind or runoff. These areas shall not drain to the storm drain system, but to the sanitary sewer system. An area drain shall be installed in the enclosure area with 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 of the sanitary sewer connection and provide written verification of such notification to the City Engineer/Chief Building Official prior to the installation of the connection.
- g. 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.
- h. All metal roofs, gutters, and downspouts shall be finished with rust-inhibitive finish/paint as determined by the Chief Building Official.

- i. All projects using architectural copper roofing, gutters, downspouts, etc., shall utilize the following Best Management Practices for use and maintenance:
  - a. During installation, copper material shall be pre-patinated at the factory. If patination is done on-site; collect the rinse water in a tank and haul off-site for disposal. With prior authorization from Dublin San Ramon Services District (DSRSD), you may collect the rinse water in a tank and discharge to the sanitary sewer. Optionally, consider coating the copper materials with a clear coating that prevents further corrosion and stormwater pollution. The clear coating, if utilized, shall be reapplied (as recommended by the coating manufacturer) to maintain its efficacy.
  - b. During maintenance, the following applies during washing and patination:
    - i. Minimize washing of architectural copper as it damages the patina and any protective coating.
    - ii. Block all storm drain inlets downstream of the wash.
    - iii. collect in a tank and dispose off-site, or discharge the wash water to the sanitary sewer (with prior authorization from DSRSD).
  - c. During re-patination, collect the rinse water in a tank and dispose off-site or discharge to sewer (with prior authorization from DSRSD) .
- j. Roof drains shall drain away from the building foundation. Stormwater flow shall drain to a landscaped area or to an unpaved area wherever practicable as determined by the City Engineer/Chief Building Official.
- k. There shall be no direct roof leaders connected to the street gutter/parking lot or storm drain system, unless otherwise approved by the City engineer.

## **B. Construction Requirements**

The project shall comply with the "Construction General Permit" requirements of the NPDES Permit for 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).

Information related to the Construction General Permit is on line at:

- [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)
- [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/finalconstpermit.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf)

1. The Construction General Permit's requirements include, but are not limited to, the following:

- a. The project developer shall obtain a construction general permit (NOI) from the Regional Water Quality Control Board to discharge stormwater, and to develop and implement stormwater pollution prevention plans.
- b. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer/Chief Building Official for review and approval prior to the issuance of a grading or building permit, whichever is sooner. A copy of the approved SWPPP, including all approved amendments, shall be available at the project site for City review until all engineering and building work is complete and City permits have been finalized. A site specific SWPPP must be combined with proper and timely installation of the BMPs, thorough and frequent inspections, maintenance, and documentations. SWPPP for projects shall be kept up to date with the projects' progress. Failure to comply with the most updated construction SWPPP may result in the issuance of correction notices, citations, and/ or stop work orders.
- c. The project developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measures, 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 project grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the public storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and shall be 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 a building permit, and shall be 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 vegetated areas 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 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 by being windblown or by being spilled.
  - 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 a street, gutter, or storm drain.
  - ix. Equipment fueling area (if used at the construction site): use a designated area 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; check vehicles and equipment regularly for leaking oils and fuels; and dispose of rags and absorbent materials promptly and properly. Use of an off-site fueling station is strongly encouraged.
  - x. Concrete wash area: 1) locate wash out area away from storm drains and open ditches; 2) construct a temporary pit large enough to store the liquid and solid waste; 3) clean the pit by allowing concrete to set; 4) break up the concrete; and then 5) recycle or dispose of properly.
  - xi. Equipment and vehicle maintenance area is not permitted; use of an off-site repair shop is strongly encouraged.
2. Within 30 days of the installation and testing of the stormwater treatment and TCD facilities, the designer of the site shall submit a letter to City Project Inspector/Construction Services Manager certifying the devices have been constructed in accordance with the approved plans for stormwater and C3 design for the project. The letter shall request an inspection by City staff.

### **C. Operation and Maintenance Requirements**

The project shall comply with the operation and maintenance requirements of the NPDES Permit. All regulated projects (such as commercial and industrial projects) that create and/or replace 10,000 square feet or more of impervious areas shall enter into a recorded Stormwater Operation and Maintenance (O&M) Agreement for treating stormwater runoff from the site in perpetuity. The agreement is required to be recorded at the Alameda County Recorder's Office in a format approved by the City.

1. The Operation and Maintenance Agreement shall clarify that the property owner(s) of the site shall be responsible for the following in perpetuity:
  - a. Maintaining all private stormwater treatment measures on the project site.
  - b. Annually submitting a maintenance report to the City Operations Services Department, Utilities Division, addressing the implementation of the Operation and Maintenance Agreement requirements.

The final signed and notarized Operation and Maintenance Agreement shall be submitted to the Engineering Division prior to project receiving final discretionary approval by the City Council. The Agreement is subject to review and approval of the City Engineer/City Attorney, prior to recordation.

2. The Operation and Maintenance Agreement responsibilities shall include, but not be limited to the following:
  - a. Repainting text near the drain inlets to state "No Dumping – Drains to Bay."
  - b. Ensuring maintenance of landscaping with minimal pesticide and fertilizer use.
  - d. Ensuring no one is disposing of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.
  - e. Cleaning 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. Sweeping regularly but not less than once a month, 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. Mowing and removing clippings from vegetated swales with grasses on a regular basis.

**EXHIBIT A-2  
DRAFT CONDITIONS OF APPROVAL  
P13-2518 (SIGN DESIGN REVIEW)  
CarMax Auto Superstores  
Staples Ranch  
April 9, 2014**

1. This Sign Design Review approval is contingent on the approval of PUD-98.
2. The signs shall conform substantially to the site plan, elevation drawings, and related materials, Exhibit B, marked "Received March 4, 2014," on file at the Planning Division. Minor changes to the project may be approved by the Director of Community Development if found to be in substantial conformance with this approval.
3. Unless otherwise approved by the Director of Community Development, cabinets for future auto dealers shall not be installed on the freeway-oriented pylon sign until: (1) said future auto dealer has secured PUD Development Plan approval; and (2) said future auto dealer has secured approval from the Director of Community Development for a plan detailing the materials, color(s), size, illumination-type, and any other informed deemed appropriate by the Director of Community Development for the cabinet; and (3) a private agreement between CarMax and said future auto dealer has been executed (CarMax's approval of such agreement shall not be unreasonably withheld; CarMax shall act in good faith in dealing with other auto dealers in order to ensure orderly use of pylon sign by all auto dealers in the Staples Ranch development). Cabinets for future auto dealers shall be consistent in appearance to the CarMax sign inclusive of the following parameters: size, background material (color may be different), illumination (more than type of illumination may not be used), sign-copy type (e.g. channel letters), and other distinguishing features as determined by the Director of Community Development.
4. Only sign copy and logo on the pylon and monument signs shall be internally illuminated (cabinets shall be opaque).
5. Only one type of illumination is permitted for each sign type (one type of illumination is permitted for the pylon sign, one type of illumination is permitted for the monument sign, and one type of illumination is permitted for any proposed wall signs). Halo illumination is encouraged, and internally illuminated channel letters are acceptable. All cabinets on the freeway-oriented pylon sign shall have the same type of illumination.
6. The Director of Community Development at his discretion may require materials samples for the base, background panel, and supporting column of the freeway-oriented pylon to be included with plans submitted for permits.

7. Plans submitted to the Building and Safety Division for permits shall indicate the following for the proposed monument sign at the entry drive:
  - a. a maximum height of 6-feet;
  - b. materials for the base;
  - c. illumination type (halo illumination is encouraged and internally illuminated channel letters are acceptable, but multiple types of illumination shall not be used).

Said plans are subject to the review and approval of the Director of Community Development.

8. This approval does not include approval of a second entry sign at the termination of the entry drive. Plans submitted to the Building and Safety Division for permits shall omit this sign from the architectural site plan.
9. If proposed, plans submitted to the Building and Safety Division for permits shall include wall signage. Said plans are subject to the review and approval by the Director of Community Development.
10. There shall be no additional signage on the subject property without prior approval from the City.
11. All applicable City permits for signs shall be obtained prior to installation.
12. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees, and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project. City and the project applicant shall use best efforts to select mutually agreeable legal counsel to defend such action, and the project applicant shall pay compensation for such legal counsel; provided, however, that such compensation shall include only compensation paid to counsel not otherwise employed as City staff and shall exclude, without limitation, City Attorney time and overhead costs and other City staff time and overhead costs and normal day-to-day business expenses incurred by City. The project applicant's obligation to pay for legal counsel shall not extend to fees incurred on appeal unless otherwise authorized by the project applicant. The project applicant shall also reimburse the City for any award of attorney fees or court costs awarded to any third person in any administrative, legal or equitable action or other proceeding instituted by a third party challenging the validity of approval of the project. In the event City and the project applicant are unable to select mutually agreeable legal counsel to defend such action or proceeding, each party may select its own legal counsel at its own expense.