

HERITAGE RESOURCE COMMISSION RESOLUTION NO. 2011-01

**APPROVING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE AND APPROVING FINAL DEVELOPMENT PLAN REQUEST DEV10-0064, VARIANCE REQUEST VAR10-0016, MASTER SIGN PROGRAM REVIEW REQUEST SR10-0024, TREE REMOVAL REQUEST TR10-0022, AND MAJOR SUBDIVISION REQUEST SD 9292 ALLOWING REDEVELOPMENT OF THE 1.12+/- ACRE DANVILLE HOTEL PROPERTY INTO A MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT
(APN: 208-023-003; -004; -008; -009; and -024)**

WHEREAS, DANVILLE HOTEL HOLDINGS, LTD. (Owners) and CASTLE COMPANIES, INC. (Applicants) have requested approval of Final Development Plan request DEV10-0064, Variance request VAR10-0016, Master Sign Program Review request SR10-0024, Tree Removal request TR10-0022, and Major Subdivision request SD 9292 to authorize the redevelopment of the 1.12+/- acre Danville Hotel property with a mixed use commercial and residential development; and

WHEREAS, the subject site is located at southeast corner of the intersection of Railroad Avenue and East Prospect Avenue and the southwest corner of the intersection of Hartz Avenue and East Prospect Avenue and is further identified as Assessor's Parcel Number 208-023-003; -004; -008; -009; and -024; and

WHEREAS, the Final Development Plan request seeks authorization for the demolition of 14,387 square feet of existing retail, office, food service, and personal service use space on the Danville Hotel site and the construction of approximately 34,585 square feet of new residential (up to 18 individual residential units), retail, and food service use space which is proposed to be served by the corresponding construction of a 9,450+/- square foot at-grade parking structure (28 parking spaces), 2,250+/- square feet of common, conditioned elevator/stairwell support area, 2,250+/- square feet of common, conditioned residential support area, 1,050+/- square feet of common, unconditioned mechanical support area, and construction of associated landscaping and parking/driveway improvements and construction of new and replacement project public frontage improvements (i.e., curb, gutter, sidewalk, street light, mid-block lighted crosswalk, bulb-out improvements, and associated project frontage and onsite and offsite storm drain and storm water treatment and storage improvements); and

WHEREAS, the Variance request would allow: (a) building height variances (38' height requested at several locations and 44' height requested for two elevator towers - where a maximum 37' building height standard applies); (b) average front yard building setback variances along Hartz Avenue (2'-8" to 12'-0" setbacks with a

5'-0" average setback requested - where a 10'-0" minimum average setback standard applies), along Prospect Avenue (5'-0" to 17'-0" setbacks with a 6'-3" average setback requested - where a 10'-0" minimum average setback standard applies), and along Railroad Avenue (0'-0" to 3'-0" setbacks with a 2'-0" average setback requested - where a 10'-0" minimum average setback standard applies); (c) numerical parking variance for the proposed residential component of the project (28 parking spaces proposed where a 33.75 parking space standard applies); (d) dimensional parking variances (to allow use of tandem loaded parking spaces within the onsite parking structure that will serve the residential component of the project); (e) variance from the minimum required coverage of landscape improvements (<5% requested/20% minimum required); and (f) numerical parking variance to allow a heightened dependency on municipal parking facilities - providing 119 of 153 parking space demand to be handled by dependency on municipal parking facilities where historic dependency has been 96 of 129 parking space demand and where dependency on municipal parking facilities for that portion of a project exceeding a floor area ratio (FAR) of 80% is required to be handled through provision of onsite parking; and

WHEREAS, the Master Sign Program Review request seeks conceptual approval of tenant wall-mounted signs, shingle signs, and mini-pole free-standing signs and for center freestanding and directory signs; and

WHEREAS, the Tree Removal request seeks authorization to remove a 38" -diameter Heritage Tree (Redwood tree); and

WHEREAS, the Major Subdivision request seeks approval to divide the property through recordation of one or more condominium maps for financing purposes and/or for the purpose of creating lots and/or condominium lots to facilitate the phasing of project construction and/or sale of the residential units proposed in the project; and

WHEREAS, a Historic Resource Evaluation prepared for the site found that the existing Danville Hotel and the McCauley House have historic significance; and

WHEREAS, the Danville Historic Preservation Ordinance requires the approval of a Certificate of Approval prior to the allowance of modifications to historic buildings; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), a draft Mitigated Negative Declaration of Environmental Significance has been prepared for the project indicating that, as modified through project

revisions and/or recommended conditions of approval, no significant adverse environmental impacts are expected to be associated with the project; and

WHEREAS, a staff report was submitted recommending that the Planning Commission recommend the Heritage Resource Commission approve the project and that the Heritage Resource Commission approve the project; and

WHEREAS, the public notice of this action was given in all respects as required by law; and

WHEREAS, the Planning Commission did hear and consider all reports, recommendations, and testimony submitted in writing and presented at the hearing concerning the project at a noticed public hearing on March 22, 2011 and did recommend, by their approval of Planning Commission Resolution No. 2011-05, that the Heritage Resource Commission approve the request; and;

WHEREAS, the Heritage Resource Commission did hear and consider all reports, recommendations, and testimony submitted in writing and presented at the hearing concerning the project at a noticed public hearing on March 22, 2011; now, therefore, be it

RESOLVED that the Danville Heritage Resource Commission approves the Mitigated Negative Declaration of Environmental Significance and approves planning entitlement requests DEV10-0064, VAR10-0016, SR10-0024, TR10-0022, and SD 9292, and makes the following findings in support of this action:

FINDINGS OF APPROVAL

Final Development Plan Request:

1. The owners/applicants intend to obtain permits for construction within 30 months from the effective date of project approval.
2. The development will be an attractive and efficient development which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development.
3. The project is substantially consistent with the DBD; Downtown Business District Area 11 – Special Opportunity Site zoning standards, is consistent with previous Final Development Plan approvals for projects involving a historic building, and is consistent with the Town’s vision for the redevelopment of the area and the creation of a pedestrian oriented character described for the core downtown area by goals and policies of the Downtown Master Plan.

4. The proposed Final Development Plan request is in substantial conformance with the goals and policies of the Danville 2010 General Plan and the Downtown Master Plan, with specific conformance to the following goals and policies acknowledged through adoption of this finding:

The project is consistent with the Goals and Policies of the 2010 General Plan, specifically Policies: 1.02 (scale, appearance and character of development); 1.04 (provide higher density residential development near shopping centers and bus routes); 1.06 (cumulative effects of development on community facilities and services); 1.09 (promote land use compatibility through design measures); 2.01 (achieve high standard of residential design); 2.07 (improve appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks and landscaping); 3.01 (provide adequate pedestrian, bicycle and parking facilities); 3.08 (encourage the reuse of vacant and underutilized commercial buildings for more economically productive purposes, including new businesses, housing, and mixed use development); 4.02 (promote affordable housing); 5.06 (growth management policy relating to local and regional transportation system); 5.07 (growth management policy relating to parks, fire, police, sanitary sewer, water and flood control services); 9.02 (parkland acreage-per-resident performance standard); 11.01 (ensure new development pays fair share of the cost of civic and community facilities); 11.06 (ensure new development contributes its fair share towards development of school facilities); 12.01 (maintain roadways and traffic controls in safe and effective operating conditions); 13.03 (assure provision of adequate bicycle support facilities at all major bicycle usage locations); 14.02 (improve major collectors and arterials to a high level of service, balancing the needs of motorists, pedestrians and bicyclists); 15.03 (promote bicycle and pedestrian oriented mixed use development in appropriate locations); 15.05 (require design measures to accommodate access by pedestrians, bicycles and transit); 17.07 (protect surface water from pollution); 18.09 (encourage recycling); 19.05 (pursue "best management practices" for controlling stormwater runoff impacts); 20.06 (ensure appropriate structural and engineering standards are implemented); 21.04 (fire services response time performance standard); 23.01 (residential development to meet noise level guidelines); 24.05 (promote development patterns that reduce the need to travel by car); and 26.01 (police services response time performance standard).

5. The proposed project is consistent with the intent and requirements of the DBD; Downtown Business District Ordinance.

6. The Final Development Plan ensures the rehabilitation of historic resources and recognizes such resources as an essential part of the Danville's heritage.
7. The proposed project will not be detrimental to the health, safety, and general welfare of the Town.
8. The proposed project is consistent with the Town's Historic Preservation Ordinance 32-72 and the Danville Design Guidelines for Heritage Resources.
9. The Final Development Plan observes the recommended approaches for building additions and modifications and for new construction on historic sites and was evaluated by an historic architect.
10. The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts.
11. Community need has been demonstrated for the uses proposed.

Major Subdivision Request:

1. The proposed subdivision is in substantial conformance with the goals and policies of the Danville 2010 General Plan.
2. The design of the proposed subdivision is in substantial conformance with the applicable zoning regulations.
3. The design of the subdivision and the type of associated improvements will not likely cause serious public health problems because water and sanitary facilities services will be available to the project.
4. The density of the subdivision is physically suitable for the proposed density of development.
5. The design of the proposed subdivision and improvements are not likely to cause substantial environmental damage or subsequently injure fish or wildlife or their habitat since this property is in an area where development has previously occurred.
6. The design of the proposed subdivision and proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Master Sign Program Sign Review Request:

1. The signage will be consistent in character with the Danville Commercial Design Guidelines (set forth in the DBD), will be compatible with project architecture, and will be no larger than necessary for adequate identification.
2. The signage will serve primarily to identify the business, establishment or type of activity conducted on the premises, or the product, service or interest being exhibited or offered for sale, rent or lease on the premises.
3. The signage will not excessively compete for the public's attention.
4. The signage will be harmonious with the materials, color, texture, size, shape, height, location, design, and in proportion with the architectural style of the building, property or environment of which they are a part.
5. The design of the signage will be consistent with professional graphic and structural standards.
6. Signage illumination will be at the lowest level consistent with adequate identification and readability.

Variance Requests:

1. The variances do not constitute a grant of special privilege inconsistent with the limitations on other properties in the area or carrying the DBD; Downtown Business District - Area 11: Special Opportunity Site designation.
2. Because of the following special circumstances applicable to the property, strict application of the zoning regulations would deprive the subject property of rights enjoyed by others in the general vicinity and/or located in the same zoning district:
 - (a) The property contains two buildings of historic significance and is eligible to receive consideration of flexible development standards, including floor area ratio (FAR), numerical parking, dimensional parking, building height, and minimum landscape area coverage variances. Collectively, these variances serve to allow additional floor area to be developed in the project, thereby allowing for the reasonable development of the property without the destruction of the historically significant buildings. The mass and scale of the development is

consistent with the DBD - Area 11 development standards and consistent with Danville's vision for the development of the area.

- (b) The proposed variances are not a grant of special privilege as other historic properties in the downtown area have been granted variances allowing for the reasonable development of the property while preserving and rehabilitating the historic building on the site.
3. The variances are in substantial conformance with the intent and purpose of the DBD; Downtown Business District Area 11 - Special Opportunity Site in which the subject property is located. The redevelopment of the subject property will be constructed generally behind, or adequately spaced to the side of, the historic buildings located along the Hartz Avenue frontage, consistent with the historic development patterns of the Downtown.

Tree Removal Request:

1. The Town-protected Heritage Tree (38" diameter Redwood tree) overwhelms the subject property due to its size, has indications of having caused damage to existing physical improvements present on the site, and would significantly compromise the ability to redevelop the site if the tree had to be retained in a redevelopment project.
2. The removal of the tree will not have a negative effect upon soil erosion nor will it result in a significant diversion or increase in the flow of surface water because the property is relatively flat.
3. The removal of the tree will not have a negative effect upon shade or privacy between properties or the scenic beauty of the area due to the location of the tree on the subject property (i.e., centrally located on the property) and its relative location to improvements on surrounding properties. Further, the removal of the tree will be mitigated through imposition of a project condition of approval requiring mitigation plantings.

Certificate of Approval:

1. The proposed removal of the non-historic portion of the Danville Hotel and the associated building modifications to that building and to the McCauley House will not adversely affect the historically significant exterior architectural features of the buildings or the special character, interest or value of their neighboring improvements and surroundings, including

facade, window and door design, roof shapes, scale, height and relationship of material, color and texture.

2. The reviewing body relied upon the most current version of the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," the State Historic Building Code, the Danville Design Guidelines for Heritage Resources, and the updated third-party historic architect evaluation prepared for the project (i.e., "Historical Evaluation - Rehabilitation of the Danville Hotel & Danville Hotel Territories", Knapp & Ver Plank Preservation Architects, dated November 15, 2010).

CONDITIONS OF APPROVAL

Conditions of approval with an asterisk ("") in the left-hand column are standard project conditions of approval. Conditions of approval typed in italicized text are mitigation measures derived from the Mitigated Negative Declaration of Environmental Significance prepared for the project.*

Unless otherwise specified, the following conditions shall be complied with prior to approval of the final map or issuance of grading or building permits for the project.

Each item is subject to review and approval by the Planning Division unless otherwise specified.

A. GENERAL

1. This approval is for Final Development Plan request Dev10-0064, Variance request VAR10-0016, Master Sign Program Review request SR10-0024, Tree Removal request TR10-0022, and Major Subdivision request SD 9292 providing for redevelopment of the 1.12+/- acre Danville Hotel site into a mixed use commercial and residential development. Development shall be substantially as shown on the project drawings and project studies as follows:
 - (a) Site Plans, Roof Plan, Building Elevation and Building Material Plans, Floor Plans, and details labeled "Danville Hotel", depicting the proposed development as prepared by William Hezmhalch Architects, Inc. and consisting of 16 sheets dated November 12, 2010.
 - (b) Tentative Map, Preliminary Grading and Utility Plan, Demolition Plan, and Aerial Photo", depicting the proposed

development as prepared by Carlson, Barbee & Gibson, Inc. and consisting of four sheets dated February 16, 2011.

- (c) Conceptual Landscape Plan, Sections, Elevations, Details and Character Imagery labeled "Danville Hotel", depicting the proposed development as prepared by Gates + Associates and consisting of two sheets dated February, 2011.
 - (d) Final Traffic Impact Study for Danville Hotel Expansion, as prepared by TJKM Transportation Consultants, and consisting of 34 pages and associated appendices and dated February 23, 2011.
 - (e) Preliminary Stormwater Control Plan labeled "Danville Hotel Site", addressing onsite and offsite stormwater treatment options and obligations as prepared by Carlson, Barbee & Gibson, Inc. and consisting of 24 pages and dated February 15, 2011.
 - (f) Preliminary Geotechnical Report labeled "Danville Hotel Site", providing the preliminary soil and geotechnical findings for the project site as prepared by ENGEO, Inc. and consisting of 13 pages and dated July 13, 2010.
 - (g) Phase I Environmental Site Assessment for the Danville Hotel Site, as prepared by Light, Air & Space Construction and consisting of 38 pages and associated appendices and dated May 14, 2010.
 - (h) Third-party historic architect evaluation entitled "Historical Evaluation - Rehabilitation of the Danville Hotel & Danville Hotel Territories", as prepared by Knapp & Ver Plank Preservation Architects and dated November 15, 2010.
2. This entitlement includes the approval of building height variances, average minimum front setback variances, numerical and dimensional parking variances, minimum required coverage of landscape variance, and a FAR/provision of minimum onsite parking variance. To provide reasonable flexibility to the developer to secure ground floor tenants, the project's aggregate numerical parking demand for the commercial portion of the project is pre-authorized for a 5.0% (i.e., six parking

space) upward deviation beyond the projected 125 space numerical parking demand.

3. The developer shall be responsible for the payment of all development processing fees and impact fees associated with the project. The fee amounts to be paid shall be reflective of the fee schedules in effect at the time payment is made, with fees to be paid prior to approval of the final map or issuance of grading or building permits. In addition to various plan checking and inspection fees, notice should be taken of the following fee categories that will be applicable to the project:

Child Care Facilities Fee - Commercial (\$0.25/sq. ft.)

Child Care Facilities Fee - Residential (\$115.00/unit)

Parkland In-lieu Fee - Residential (\$ 4,588/unit)

Excavation Mitigation Fee (\$3,940/acre)

CCCFC&WCD Drainage Area 10 Fee

CCCFC&WCD San Ramon Creek Drainage Area Fee

SCC Regional Fee - Commercial (\$0.94/sq. ft.)

SCC Regional Fee - Residential (\$942/unit)

SCC Sub-Regional Fee - Commercial (\$2.55/sq. ft.)

SCC Sub-Regional Fee Residential (\$2,600/unit)

Commercial TIP Fee (\$4.50/sq. ft.)

Residential TIP Fee (\$1,400/unit)

Tri-Valley Transportation Fee - Commercial (\$1.16/sq. ft.)

Tri-Valley Transportation Fee - Residential (\$1,103/unit)

Waiver of Town-controlled fees may be considered in conjunction with Town Council review and action on the project's historic preservation incentive packet, which involving a separate and subsequent of review from the review and action on the subject planning entitlement requests.

4. Within thirty days of the effective date of this approval, the developer shall reimburse the Town for notifying surrounding residents and interested parties of the public hearings and study sessions for the project. The fee shall be \$229.52 (\$110.00 + 144 notices X \$0.83 per notice).
5. Prior to the issuance of grading or building permits, the developer shall submit written documentation that all requirements of the San Ramon Valley Fire Protection District have been, or will be, met to the

satisfaction of the District. The District's initial comments on this project are dated October 7, 2010.

6. *Prior to the issuance of building permits for the residential portion of the project, the developer shall verify that payment of the applicable school impact fees have been paid to the San Ramon Valley Unified School District. (Mitigation Measure #14.a.)*
7. *Prior to the issuance of building permits for the residential portion of the project, the developer shall make payment to the Town of the applicable parkland in-lieu fees. (Mitigation Measure #14.b.)*
8. The developer shall submit to the Town of Danville fees required to file a Notice of Determination for this project as required by AB 3185. Within five days of the project approval, the developer shall submit to the Town a check in the amount of \$2,044.00 made out to the Department of Fish and Game and a check in the amount of \$50.00 made out to the Contra Costa County Clerk related to the posting of the Notice of Determination for the project.
9. *In the event that subsurface archeological remains are discovered during any construction or pre-construction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Development Services Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if they are deemed necessary. If prehistoric archaeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions. (Mitigation Measure #5.a.)*
10. *Prior to issuance of a grading permit, the developer shall hire a historical resource consultant to determine whether the site contains historic resources. The findings of the consultant shall be submitted in written form to the Planning Division and to the Northwest Information Center of the California Historical Resources Information System at Sonoma State University. All work shall comply with the requirements of the California Historical Resources Information System. (Mitigation Measure #5.b.)*
11. *The developer shall require their contractors and subcontractors to fit all internal combustion engines with mufflers, which are in good condition, and*

to locate stationary noise-generating equipment as far away from existing residences as feasible. **(Mitigation Measure #12.a.)**

12. Construction activity shall be restricted to the period between the weekday hours of 7:30 a.m. to 5:30 p.m. (Mondays through Fridays), unless otherwise approved in writing by the City Engineer for general construction activity and the Chief Building Official for building construction activity. Prior to any construction work on the site, including grading, the developer shall install a 3' x 3' sign at the project entry which specifies the allowable construction work days and hours, and lists the name and contact person for the overall project manager and all contractors and sub-contractors working on the job. **(Mitigation Measure #11.b.)**
13. The developer shall provide security fencing, to the satisfaction of the City Engineer and/or the Chief Building Official, around the site during construction of the project. All security fencing shall be fitted with woven polyethylene privacy and windscreen fabric, 85% minimum closed mesh with grommets for securing to chain link fabric.
14. A watering program, which incorporates the use of a dust suppressant and which complies with Regulation 2 of the Bay Area Air Quality Management District, shall be established and implemented for all on- and off-site construction activities. Equipment and human resources for watering all exposed or disturbed soil surfaces shall be supplied on weekends and holidays as well as workdays. Dust-producing activities shall be discontinued during high wind periods. **(Mitigation Measure #3.a.)**
- * 15. All physical improvements shall be in place prior to occupancy of any building in the project. If occupancy within the project is requested to occur in phases, all physical improvements serving that phase shall be required to be in place prior to occupancy, except for items specifically excluded in a construction-phases occupancy plan approved by the Planning Division. No building shall be occupied until heavy construction activity in the adjoining area is complete, the area to be occupied is determined to be safe, accessible, provided with all reasonably expected services and amenities, and is appropriately separated from remaining additional construction activity.
- * 16. As part of the initial submittal for the demolition permit and/or building permit review process (whichever occurs first), the developer shall submit a written Compliance Report detailing how the conditions of approval for this project have been complied with. This report shall

list each condition of approval followed by a description of what the developer has provided as evidence of compliance with that condition. The report is subject to review and approval by the City Engineer, Chief of Planning, and/or Chief Building Official, and may be rejected if it is determined to not be comprehensive with respect to the applicable conditions of approval.

17. The residential units developed in the project may be used for home occupation uses, as that activity is defined in Section 32-2.2 ("Words and Phrases Defined") of the Danville Municipal Code. The home occupation use shall be clearly ancillary to the primary, residential use of the unit they are located within. Home occupation compliance reports shall be processed through the Planning Division and business license applications shall be processed through the Finance Department before home occupation uses are established in the project.
18. Except as provided for through these project conditions of approval, development of the commercial portion of the project, and the allowable and conditionally allowable uses established within this portion of the project, shall comply with DBD; Downtown Business District Area 11 - Special Opportunity Site standards.
- * 19. Planning Division approval is required prior to final occupancy being authorized for any building in the project by the Building Division.
20. The developer shall create a construction staging plan that addresses the ingress and egress location for all construction vehicles, parking and material storage area. This plan shall be subject to review and approval by the Planning and Engineering Divisions prior to the issuance of a demolition permit, grading permit, or building permit. No staging or storage shall occur in the public right-of-way or on publically owned property unless preauthorization is secured from the Engineering Division through an encroachment permit.
21. Prior to the establishment and use of exterior seating for the proposed food service uses in the project, business-specific land use permit approvals shall be secured.
22. Except as provided for by Section 32-45.27 of the DBD regulations ("Outdoor Display of Merchandise Criteria"), no exterior storage or display of merchandise is permitted within the commercial portion of

the project without prior review and approval through a land use permit application.

23. Without prior approval of a tenant-specific land use permit, only retail or food service uses, as set forth in the DBD; Downtown Business District, shall be established as ground-floor uses in the commercial portion of the project.
24. Pursuant to the regulations contained in the California Uniform Retail Food Facilities Law, food service uses established in this project shall submit plans to the Contra Costa Environmental Health Division (CCEHD) for review and approval prior to issuance of the respective tenant building permits for such food service uses. A CCEHD permit shall be secured for each retail food facility established in the project.
25. No post-completion exterior modifications to buildings established in this mixed use project shall occur without prior review and approval of a Revised Final Development Plan application, which may be processed as an administrative permit unless a Planning Division determination is made that the request constitutes a significant alteration to the affected building.
26. *If grading or tree removal is proposed during the raptor nesting season (i.e., between February through August), a focused tree pre-construction survey for raptor nests shall be conducted by a qualified biologist to determine if active nests are present on the project site. The survey shall be conducted no less than 14 days, and no more than 30 days, prior to the beginning of grading or tree removal activity. If nesting raptors are found during the focused survey, no grading or tree removal shall occur until the young have fledged (as determined by a qualified biologist). If impacts to nest trees are unavoidable, they shall be removed during the non-breeding season. (Mitigation Measure #4.a.)*

B. SITE PLANNING

1. *Exterior wall-mounted lighting shall be at the minimum lighting intensity necessary to provide adequate lighting for safety and security purposes. Project light fixtures shall be of a design that generally screens the view of the light source and provides down-directed lighting. Prior to the issuance of building permits, the developer shall submit a photometric plan as part of the lighting plan that indicates lighting locations and fixture details and provides the corresponding photometric information. This plan shall be subject to*

review and approval by the Planning Division and Design Review Board (DRB). If required by the Planning Division and/or the DRB, field modifications found necessary to prevent inappropriate levels of off-site light intrusion and/or glare shall be made. (Mitigation Measure #1.a.)

2. The location of any pad mounted electrical transformers shall be subject to review and approval by the Planning Division, DRB and Historic Design Review Committee (HDRC) prior to the issuance of a building permit. Unless determined not feasible by these reviewing bodies, such transformers shall not be located between any street and the front of a building and shall be adequately screened and mitigated with appropriate landscaping.
3. The developer shall be responsible for the installation of a minimum of four five-bicycle capacity bike racks within the commercial portion of the project and two five-bicycle capacity bike racks for the residential parking area of the project (which may be located within the at-grade parking structure). The location of the racks shall be as determined acceptable by the Planning Division.
4. The construction drawings and final map for the residential portion of the project may depict up to a maximum of eighteen residential units. The number of units that are built in the project is at the discretion of the developer. The flexibility in residential unit count is provided to allow options to the developer as to how the project's Community Redevelopment Law (CRL) or Town of Danville inclusionary housing obligation is met. If a seventeenth or eighteenth residential unit is added beyond the proposed sixteen units, the aggregate square footage of the residential portion of the project is authorized to increase a maximum of 500 additional square feet.

C. LANDSCAPING

- * 1. Final Landscape and Irrigation Plans (Landscape Plans), with planting shown at 1"=20' scale, shall be submitted for review and approval by the Planning Division. The plan shall include common names of all plant materials and shall indicate the size that various plant materials will achieve within a five-year period of time.
2. All plant material shall be served by an automatic underground irrigation system and maintained in a healthy growing condition. The

irrigation system shall comply with East Bay Municipal Utility District's Section 31 Water Efficiency requirements, including use of a weather-based controller with soil moisture probe and rain-shutoff switch.

3. *The Final Landscape and Irrigation Plans submitted for the Project shall be accompanied by a written report prepared by the Project Landscape Architect documenting how the plans comply with applicable outdoor water-use efficiency recommendations and requirements in place at the time of their submittal. The report shall, at a minimum, speak to conformance to applicable East Bay Municipal Utility District (EBMUD) recommendations and requirements and the State of California Department of Water Resources requirements that would pertain to the project regarding the Water Conservation in Landscaping Act of 2006 (AB 1881). (Mitigation Measure #17.a.)*
4. All trees shall be a minimum of 15-gallon container size. All trees shall be properly staked. All shrubs used in the project, which are not used as ground cover, shall be a minimum of five gallons in size.
- * 5. All landscaped areas not covered by shrubs and trees shall be planted with live ground cover. All proposed ground cover areas shall be planted and maintained so that they fill in the affected landscape areas within a two year period.
6. The Conceptual Landscape Plan is not approved as submitted relative to: (a) the proposed placement of street trees and brick banding along Railroad Avenue; (b) the proposed placement of decorative bollards at back-of-curb locations at the east and west entries of the central pedestrian corridor running between Hartz Avenue and Railroad Avenue; (c) the proposed location for exterior seating within the central pedestrian corridor that would serve the Sideboard Restaurant tenant space; (d) the proposed placement of the westernmost "Flowering Accent Tree" shown for linear planting in the pedestrian corridor; (e) the proposed pavement treatment at the northwest corner of the property that extends into the recently constructed bulb-out for the Hartz Avenue and Prospect Avenue intersection; (f) placement of "Special Monument Holiday Tree" planting along Railroad Avenue; and (g) color selection for accent concrete placed between the street-side of new buildings and the public gutter pan/curb. Conceptual design direction for these respective items, to be addressed with the

formalized design review as part of the HDRC/DRB review of Final Landscape and Irrigation Plans, is as follows:

- (a) Street tree planting and brick banding (placed in bands extending perpendicularly from back of curb to building footprint) along Railroad Avenue shall be modified to a 25'+/- on center planting template, substantially consistent with the Staff Study COA #C.7.(a). dated March 10, 2011 (included as Exhibit O of the March 22 Staff Report for the project);
- (b) Decorative bollards at east and west entries of the central pedestrian corridor shall be pulled back to be wholly contained on private property and with consideration given to the merits of having low-level pedestrian lighting capabilities provided by the design of the relocated bollards;
- (c) Exterior seating for the remodeled Sideboard Restaurant tenant space (beyond the seating on the raised deck along Hartz Avenue) shall be depicted on a plan submittal for a revised Land Use Permit for the tenant space's exterior seating, with such seating encouraged to be placed in the northern limits of the secondary north-south pedestrian corridor running along the west side of the two historic buildings;
- (d) The westernmost "Flowering Accent Tree" of the linear planting in the pedestrian corridor shall be pulled into the project site the equivalent depth of two sidewalk panels deeper into the east-west central pedestrian corridor (complementing the placement of the next accent tree relative the circular brick banding treatment proposed in this area), so the tree does not "read" as a Railroad Avenue street tree;
- (e) Pavement/brick banding treatment in the bulb-out at the northwest corner shall be substantially consistent with Staff Study COA #C.7.(e). dated March 10, 2011 (included as Exhibit P of the March 22 Staff Report for the project); and
- (f) The "Special Monument Holiday Tree" planting treatment proposed along Railroad Avenue at the project's northwest corner (shown within the bulb-out extending into the public right-of-way) shall be matched with one or two matching tree

plantings at the future northeast and southeast bulb-outs for the proposed mid-block intersection at the intersection of Short Street and Railroad Avenue; and

- (g) Color selection for concrete in the pedestrian zone between the street-side of new buildings and the back of curb of the public sidewalk area shall be subject to review and approval by DRB, with such review to benefit from onsite mock up concrete samples and with a design directive to use a color that compliments the standard color of public sidewalks.

7. *The Project Landscape Architect shall calculate the diameter of the Town-protected Heritage Tree slated for removal (i.e., the Redwood Tree currently 38" in diameter) as of the date of the grading permit application and submit that calculation to the Planning Division. The developer shall be required to mitigate the loss of the Heritage Tree with a number and size of oak trees (or approved alternate tree species) equal to the total inches of diameter of the tree to be removed. The required mitigation tree planting shall be in addition to the street trees otherwise required to be planted as part of the project's landscape plan. Since the project landscape plan will not accommodate the number of trees necessary under this mitigation measure, credit for the remaining trees shall be obtained through off-site oak planting (i.e., by "Off-Site Inches") and/or restoration as deemed acceptable to the . The developer may satisfy the off-site planting obligation in either of the two following manners (or in a combination of the two):*

- (a) *The developer may plant 24-inch box trees with a cumulative diameter equal to the Off-Site Inches (credited at 2 inches per 24-inch box tree) and install and maintain irrigation for those trees until they are established, at an off-site location or locations to be approved by the Planning Division; or*
- (b) *The developer may, rather than planting trees itself, apply that cost to a recognized, Planning Division -approved off-site planting or restoration program.*

(Mitigation Measure #4.b.)

8. Unless otherwise directed through the review of the Final Landscape and Irrigation Plans, the street tree selections shall be Puyrus calleryana ("Autumn Blaze" or flowering pear) for Hartz Avenue,

Pistache chinensis, ("Chinese Pistache") for Prospect Avenue, and Quercus rubra (an oak in the red oak group).for Railroad Avenue.

9. The developer shall be responsible for installation of a dedicated irrigation system constructed to current Town standards for watering of those street trees planted as part of the project. Said system shall include a separate water service with meter, a separate electrical service with meter, and a multi-functional controller. The developer may choose to investigate extending existing Town-owned systems in lieu of the installation of a new system. Existing systems that may be considered for possible extension are located within the adjacent Railroad Avenue Municipal Parking Lot, the Clock Tower Municipal Parking Lot, and the Veterans Memorial Building (upon completion of the current remodel/expansion project). All costs associated with installation of a new system or the extension of an existing system will be the responsibility of the developer.

D. ARCHITECTURE

- * 1. All ducts, meters, air conditioning and/or any other mechanical equipment, whether on the building or on the ground, shall be effectively screened from view with landscaping or materials architecturally compatible with the main buildings. [*See also COA#E.10. below for additional requirements/direction for screening of mechanical equipment and vents for the two historic buildings.*]
2. Trash, refuse and recycling shall be contained within a trash/recycling enclosure that is architecturally compatible with the project architecture. Unless otherwise authorized by the Planning Division, the enclosure design and location shall be substantially as depicted on the project drawings cited in Condition of Approval #A.1.a., above (i.e., shall be integrated as part of the structure containing the at-grade parking facilities). The trash/recycling area shall have lockable and self-closing doors. Prior to the issuance of a building permit, the developer shall coordinate with the project site's solid waste purveyor to verify that the planned trash/recycling area is appropriately sized and located to handle projected trash and recycling generation levels for the project. The trash/recycling area shall be designed so as not to allow stormwater run-off to enter the area from adjacent surfaces nor to allow wastewater originating from the area to seep outside the area. The area drain for the trash/recycling area shall be connected to the

sanitary sewer, not the storm drain system. Since the trash area will serve retail food facilities, it shall be equipped with a hot/cold water supply that is satisfactory to the Contra Costa Environmental Health Division.

3. Prior to the issuance of building permits, the proposed method to denote street numbers for tenant spaces and residential units in the project shall be submitted for review and approval by the Planning Division. Street numbering shall be posted so as to be easily seen from the street at all times, day and night by emergency service personnel.
4. Samples of final materials and the proposed color palette shall be submitted for review and approval by the Design Review Board (DRB) prior to the issuance of building permits for new construction. Color mock-ups shall be made available at the project site prior to scheduling the project buildings for final DRB review. [*See also COAs #E.12. & #E.13 below for additional requirements/direction involving the choice of exterior paint colors involving the two historic buildings.*]
5. The second phase of the project's linear review of preliminary architectural design shall provide for a review and approval of architectural elevations, details and revisions by the DRB and the Historic Design Review Committee (HDRC) a minimum of thirty days prior to developer-initiation of the Building Division plan check process. This layer of review shall provide project architectural details as called for by the Danville Design Review Board Submittal Requirement Checklist (as revised April 2000). The project architectural sections developed and submitted for review shall include, at a minimum, the eighteen sections presented to DRB at the project's phase one preliminary architectural design of December 1, 2010 (refer to Staff Study COA#D.1. dated March 15, 2011 included as Exhibit Q of the March 22, 2011 staff report for the project).
6. To facilitate a more detailed review of the project's proposed building massing and overall site planning, the second phase of the project's preliminary architectural design review shall include a 3D wire frame model drawing in AutoCAD format, or as otherwise determined acceptable to the Planning Division, detailing public views of the new project building elevations (i.e., the Railroad Avenue, Prospect Avenue and Hartz Avenue building elevations). If a determination is made by the Engineering Division to reduce the existing curb-to-curb street

section for Railroad Avenue with the project's reconstruction of Railroad Avenue frontage improvements, pre-authorization is granted to have up to 25% of Building 2's Railroad Avenue building frontage narrowed a corresponding amount (i.e., pre-authorization is granted, where the Railroad Avenue public right-of-way is narrowed from its current curb-to-curb width to decrease up to 25% of Building 2's Railroad Avenue front building setback by a corresponding amount of the right-of-way width reduction - to a maximum of 2'-6"). (*See also COA#H.6., below for additional requirements/direction regarding design and construction of Railroad Avenue frontage improvements.*)

7. In advance of submittal for the second phase of the project's linear review of preliminary architectural design, the developer is encouraged to incorporate design features into the project that add architectural interest and detailing. Examples of items that would add such architectural interest and detailing include: (a) integration of unique project signage into project architecture; (b) recessing of windows at first and second floors; (c) use of a water feature(s) as the focal feature in the central pedestrian corridor; (d) use of custom designed light fixtures; (e) use of high-end/elegant architectural pottery; (f) use of different storefront styles; (g) use of a substantial trellis as an entry treatment to the pedestrian corridors; (h) enhanced paving details at storefront entries and/or on facings of project stairways; introduction of thematic motif detailing tying project together project architecture; (i) selective second floor building setbacks (to break up massing); (j) introduction of landscape planning (e.g., vines) on selected ground floor building elevations; (k) use of high-end/elegant sign blades and accent lighting; (l) variation in signage treatment and lighting; (m) variation in building plane where exterior building material changes occurred; and (n) use of recesses between top of wall and parapet roof features.
8. Final architectural elevations, details and revisions, presented in construction plan detail, shall be submitted for review and approval by the DRB prior to issuance of building permits for the project. Ten full size sets of progress construction drawings for the project shall be submitted for the review. This review may be concurrent with the plan check review of building permits for new project construction.
9. Final exterior building colors for all project buildings shall be subject to review and approval by the DRB prior to final of a frame inspection for

any project building permit. Exterior paint color mock-ups shall be provided to facilitate the color review. [*See also COAs #E.7., #E.8., and #E.15 through #E.18 below for additional requirements/direction impacting exterior building material selection involving both the two historic buildings and the proposed new buildings.*]

10. Details for Master Sign Program Sign Review request SR10-0024 shall be subject to review and approval by the DRB prior to building permit issuance. At the discretion of DRB, SR10-0024 may be referred to the Planning Commission for review and action. [*See also COA #E.14 and below for additional requirements/direction impacting signage developed for the two historic buildings.*]
11. Without prior authorization by the Planning Division, no windows in the commercial portion of the project shall be utilized for permanent window signage or shall have the visibility to the spaces they serve be blocked by wall partitions, store fixtures, or displays. At the discretion of the Planning Division, staff may refer requests that deviate from these standards to the Planning Commission for review and action.
12. No window tinting is permitted in any windows or doors without prior authorization from the Planning Division.
13. All temporary signage utilized by the tenants in this center shall conform to the standards for temporary and promotional business signage contained in the Danville Sign Ordinance.
14. Unless otherwise directed through building code regulations, roof vents established on the residential buildings which are visible from the surrounding public or private roadway system shall be limited to low profile roof vents. All residential roof vents shall be painted a color to blend with the roof and shall be painted with a flat finish.
15. In conjunction with the preparation of the final working drawings for the residential buildings, efforts shall be made to maximize the size of individual storage areas available to all project residential units. To the extent reasonably feasible, each unit should be supplied the following storage areas: entry closet storage area; closet storage on the patio/balcony areas; and overhead cabinet storage within garages. The exact location, size and configuration of the storage areas shall be

subject to review and approval by the Planning Division prior to the issuance of building permits.

16. The design of new buildings shall be modified, where such change does not compromise the architectural design integrity of the project buildings, to reduce maximum building heights to a maximum height of 37 feet. An exception to this directive is granted for the two proposed elevator towers which are authorized for construction at the building heights depicted on the project plans (i.e., 44'- 0").

E. HISTORIC PRESERVATION

1. *The building renovation plans for the two historic buildings shall comply with the Danville Design Guidelines for Historic Resources and the third-party historic architect report cited in Condition of Approval #A.1.h., above. (Mitigation Measure #5.c.)*
2. *Developer shall submit a structural report/building restoration plan for review and approval by the Planning Division and Building Division prior to issuance of a building permit to alter the exterior of the Danville Hotel building (which is authorized to include the removal of the non-historic portion of the Danville Hotel building). The report shall include provisions for preservation of the existing exterior materials, doors, trim or other significant historic architectural features that may be affected by the proposed partial demolition of the building. The report shall detail specific recommendations for foundation design. The plans shall address how structural and/or seismic upgrades are proposed to be implemented, with a goal of providing these improvements in the least invasive method possible as relates to the exterior of the building. (Mitigation Measure #5.d.)*
3. *Developer shall submit a building restoration plan for the McCauley House building for Planning and Building Division review and approval. The plans shall address how any required structural and/or seismic upgrades are to be implemented, with a goal of providing these improvements in the least invasive method possible as relates the exterior of the building. (Mitigation Measure #5.e.)*
4. *Developer shall take all reasonable precautionary measures to ensure that the two historic buildings will not be significantly damaged by the remodel effort. If significant damage to either building occurs during remodeling efforts, the owner shall immediately inform the Planning Division and develop a response plan for review and approval. If it is found that exterior architectural elements*

or materials that were intended to be maintained on the buildings are damaged beyond repair, the developer shall be responsible for replacing the element(s)/material with a historically accurate element(s)/material as determined acceptable by the Historic Design Review Committee (HDRC). At the discretion of the Planning Division or the HDRC, such modifications may be referred to the Heritage Resource Commission for review and action. (Mitigation Measure #5.f.)

5. *New exterior materials for the historic buildings shall match the originals in appearance as closely as reasonably feasible. (Mitigation Measure #5.g.)*
6. *Developer shall be responsible for funding a third party review of the project building permit plans and on-site oversight during the partial building demolition of the Danville Hotel building. The third party reviewer shall be a professional historical architect that is chosen by the Planning Division and is acceptable to the developer. (Mitigation Measure #5.h.)*
7. The design, finish and construction materials used for the second story windows on the new western (rear) building elevation of the Danville Hotel shall be subject to review and approval by the HDRC prior to submittal of building plans for plan check for the proposed remodeling of the building. In conjunction with this review, the project architect shall report on the feasibility of relocating any of the existing windows on portions of the building slated for demolition to this new building elevation. The information in this report shall include documentation as to how similar in design, materials, and construction details these windows are to other, original windows located on the building that are slated for retention. Information on the feasibility of retaining the top right (southerly) second story rear window, assumed to be an original window in the building, shall also be addressed in the report. If HDRC's review leads to a determination that the new building elevation can't, or shouldn't, utilize relocated windows, the project architect shall have the responsibility to document the efforts to be taken to construct and install replicate windows that match, to the extent reasonably feasible, the design, finish, and construction materials of the original windows to be retained elsewhere on the building.
8. The design, finish and construction materials used for any new ground floor entry door on the new western (rear) building elevation of the Danville Hotel shall be subject to review and approval by the HDRC prior to submittal of building plans for plan check for the proposed

remodeling of the building. In conjunction with this review, the project architect shall report on the feasibility of relocating an existing door (or doors if more than one door is proposed in this location) from a portion of the building slated for demolition to this new building elevation. The information in this report shall include documentation as to how similar in design, materials, and construction details the door (or doors) are to other, original doors located on the building that are slated for retention. If HDRC's review leads to a determination that the new building elevation can't, or shouldn't, utilize a relocated door (or doors), the project architect shall have the responsibility to document the efforts to be taken to construct and install replicate doors that match, to the extent reasonably feasible, the design, finish, and construction materials of the original doors to be retained elsewhere on the building.

9. To facilitate the reviews called for in Conditions of Approval #E.7. and #E.8. above, the developer shall open up existing interior walls of the Danville Hotel at the location that is to become the reestablished western exterior building wall to allow the project's third party Historic Architect and/or HRDC, through onsite inspections, an opportunity to determine if the historic location of doors and/or windows for this original building elevation can be reestablished upon the planned demolition of the non-original western portion of the Danville Hotel. The partial interior demolition work necessary to facilitate the review called for in this condition shall occur prior to submittal of building plans for plan check for the proposed partial demolition/remodeling of the Danville Hotel.
10. The design, finish and construction materials, as well as the proposed method of screening, of all replacement mechanical equipment and associated vents serving future tenants in the McCauley House or the Danville Hotel buildings, where such improvements would be viewable by the public, shall be subject to review and approval by HDRC prior to issuance of building permits. As part of this review, the status of the architectural projection at the second floor area of the south side building elevation of the Danville Hotel (between the second floor windows on this building elevation) shall be established. If this a non-historic architectural feature whose elimination could be provided for through the relocation of mechanical equipment and associated venting for the Danville Hotel, the feasibility/desirability of such

removal shall be reported on by the project architect as part of the HDRC review.

11. With acknowledgement that new/modified exterior building-mounted lighting will be established following the partial demolition and remodeling of the Danville Hotel, the project architect shall prepare and submit a master building lighting plan for the Danville Hotel and the McCauley House buildings for HDRC review and approval that provides for a coordinated and integrated exterior lighting scheme that would provide for lighting improvements that are complimentary and functional to the buildings and are consistent with the intent of the Danville Historic Design Guidelines.
12. With acknowledgement that portions of the Danville Hotel are currently in need of exterior repainting and that the new western building elevation will be painted, the color selection for exterior paint(s) used for the Danville Hotel shall be subject to review and approval prior to framing inspection for the building permit for the demolition/remodel work of that building.
13. With acknowledgement that the exterior McCauley House was repainted in conjunction with the most recent tenant occupancy without the requisite review and approval of paint colors, the building shall be repainted prior to occupancy of the replacement building tenant with paint colors that have been reviewed and approved by HDRC.
14. With acknowledgement that changes in tenant occupancies in the Danville Hotel and the McCauley House buildings will occur following completion of the scheduled construction work involving the buildings, and in acknowledgement that exiting wall-mounted and mini-pole freestanding signs serving existing tenants in these two buildings did not receive a review through a Master Sign Program, the applicant shall submit details of the proposed signage in conjunction with the submittal to be made for Project Condition of Approval #D.10.
15. In acknowledgement that the project architectural drawings depict the proposed use of fiber cement horizontal lapped siding for use on some exterior areas of new construction, the project architect shall submit details of the construction material, exterior design finish/treatment, and installation details of the proposed siding for review and approval

by HDRC. This review shall occur prior to submittal of building plans for plan check for new construction. The purpose of the review shall be to seek and secure a HDRC determination that the siding selected, where coupled with the installation details that are to be utilized, abide with the intent of Danville Historic Design Guideline 6.16 "Exterior Horizontal Siding in New Construction" which states, in part, "(h)orizontal lap siding should be applied in a manner similar to that seen historically". The horizontal siding used in the project, and the manner it is installed, shall be such that it secures a determination from HDRC that it has a finished appearance that "relate(s) to the lap exposure, texture and finish of traditional wood siding."

16. In acknowledgement that the project architectural drawings depict extensive use of brick veneer materials - particularly on the first floor levels of the two new buildings - the project architect shall submit details of the construction material, exterior design finish/treatment, and installation details of all proposed brick veneer/masonry material for review and approval by HDRC. This review shall occur prior to submittal of building plans for plan check for new construction. The purpose of the review shall be to seek and secure a HDRC determination that the brick veneer/masonry materials selected, where coupled with the installation details that are to be utilized, abide with the intent of Danville Historic Design Guideline 6.17 "Brick Veneer/Masonry in New Construction" which frames the limitations for use of such material to where "(u)se of masonry that appears similar in character to that seen traditionally". The brick veneer/masonry material used in the project, and the manner it is installed, shall be such that it secures a determination from HDRC that it has a finished appearance that "does not appear to be merely a veneer. In other words, it should wrap around corners in a convincing manner and avoid the placement of expansion joints in highly visible areas."
17. In acknowledgement that the project architectural drawings depict use of non-traditional materials in several areas - specifically cement fiber board horizontal siding and the use, particularly as cornice, stringcourse, and arch treatments, of non-traditional foam (Dryvit)-based materials - the project architect shall submit details of these non-traditional materials for review and approval by HDRC. This review shall occur prior to submittal of building plans for plan check for new construction. The purpose of the review shall be to seek and secure a

HDRC determination that the non-traditional materials selected, where coupled with the installation details that are to be utilized, abide with the intent of Danville Historic Design Guideline 6.17 "Non-traditional Materials in New Construction" which states that "(o)ther non-traditional materials are generally not appropriate, but will be considered on a case-by-case basis." The non-traditional materials used in the project, and the manner they are installed, shall be such that they can secure a determination from HDRC that the product(s) selected, and the manner it is (they are) installed, must "appear similar in scale, proportion, texture, and finish to those used traditionally."

18. Unless otherwise authorized by HDRC as part of their review of architectural details, the non-historic stucco finish at the rear (western) building elevation for the McCauley Residence shall be replaced with more historically appropriate exterior building material.
19. With the demolition of the non-original, two-story addition at the rear of the Danville Hotel, the existing exterior stairway at the northwest corner of the building will be removed and a replacement exterior stairway is proposed to be constructed. The ground floor area at the north elevation of the Danville Hotel is also non-original construction, having been converted over time from an open air porch to a portion of the interior seating area serving the food service use in this ground floor tenant space. The replacement stairway will result in the removal of one of the five existing window panels installed for the conversion of this area to an enclosed seating area. The replacement stairway shall use porch guards and stairway railings that replicate the design and materials of the existing porch guards and stairway railings.

F. PARKING

1. Unless otherwise approved by the Town Council as part of the historic preservation incentive package for this project, the developer shall be required to pay parking in-lieu fees for project parking need beyond that of the pre-development condition that will be handled by municipal parking facilities. The preliminary estimate of enhanced dependency on municipal parking facilities converts to a project obligation to make in-lieu payment for slightly in excess of eighteen parking spaces as the project parking demand on municipal parking facilities would rise from 77.2 spaces in the pre-project condition to a 95 space dependency after project completion. The two new food service uses in the project shall have seating limitations that in aggregate limit

indoor seating to a maximum of 170 seats and limit outdoor seating to a maximum of 85 seats. The existing food service use (i.e., Sideboard Restaurant) shall observe a maximum interior seat count of 48 seats and a maximum exterior seat count of 28 seats.

2. *Prior to the issuance of a building permit for the project, a Parking Management Plan agreement for the project shall be developed and submitted for review and approval by the Planning Division and the Transportation Division. Each commercial tenant occupying the project shall be provided an executed copy of the Parking Management Plan along with their rental agreements and each individual lessee shall submit written verification of their awareness and acceptance of the requirements of the Plan. The Plan shall include, at a minimum, the following provisions: (a) commitment to provide and maintain directional signage indicating where the nearest municipal parking facilities are located; (b) a system to monitor ongoing compliance with the Plan; (c) a mechanism to allow changes to the Plan as may be deemed necessary over time to meet the established goals of the Plan (with such changes to be submitted to the Planning Division and the Transportation Division for review and approval); (d) commitment by the property owner to provide commute alternative information to all tenants prior to their respective occupancies in the project; (e) a commitment by the property owner that all reasonably feasible efforts shall be made to enforce the intent and requirements of the Plan; and (f) commitment by the property owner to require all business owners and their employees to secure and utilize municipal parking permits and park off-site in appropriate public parking areas as directed by the Transportation Division. (Mitigation Measure #16.a.)*
- * 3. All parking spaces shall be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles.
- * 4. Where authorized, compact car spaces shall be clearly designated with appropriate pavement marking. Compact spaces shall be no less than 8 feet by 16 feet in size, inclusive of allowable overhang.
5. Regulatory signage/curb painting for non-parking sections of the interior roadways shall be provided, if deemed necessary, to the satisfaction of the San Ramon Valley Fire Protection District and the Engineering Division.

6. All parking spaces located within the accessed-controlled residential garage shall be maintained and utilized for their intended purpose (i.e., to allow the assigned parking of resident vehicles). Language shall be included within the project CC&Rs that specifies this requirement and establishes a mechanism for property-owner imposed fines for residents who do not comply with this requirement.
7. The developer shall prepare and submit a draft Truck Delivery Management Plan for Planning Division and Transportation Division review and approval that shall serve to regulate against unnecessary early hour truck arrivals and deliveries that would be disruptive to surrounding residents or create vehicular congestion.
8. The developer shall work with the Engineering Division and the Transportation Division and the appropriate transit agency to determine if new or alternate bus stop locations along the frontage of the subject property are warranted with the redevelopment of this property. If new or alternate bus stop locations are deemed warranted, then all necessary improvements shall be the developer's responsibility to install.

G. GRADING

- * 1. Any grading on adjacent properties will require prior written approval of those property owners affected.
- * 2. At least one week prior to commencement of demolition or grading activities, the developer shall post the site and mail to: (a) the owners of property within 300 feet of the exterior boundary of the project site; (b) the business owners of businesses within 300 feet of the project boundary; and (c) the Planning Division, a notice that construction work will be commencing at the project site. The notice shall include the appropriate list of project contact persons, indicating name, title, phone number and area of responsibility of such persons. The person responsible for maintaining the list shall also be indicated on the notice. The notice shall be kept current at all times, posting the persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified on the notice.
3. *Where geotechnical conditions encountered in grading operations and/or site preparation work are different from that anticipated in the preliminary*

geotechnical report or the design-level geotechnical exploration, a revised report shall be prepared and submitted for review and approval by the Engineering Division. It shall be accompanied by an engineering and geological opinion as to the safety of the site from settlement and seismic activity. (Mitigation Measure #6.f.)

- * 4. All development shall comply with Danville Ordinance 2004-06 (which added Chapter 20 to the Danville Municipal Code relating to Stormwater Management and Discharge Control). All development shall also comply with the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order No. 2009-0009-DWQ, NPDES No. CAS000002), adopted by the State Water Resources Control Board on September 2, 2009, and effective on July 1, 2010. These regulations require, among other things, that a Stormwater Pollution Prevention Plan (SWPPP) be prepared by a Qualified SWPPP Developer for submission to the State of California via the on-line Storm Water Multi-Application Reporting & Tracking (SMARTS) system. No land-disturbing activity shall occur until a Notice of Intent (NOI) is filed and a Waste Discharge Identification (WDID) number is issued by the State of California. A copy of the NOI, including the WDID number and attached SWPPP, shall be kept at the site at all times, with a copy provided to the Engineering Division. The requirements of the SWPPP and all other Permit Registration Documents shall be fully implemented during land-disturbing activities.
5. *To adequately mitigate the shaking effects associated with a moderate to high earthquake within the San Francisco Bay region, all project buildings shall, at a minimum, be designed using sound engineering judgment and the 2010 California Building Code requirements. Buildings shall be designed to be able to: (a) resist minor earthquakes without damage; (b) resist moderate earthquakes without structural damage but with some nonstructural damage, and (c) resist major earthquakes without collapse but with some structural as well as nonstructural damage. Buildings shall be designed to reflect the subject property's location within Seismic Site Class D and shall provide for the soil profile and seismic coefficients cited in the project geotechnical report (i.e., the Preliminary Geotechnical Report cited in Condition of Approval #A.1.f., above). (Mitigation Measure #6.a.)*
6. *Prior to submittal for project building permits, a design-level geotechnical exploration of the subject property shall be made that shall include soil sampling and laboratory testing for the evaluation of the expansion potential*

of soils present at the site. Mitigation measures called for in that report for both general site improvements and for structure foundation design shall be followed to mitigate potential impacts resulting from the presence of expansive soils. Prior to commencing drilling activities for any soil borings associated with the geotechnical investigation (or any environmental investigation and/or cleanup) a permit from the Contra Costa Environmental Health Division shall be secured. **(Mitigation Measure #6.b.)**

7. The design-level geotechnical exploration shall be of a sufficient scope and detail to document whether compressible soil layers are present at the subject property. As dictated by the findings of that report, project foundation design utilized in the project shall be as necessary to mitigate potential total or differential settlement of compressible soil layers as a result of planned loading at the surface associated with new buildings and/or fill. **(Mitigation Measure #6.c.)**
8. An evaluation of the site's soil corrosion potential shall be determined through the preparation of a soil corrosion study, which shall be integrated into the design-level geotechnical exploration and shall be prepared by a corrosion consultant. The soil corrosion study shall be subject to review and approval by the San Ramon Valley Fire Protection District and the Engineering Division. As dictated by the findings of that study, site-specific design measures shall be developed and implemented to protect buried pipelines and other infrastructure elements against corrosion. **(Mitigation Measure #6.d.)**
9. If toxic or contaminated soil is encountered during construction, all construction activity in that area shall cease until the appropriate action is determined and implemented. The concentrations, extent of the contamination and mitigation shall be determined by the Contra Costa County Health Department. Suitable disposal and/or treatment of any contaminated soil shall meet all federal, state and local regulations. If deemed appropriate by the Health Department, the developer shall make provisions for immediate containment of the materials. Runoff from any contaminated soil shall not be allowed to enter any drainage facility, inlet or creek. **(Mitigation Measure #6.e.)**
10. All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall be covered. **(Mitigation Measure #3.b.)**
11. Any abandoned wells (water, environmental, or geotechnical) and septic tanks shall be destroyed under permit from the Contra Costa Environmental Health Division (CCEHD). If the existence of such wells or septic tanks are known in

advance or discovered during construction or other activities, these shall be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements. (Mitigation Measure #8.a.)

H. STREETS

- * 1. The developer shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.
- * 2. Project street signing shall be installed by the developer, as may be required by the Engineering Division. Traffic signs and parking restriction signs, which may be required to be installed, shall be subject to review and approval by the Transportation Division and the Police Department.
3. *All mud or dirt carried off the construction site onto adjacent streets shall be swept each day. Water flushing of site debris or sediment or concrete washing is prohibited. (Mitigation Measure #9.i.)*
- * 4. Any damage to street improvements now existing or done during construction on or adjacent to the subject property shall be repaired to the satisfaction of the Engineering Division, at full expense to the developer. This shall include slurry seal, overlay or street reconstruction if deemed warranted by the Engineering Division.
5. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be constructed in accordance with approved standards and/or plans and shall comply with the standard plans and specifications of the Development Services Department and Chapters XII and XXXI of the Danville Municipal Code. At the time project improvement plans are submitted, the developer shall supply to the Engineering Division an up-to-date title report for the subject properties.
6. The roadway improvements to be installed by the developer adjoining the property's Railroad Avenue frontage shall be substantially as shown on Sheet TM-1 of the plans labeled "Danville Hotel Site - SUBD 9292 - Tentative Map" (as cited in Condition of Approval #A.1.a., above) that depict the proposed road section and frontage curb, gutter, sidewalk and longitudinal drainage improvements. Alternate roadway

improvements for Railroad Avenue shall be reflected in project improvement plans and shall be constructed if the Railroad Avenue Precise Alignment Study Dated March 1985 (prepared by Santina & Thompson Engineering) is updated by the Town to reflect a face-or-curb to face-of-curb road section that is narrower than exists at the time of project approval.

- * 7. Disabled access ramps shall be provided at all pedestrian street crossing locations, as required by the Engineering Division and pursuant to Caltrans Standard Plan RSP A88A and A88B.
8. Documentation shall be supplied to the Planning Division that a functional shared access and maintenance agreement exists covering the unnamed private vehicular access commonly referred to as "Short Street". In the absence of a current agreement, the developer shall prepare a shared access and maintenance agreement for review and approval of the City Attorney prior to approval of the final map. The shared access and maintenance agreement shall include provisions for regular sweeping of the drive aisle and respective parking areas served by Short Street.
9. The developer shall be responsible for the installation of required public street improvements along the site's Hartz Avenue, Prospect Avenue, and Railroad Avenue frontages. Public improvements that are to be the developer's responsibility to install or upgrade shall include: pavement widening; striping and signing; fire hydrants; electroliers; curb, gutter and necessary transverse and longitudinal drainage improvements; a eight-foot minimum width sidewalk; border landscaping; and necessary pavement transitions.
10. *To facilitate safe pedestrian crossings to and from the project site to the Railroad Avenue Municipal Parking Lot, the project improvement plans shall detail changes to the design of the existing intersection of Railroad Avenue and Short Street/northerly driveway of the Railroad Avenue Municipal Parking Lot to provide for: (a) the creation of a four-legged intersection to align vehicular movement; (b) the creation of bulb-outs at four corners of the modified intersection (to shorten the pedestrian crossing distance); and (c) the installation of in-pavement flashing amber LED unidirectional warning lights along each side of the crosswalk spanning Railroad Avenue. The design of the in-pavement flashing amber LED lights shall be as necessary to provide adequate alerts to motorists approaching the intersection that they are approaching an occupied (or soon to be occupied) crosswalk and should be*

prepared to stop and yield to pedestrians. In addition to being responsible for the cost of design for these improvements, the developer shall be responsible for 50% of the construction costs of the improvements (based on the engineer's estimate of the work), with payment to be made prior to issuance of project building permits. Upon receiving Town Council approval, project-generated Town-controlled traffic impact fees may be assigned to the developer's portion of the project cost. (Mitigation Measure #16.b.)

11. *A 40-foot long parking space on the east side of project's Railroad Avenue frontage, near its intersection with Prospect Avenue, shall be developed and maintained as a loading zone. The use of the loading zone shall be regulated as directed by the Transportation Division to mitigate impacts associated with loading and unloading of trucks serving the future mixed use project. As may be provided for through posted use restrictions for this curbside loading zone, it may also be used for informal passenger drop-off and pick-ups and/or for Planning Division-approved valet parking activity serving project food service uses during evening peak periods and/or for special functions. (Mitigation Measure #16.c.)*
12. The developer shall fund all Town costs and shall prepare all necessary documents associated with the Town's abandonment of excess right-of-way along Hartz Avenue, as said right-of-way is identified in the document recorded in Book 8535 at Page 46 of Contra Costa County official records.
13. The developer shall fund all Town costs and shall prepare all necessary documents associated with the Town's relinquishment of those portions of the adopted *Precise Highway Setbacks on Hartz Avenue and San Ramon Valley Boulevard between Sycamore Valley Road and Love Lane, Danville Area* that encumber the subject property. Said *Precise Highway Setbacks* are identified in the document recorded in Book 5230 at Page 517 of Contra Costa County official records.
14. The developer shall fund all Town costs and shall prepare all necessary documents associated with the Town's abandonment of excess right-of-way, approximately 12 feet by 60 feet in area, at the northeast end of the unnamed road known as "Short Street". The resultant southwesterly right-of-way line for Hartz Avenue will then be straight and continuous with no jog at the former intersection with Short Street.

I. INFRASTRUCTURE

1. Domestic water service shall be from the East Bay Municipal Utility District (EBMUD) water system in accordance with the requirements of the District. As indicated in EBMUD's preliminary comments on the project (transmittals dated September 27, 2010 and March 14, 2011), developer shall submit copies of the approved development plans to EBMUD's New Business Office to request a water service estimate to determine the cost and conditions of providing water service to the project. Per EBMUD comments for the project, developer is advised that engineering and installation of water mains and meters may require substantial lead time, which should be accounted for in the developer's development schedule. No water meters shall be placed in project driveways. Any proposed construction activity in the public right-of-ways shall be coordinated with EBMUD. Relocation of existing water pipelines may be necessary, at the developer's expense, to assure integrity of existing water pipelines/water service delivery.
- * 2. All wastewater shall be disposed into an existing sewer system. Sewer disposal service shall be from the Central Contra Costa Sanitary District sewer system in accordance with the requirements of the District.
- * 3. Drainage facilities and easements shall be provided to the satisfaction of the Engineering Division.
- * 4. All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage method through the project to an approved storm drainage facility in accordance with the Preliminary Stormwater Control Plan, the C-3 Provision of the adopted Municipal Regional Permit, and as determined by the Engineer Division. Development which proposes to contribute additional water to existing drainage systems shall be required to complete a hydraulic study and make improvements to the system as required to handle the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.
5. Unless otherwise directed through the project's approved Stormwater Control Plan, roof drainage from buildings shall be collected via a closed pipe and conveyed to an approved storm drainage facility in the

street curb. No concentrated drainage shall be permitted to surface flow across sidewalks.

- * 6. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement, or public street.
- * 7. If a storm drain must cross a lot, or be in an easement between lots, the easement shall be equal to or at least double the depth of the storm drain.
- * 8. The developer shall furnish proof to the Engineer Division of the acquisition of all necessary rights of entry, permits and/or easements for the construction of off-site temporary or permanent road and drainage improvements.
- 9. The existing joint utility poles, overhead wires, and existing or new service drops that extend along the Railroad Avenue frontage of the developer's properties shall be placed underground in a joint trench at the developer's cost. This may necessitate upgrades to the off-site poles both north and south of the properties, but in no case shall new poles be added.
- * 10. All street, drainage or grading improvement plans shall be prepared by a licensed civil engineer.

J. MISCELLANEOUS

- * 1. The project shall be constructed as approved. Minor modifications in the design, but not the use, may be approved by the Planning Division. Any other change will require Planning Commission and/or Heritage Resource Commission approval through submittal of a Revised Final Development Plan application.
- * 2. Pursuant to Government Code section 66474.9, the developer (including the developer or any agent thereof) shall defend, indemnify and hold harmless the Town of Danville and its agents, officers and employees from any claim, action or proceeding against the Town or its agents, officers or employees to attack, set aside, void, or annul, the project approval, which action is brought within the time period provided for in Section 66499.37. The Town will promptly notify the

developer of any such claim, action or proceeding and cooperate fully in the defense.

3. *In conjunction with the submittal for a project demolition permit and/or a building permit, the developer shall submit a recycling plan for building and construction materials and the disposal of green waste generated from land clearing on the site. Prior to obtaining framing inspection approval for the project, the developer shall provide the Planning Division with written documentation (e.g., receipts and records) documenting that waste materials created from the demolition of existing buildings and the construction of new buildings were/are being recycled according to the approved recycling plan or in an equivalent manner. In conjunction with observance of the approved recycling plan, developer shall have the responsibility to document proper recycling/disposal of fluorescent light bulbs and ballasts, security light bulbs, electrical switches, and other demolition by-product containing mercury, PCBs, refrigerants, etc. in accordance with applicable regulations. As appropriate, a California licensed hazardous waste hauler shall conduct transportation of these items from the site. (Mitigation Measure #8.c.)*
4. Use of a private gated vehicular entrance for the at-grade structured parking that is to serve the residential units in the project is authorized by this approval. The gate shall be maintained in good working order, with that maintenance to include actions necessary to keep the gate's operational noise levels at the intended design standard cited by the gate manufacturer.
5. The location, design and number of gang mailbox structures serving the residential portion of the project shall be subject to review and approval by the Planning Division and the local Postmaster.
6. *The project shall comply with both the treatment and flow control guidelines set forth by the 2009 Municipal Regional Permit (MRP) C.3. Requirements issued by the San Francisco Regional Water Quality Control Board. Since the project will alter more than 50% of the pre-project impervious surfaces present at the subject property, and since existing site improvements do not include stormwater treatment measures, the project shall provide stormwater treatment measures for the entire site (with this obligation to be inclusive of treatment for impervious surfaces present in abutting public right-of-way areas that will be removed in conjunction with the project's construction). Since the subject property is over one acre in size and since the project will increase the amount of impervious surface area from current totals, the project shall abide to hydrograph modification management (i.e., flow control)*

requirements of the MRP. Pursuant to the MRP, the existing developed site conditions shall be used as a baseline for the determination of the pre- and post-project runoff conditions and to define the required volume of the flow control facilities. Project compliance with its hydro-modification requirements shall be through the construction and maintenance of Engineering Division-approved stormwater detention/retention facilities. **(Mitigation Measure #9.a.)**

7. A final Stormwater Control Plan (SCP) that defines all Drainage Management Areas (DMAs) and related Integrated Management Practices (IMPs) shall be submitted for review and approval by the Engineering Division prior to issuance of grading or building permits for the project. The SCP shall be substantially consistent with the Preliminary Stormwater Control Plan cited in Project Condition of Approval #A.1.f., above. All C.3 stormwater facilities detailed in the SCP shall conform in size and dimension to the minimum requirements contained the Contra Costa Clean Water Program Stormwater C.3 Guidebook in place at the time application in made for project grading or building permits. All final construction, architecture, landscaping and improvement plan details prepared for the project shall conform to the approved final SCP. Unless otherwise authorized by the Engineering Division, the SCP shall be submitted for review and approval prior to submittal of the project improvement plans or grading plans to verify that all DMAs are properly described, sized, and located. **(Mitigation Measure #9.b.)**
8. A Stormwater Facilities Operation and Maintenance Plan, consistent with the project's SCP and applicable Contra Costa Clean Water Program instructions, shall be submitted for review and approval by the Engineering Division prior to approval of the initial frame inspection for a project building permit. The approved Stormwater Facilities Operation and Maintenance Plan shall be executed and recorded prior approval of the initial final inspection for a project building permit. **(Mitigation Measure #9.c.)**
9. The project's Preliminary Stormwater Control Plan (refer to Condition of Approval #A.1.f., above) indicates that a portion of the project C.3. treatment requirements are proposed to be met by the construction offsite treatment-only improvements and/or by payment of an in-lieu fee. Pursuit of the in-lieu fee option for that portion of the C.3 treatment requirements not handled on the subject property may only be utilized if approved by the Town Council prior to issuance of project grading permit. **(Mitigation Measure #9.d.)**

10. *The SCP shall include final calculations and designs for both the planned onsite and offsite IMPs. The SCP shall include page cross-references to all related architectural, landscaping and improvement plan construction details for both onsite and offsite improvements. (Mitigation Measure #9.e.)*
11. *The location and general design of any proposed offsite IMPs serving the project shall be subject to review and approval by the Engineering Division prior to approval of the SCP and approval of any final construction drawings. (Mitigation Measure #9.f.)*
12. *Prior to issuance of grading or building permits for the project, the developer, project general contractor, and appropriate project sub-contractors shall attend a pre-construction meeting with the assigned Engineering Division and Stormwater inspection staff to discuss the project SCP and related IMPs and to discuss the inspection process to be used to assure IMPs are installed consistent with the SCP. (Mitigation Measure #9.g.)*
13. *Written Engineering Division or Stormwater Program inspection staff sign-offs shall be secured for construction and installation of all project IMPs, with IMPs inspections observing the following minimum inspection sequence: a) layout inspection (required prior to beginning project excavation); b) excavation inspection (required prior to backfilling IMPs with any material or pipe installation); c) overflow inlet/surface connection to storm drain system inspection (required prior to backfilling IMPs with any material); d) underground connection to storm drain outlet or orifice inspection (required prior to backfilling IMPs with any material); e) drain rock/sub-drain inspection (required prior to soil media mix inspection/test and installation); f) soil media mix inspection/test (required prior to soil media installation); g) soil media installation inspection (required prior to irrigation installation); h) irrigation inspection (required prior to plant material installation); i) planting inspection (required prior to final Engineering Division Inspection); and j) Engineering Division Final (required prior to building permit final). The developer shall utilize the inspection log provided by the Engineering Division at the pre-construction meeting. (Mitigation Measure #9.h.)*
14. *All exhaust systems for restaurants, coffee houses and other food service uses established within the commercial portion of the project shall be fitted with air cleaning systems to reduce smoke and odors emanating from these uses to an efficiency level of 95-99% by particle count, or as otherwise determined acceptable by the Development Services Department. If alternate treatment of food service-generated smoke and/or odor is sought by the developer, the proposed method of treatment shall be subject to review and approval by the*

Planning Division prior to issuance of building permits for tenant improvements for affected tenant spaces in the project. (Mitigation Measure #3.c.)

15. A minimum of 15% of the project residential units in the project shall be made available to low- or moderate-income households, with not less than 40% of those units available to very low-income households. [Note: If the Community Development Agency of the Town of Danville (Agency) is not in existence at the time building permits or final map approval for the project is sought, the above-stated Community Redevelopment Law (CRL) inclusionary housing obligation will be supplanted by the Inclusionary Housing for Affordable Residential Housing requirements set forth in the Danville Municipal Code, which still call for a minimum of 15% of the project units as affordable units but shift the target households to be served to be moderate-income households earning a maximum of 110% of median income for the Contra Costa/Alameda County Area.)] The developer shall enter into a formal agreement which specifies the maximum income of the buyers, regulates the terms of occupancy, resale or any other restriction deemed necessary to assure the long term affordability of the units to the target households. This agreement shall be subject to approval by the Agency (or the Town Council if the Agency is no longer in existence) prior to recordation of the final map or issuance of building permits for new building construction. At the discretion of the Agency, the project's CRL inclusionary requirement to provide affordable units may be satisfied by residential units outside the boundary of the Community Development Area on a two-for-one basis.
16. In case that the residential portion of the project is built as, or converted to, individually owned condominium units, an Owner's Association shall be formed. The Owner's Association, through project-specific covenants, conditions and restrictions (CC&Rs), shall be responsible for commonly owned facilities. The CC&Rs shall include appropriate restrictions relating to the use of project parking and storage to meet the intent and requirements of these conditions of approval. Draft CC&Rs shall be submitted to the Planning Division and City Attorney for review and approval a minimum of 60 days prior to the individual sale of any of the units. A note shall be placed on the final map for this project which specifies the requirement that

the City Attorney shall have review and approval authority of project-specific CC&Rs prior to the individual sale of any of the units.

17. *Prior to any demolition and/or re-modeling activity involving existing buildings on the subject property, an Asbestos Hazard Emergency Response Act (AHERA) Asbestos Containing Materials site inspection shall be conducted, with samples obtained from suspect materials and analysis by a state-certified lab to ascertain what, if any, asbestos containing materials (ACM) is present in the onsite buildings. Recommendations of such report shall be followed to the satisfaction of the Building Division to address any ACM found at the project site. (Mitigation Measure #7.a.)*
18. *Prior to any demolition and/or re-modeling activity involving existing buildings on the subject property, a Lead-based paint site inspection shall be conducted, with samples obtained from suspect materials and analysis by a state-certified lab to ascertain what, if any, lead-based paint (LMP) material is present in the onsite buildings. Recommendations of such report shall be followed to the satisfaction of the Building Division to address any LMP found at the project site. (Mitigation Measure #7.b.)*
19. *If the ACM report determines there are ACMs present, the developer shall have the responsibility to: (a) remove and dispose all ACM in accordance with applicable Federal, State and local regulations governing asbestos including, but not limited to those promulgated by OSHA, EPA, Cal-OSHA, Cal-DPH, DTSC, and the Bay Area Air Quality Management District Developer (BAAQMD); (b) supply notification to employees, contractors, subcontractors, and tenants having access to the buildings on the subject property as to the presence, location, and quantity of ACMs documented to be present at the site, with such notification to occur within 15 days of receiving such information; (c) retention of a State of California licensed and Cal-OSHA registered asbestos contractor to complete the recommended pre-demolition abatement of all ACM at the site; (d) provision of a 10 working day minimum advanced written notification to BAAQMD prior to demolition activities (with said notice to be accompanied by payment of requisite administrative fees); and (e) provision of an "Intent to Conduct ACM Related Work" notification to Cal-OSHA. (Mitigation Measure #7.c.)*
20. *If the LBP report determines there are LBPs present, the developer shall have the responsibility to: (a) remove and dispose all LBPs in accordance with applicable Federal, State and local regulations; (b) advise contactors engaged in work at the site that LBPs are present and that said LBPs shall only be impacted by properly trained workers, using appropriate lead-related work*

practices in compliance with applicable Cal-OSHA worker exposure regulations; and (c) provision of an "Intent to Conduct Lead Related Work" notification to Cal-OSHA. (Mitigation Measure #7.d.)

21. *In recognition of the project's location within the San Ramon Creek watershed and Drainage Area 10 of the Contra Costa County Flood Control & Water Conservation District (FC District), the project shall make payment of appropriate drainage fees respectively being a \$0.10 per square foot of net new impervious surface area drainage fee for the San Ramon Creek watershed (based on the FC District's standard impervious surface area ordinance) and a drainage fee consistent with FC District Ordinance No. 92-52 for the Drainage Area 10 watershed. (Mitigation Measure #8.b.)*
22. The developer shall grant to the Town an easement for pedestrian use by the public across portions of the contiguous sidewalk that extend onto the developer's private property at the East Prospect Avenue and Hartz Avenue frontages. The existence of said easement shall in no way nullify or supersede Municipal Code §12-6 "Maintenance and Repair of Sidewalks" that imposes upon the present or future property owner the affirmative duty to repair and maintain the sidewalk area in a safe and non-dangerous condition. Use of the easement area for uses other than pedestrian access shall be subject to a discretionary land use permit planning entitlement request. Application for said permit shall be made to the Planning Division.
23. Any reconfiguration of the existing easement and right-of-way reserved for utility purposes across the unnamed road commonly referred to as "Short Street" shall be subject to the review and approval of those entities that own and maintain existing facilities within said easement area. The reservation for said easement is identified in the document recorded in Book 7336 at Page 585 of Contra Costa County official records. If any owner of existing facilities objects to the reconfiguration of the easement, then improvements proposed within the easement area shall be redesigned such that the reconfiguration is no longer necessary.
24. Any private surface improvement that encroaches into the public right-of-way (e.g., landscape planters, fences, building elements) shall be subject to a License Agreement between the property owner and the Town that runs with the land. Said agreement shall transfer the liability and maintenance responsibility for said improvement to the

property owner and shall require the removal of said improvement by the property owner upon 60-days written notice given by the Town.

25. At no time during normal business hours shall safe and convenient vehicle/pedestrian access be restricted into or out of the adjoining parking area that serves the businesses (currently Fremont Bank and Molly's Pup-Purr-Ee) on the southeast side of the unnamed road commonly referred to as "Short Street".
26. Except as may be specifically provided for through subsequent review and approvals by the Design Review Board of the project's Final Landscape Plan, the design of streetscape improvements along the public right-of-way frontages of the subject property shall be governed by the Town's adopted *Old Town Beautification Plan* (February 1990). According to the plan, the frontages are designated as follows:

Street	Zone	Sidewalk Brick Banding	Street Tree	Tree Well	Street Light
Hartz Ave.	1	2'-wide (Triple Row Bricks)	Aristocrat Pear	4'-square	Type 2 (Antique w/2 luminaires & banner mount)
Prospect Ave.	3	2'-wide (Triple Row Bricks)	Pistache	3'-square	Type 1 (Antique w/1 luminaire)
Railroad Ave.	4	None	Scarlett Oak	4'-square	Traditionaire w/2 luminaires

Except as may be provided for through subsequent DRB reviews and approvals, the dimensions, configuration, and standards for the various streetscape design elements shall be consistent with the adopted plan for each zone. Said design elements include brick-banding for the sidewalks, street trees/wells, the street lights, and any installed street furniture. These are minimum standards that may become more prescriptive as a result of review and final approval by the DRB and/or Historic Design Review Committee (HDRC). All installed or replaced public street lighting shall have light-emitting diode (LED) lamps. The developer shall work with Pacific Gas & Electric on the Town's behalf to establish a rate schedule for these street lights that accounts for the savings in electricity inherent in LED lamps as compared to traditional lamps.

27. If a final map is not recorded prior to the issuance of building permits for new construction, the developer shall record the requisite lot

merger(s) to assure existing property lines are not crossed by new construction or create exceptions to building setback requirements set forth by building regulations.

APPROVED by the Heritage Resource Commission at a special joint meeting with the Planning Commission on March 22, 2011, by the following vote:

AYES: -
NOES: -
ABSTAINED: -
ABSENT: -

CHAIRMAN

APPROVED AS TO FORM:

CITY ATTORNEY

CHIEF OF PLANNING