

CONDITIONAL USE PERMIT 17-03
EXHIBITD:
MODIFYING CONDITIONS OF APPROVAL
VARIANCE NO. 04-01 USE PERMIT NO. 04-10
DESIGN REVIEW PERMIT NO. 04-02

Legend: PD=Police Dept FD=Fire District CA=City Attorney
PL=Planning PW=Public Works B=Building
DRC=Design Review Committee
CD-PS=Community Development Public Services Dept.

Special Conditions

1. Variance No. 04-01 is contingent upon Conditional Use Permit No. 04-10 and Design Review Permit No. 04-10 being approved. (PL)
2. Conditional Use Permit No. 04-10 is contingent upon Variance No. 04-01 and Design Review Permit No. 04-10 being approved. (PL)
3. Design Review Pennit No. 04-10 is contingent upon Variance No. 04-01 and Conditional Use Permit No. 04-10 being approved. (PL)
4. Trees proposed to be installed on the south side nearest existing residences shall be increased to 24-inch sized box trees to provide additional screening for the existing homes. The existing pittosporum shrubs shall be maintained. (PL)
5. The development shall be limited to a maximum 5-story, 63,552 square foot, 97 senior housing unit development. (PL)
6. The minimum age for occupancy of the building to seniors shall be at least 55 years old. (PL)
7. Lighting shall be shielded to prevent any illumination shining onto adjacent homes. The lighting plan shall be reviewed and approved by the Community Development Director. (PL)
8. Future signs shall be reviewed and approved by the Community Development Director. (PL)
9. Grease and sand separators shall be installed on all catch basins in parking areas. (PW)
10. Truck turning radius shall be reviewed and approved by the Fire District and the Community Development and Public Services Department-Engineering. (FD/PW)

11. Colors, materials and textures of building shall be consistent with those submitted to staff on color sample boards. The building shall be completed in the following manner:
 - a. Exterior building walls: Cement plaster stucco painted an earth-tone coffee color.
 - b. Stucco trim molding around windows: Painted light sandy color.
 - c. Cornice at top of building: Painted hemlock green.
 - d. Stucco cornice under railing: Painted light sandy color.
 - e. Wood bracing under railings: Painted light sandy color.
 - f. Window frames: Painted white.
 - g. Roof: Standing seam metal painted hemlock green.
 - h. Windows: Clear glass.
 - i. Railings: Painted white.
12. Occupancy of the building shall be restricted to ambulatory persons. (PL)
13. Variance No. 04-01, Conditional Use Permit No. 04-10, and Design Review Permit No. 4-2 and all related approvals shall terminate on October 15, 2004 unless the following is submitted: (PL)
 - a. Building Construction Plans.
 - b. Electrical Plans.
 - c. Mechanical Plans.
 - d. Plumbing Plans.
 - e. All current, pertinent, outstanding Building Permit fees including Development Impact Fees are paid to the City of Hercules.
14. Only one (1) extension of time may be applied for by the applicant or his designee. The extension of time must be submitted at least four (4) weeks prior to the applications' expiration date, and a maximum forty-five (45) day extension may be applied for by the applicant or his successors. The Planning Commission may choose to approve a shorter time extension period for the project. The Planning Commission may grant or deny a request for renewal which may be appealed to the City Council. (PL)
15. The applicant or successors of Variance No. 04-01, Conditional Use Permit No. 04-10, and Design Review Permit No. 04-02 shall abide by all terms and conditions contained in the Conditions of Approval. Failure to abide by these conditions described in these Permits may be cause for all Permits to be revoked. (PL)
16. Install canvas awnings on the 4th and 5th floors on the north and south building elevations. (DRC)
17. Eliminate the green standing seam metal elements above the parapet on the 5th floor. (DRC)
18. Construct the sight screens on the 4th and 5th floors from steel material rather than wood. (DRC)

19. No individual heating and air-conditioning units shall be installed on the outside exterior building walls. Each unit shall have separate controls with HVAC equipment installed on the roof. (DRC)
20. The tower elements shall be constructed as shown in "Option 2" dated "07/14/2004". (DRC)
21. The windows under the towers shown on the west and left side of the north elevations on sheet A.8 shall be redesigned, and constructed in the same manner as the south and east elevations on page AA.7. (DRC)
22. Window sills shall be constructed on all windows. (DRC)
23. Chamfered wall joints a minimum of $\frac{1}{4}$ of an inch shall be constructed from the top of the tower to the base of the building. Provide a construction detail of the chamfered joint for review and approval by the Community Development Director. (DRC)
24. The top of the tower element and the area between the chamfered joints shall be painted a different darker color. The color shall be reviewed and approved by the Design Review Committee. (DRC)
25. All banner signage that does not conform with the zoning requirement (i.e. roof and wall mounted banner signage) shall be removed within 30 days. Failure to remove within the time provided shall subject the applicant to code enforcement to including but not limited to administrative citations and civil penalties.

Community Development and Public Services Standard Conditions

1. Prior to issuance of a building permit, the project sponsor shall secure approval by City and Fire District staff of a plan for addressing and identifying project buildings. Such a plan shall include directional signs and markings, as may be required by the City or the Fire District. All unit numbers shall be illuminated.
2. Prior to issuance of a building permit, the applicant shall secure approval by City and Fire District staff of a lighting plan for the project. Such a plan shall provide lighting at all pedestrian, truck loading and unloading driveways, and parking areas, and shall not cause glare at adjoining properties. On-site lighting shall be positioned and shielded, as needed, to avoid causing increased light or glare at adjacent properties.
3. All trees planted at the site shall be at least 15 gallon; all shrubs shall be 5 gallon, except that ornamental shrubs at building entries or along pathways may be 1 gallon.
4. All on-site sidewalks and paths shall be at least four feet wide and clear of any obstructions.
5. The permit is granted for the property as described in the application and shall not be transferable from one parcel to another. (CD-PS)
6. All conditions of this permit including off-site and on-site improvements, including building,

paving and landscape construction shall be completed prior to occupancy except as may be permitted by the Community and Public Services Director in consultation with other affected departments. In the event early occupancy is permitted, developer shall provide security or agreements to assure full completion of the project. (CD-PS)

7. The development or use by the applicant/grantee of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions. (CA)
8. Developer/applicant agrees as a condition of approval to indemnify the City, its agents, officers and employees and to defend as the developer's own expense against and from any claim, action or proceeding brought within the time period provided for in Section 66499.37 of the Government Code to attack, set aside, void or annul the approval of this resolution. City shall promptly notify developer of such claim, action or proceeding of which City receives notice, and City will cooperate fully with developer in the defense therefor. Developer/applicant shall reimburse the City for any court costs and attorney's fees which the City may be required to pay as a result of any such action. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve the developer of the obligations of this condition. (CA)
9. No signs shall be erected, constructed, painted or printed without a sign permit issued by the Community Development and Public Services Department. Sign area, size and location shall be in accordance with the City's requirements.
10. A Sign Program shall be reviewed and approved by the Community Development Director and shall include: (PL)
 - a. Elevations of any proposed freestanding or building identification sign.
 - b. Colors on any proposed sign.
 - c. Site plan showing any proposed sign.
12. Any change in sign content shall conform to the original sign in terms of material and sign area. (CD-PS)
13. A building permit shall be secured for any new construction or modifications to structures including interior modifications authorize by this permit. (CD-PS)
14. The location and elevations of the senior housing building shall substantially conform to exhibits submitted unless amended specifically by a condition of this resolution by a major modification. The final building plans submitted with the building permit application shall clearly indicate all building materials and colors to be used in construction. (CD-PS)
15. Minor changes or minor increases in the extent of use or size of structures may be approved by the Community Development and Public Services Director, but any substantial change or increase will require the filing and approval of a major modification by an amended permit by the Planning Commission. (CD-PS)

16. Minor changes in the final design or materials and colors for building and landscaping may be approved by the Community Development and Public Services Director with the filing of a minor modification pennit to this project. Any request for a minor modification shall be accompanied by three copies of any plans reflecting the requested modification. (CD-PS)
17. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by resolution of the Planning Commission and City Council shall be part of, and incorporated into, all sets of the construction documents, and specifications for this project. A reproduction of all conditions shall be included on each set of the job/construction documents. (CO-PS)
18. All roof heating and cooling system and any other mechanical equipment shall be recessed and/or screened from adjoining properties and public streets to the approval of the Community Development and Public Services Department. Plumbing, vents, ducts and other appurtenances protruding from the roof shall be integrated in such a manner that they will not be viewed from the front of the property or other highly visible vantage points. A note shall be included on construction plumbing drawings of the building elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (CD-PS)
19. All utility meters shall be recessed into the building and screened by decorative doors or other building elements.
20. On-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on abutting streets. To prevent damages from automobiles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Under canopy lighting elements shall be recessed or concealed in such a manner as not to be directly visible from a public street. A lighting plan showing standard heights and light materials shall be submitted for review and approval by the Community Development and Public Services Director. (CD-PS)
21. Developer shall provide for dust control at all times during site preparation and construction activities at the direction of the Public Works Inspector or Building Inspector. (CD-PS)
22. Outdoor storage of construction materials or vehicles is not pennitted on the property after the senior apartment building is completed. (CD-PS)
23. All fences, retaining walls or wall materials shall match the approvals contained in this design review approval as reviewed and approved by the Planning Commission. (CD-PS)
24. The developer/applicant shall paint all exterior surfaces of non-residential buildings, walls and fences with graffiti resistant paint wherever possible.
25. The developer/applicant shall maintain the site and subject property free of any graffiti.

26. Graffiti applied to any surface of the subject property shall be removed within twenty-four (24) hours of the developer/applicant being notified by the City. The City may remove the graffiti if the developer/applicant fails to remove the graffiti within 24 hours; the developer/applicant shall reimburse the City for the graffiti-removal work.
27. Final plans for screening of meter enclosures and utility boxes shall be submitted as part of final landscape plans; such plans shall insure that utility boxes are fully screened and shall be subject to City staff approval.
28. All public and private site utilities, site improvements and grading and drainage are subject to staff approval.
29. Gutters shall be installed at the lower edge of all sloping roofs. Rainfall carried in such gutters shall be carried in downspouts to sub-grade storm drains in public or private streets for non-residential projects.
30. Colors and materials on the elevations of any building shall also be used on all side and rear elevations of the same building.
31. All conditions shall be fulfilled prior to issuance of a building permit unless otherwise noted.
32. Plans submitted for design review approval shall be considered final design drawings. Any changes to the exterior shall be subject to approval of the Planning Commission except staff may approve minor changes.
33. Compact parking spaces shall be indicated with suitable pavement marking.
34. All vents, gutters, downspouts, flashings, conduits, etc. that are visible from outside the building shall be painted the color of the adjacent surface.
35. Refuse enclosures shall have solid metal gates, and colored or painted in a color consistent with the project.
36. A minimum of 25% of the trees and shrubs around the building walls shall be 24 inch box sized for trees and 5 gallon for shrubs.
37. Textured pedestrian crosswalks shall be provided to link the parking areas to the building entry; on-site pedestrian crosswalks shall be emphasized with decorative treatment subject to staff approval.
38. All landscaping and irrigation shall be installed and maintained as per the landscape and irrigation plans approved by the Planning Commission with any minor changes approved by the Community Development and Public Services staff.

Standard Public Works Conditions

1. Developer shall pay plan check and processing fees in effect at the time of permit application , and development fees, encroachment permit fees, and other miscellaneous applicable fees in effect at the time building permits are issued. (PW)
2. Developer shall submit a grading plan prepared by a registered civil engineer which incorporates all recommendations from soil engineering and engineering geology reports. The grading plan will be reviewed and approved by Public Works prior to the issuance of the building permit. Building pad elevations and landscaping shall be shown on the grading plan. (PW)
3. Developer shall submit adequate drainage calculations and hydraulic design to insure that downstream areas and the site will drain to a safe point of discharge. (PW)
4. Developer shall remove and replace all improvements adjacent to the project site which are damaged during construction as directed by the Public Works Inspector. (PW)
5. Developer shall make arrangements with Public Works to inspect and test any existing sewer and water service laterals to be used, prior to connection, and shall make necessary repairs as determined by the Public Works Inspector. All existing water services shall comply with current Public Works standards or shall be upgraded to current standards.
6. Developer shall submit an on-site sewer plan where existing lateral is larger than four inches in diameter.
7. Developer shall submit on-site water plans where a separate loop or terminal line is required for fire hydrants and/or sprinkler system. All improvements plans, construction cost estimates, soils reports, geology reports and all pertinent engineering design calculations shall be submitted simultaneously.
8. Construction drawings shall be submitted for review and approval by the Engineering staff and shall include the following:
 - a. Site grading, drainage, utility and improvement plans.
 - b. Hydrology and hydraulic calculations for the site.
9. Prior to construction the Engineering Division shall approve permits for the following:
 - a. Grading
 - b. Encroachment
 - c. Industrial waste discharge
 - d. Sewer connection

Fire District Conditions

The project shall comply with all conditions of the Rodeo-Hercules Fire Protection District letter dated July 20, 2004.

1. Complete prior to August 23, 2004, the construction and installation of the underground fire water supply to include the fire hydrant at the rear of the structure.
2. Provide revised fire sprinkler plans with calculations accounting for the additional floor for review and approval.
3. Provide a timeline/schedule for installation of the fire sprinkler system. This installation shall be underway prior to August 23, 2004.
4. Provide plans and locations for the previously agreed upon hose cabinets. The Fire District shall approve the equipment to be placed within said cabinets.
5. Provide complete fire apparatus access to the rear of the structure prior to August 23, 2004.
6. Fees for this review are \$160.00 and are invoiced with this letter to Semik Oungoulain.