



CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- A. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- B. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

PLANNING DIVISION

- P1. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- P2. Prior to approval, the developer shall comply to all requirements acquired from the current edition of Caltrans Outdoor Advertising Act.
- P3. "Public Storage" sign located below billboard must be filed under a separate planning application after approval of billboard is granted.
- P4. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P5. No portion of the billboard shall project over property line.
- P6. Transitions between the content and/or image shall be immediate only and shall occur simultaneously on the entire display area.
- P7. The sign or its message, content and/or image shall not be configured to resemble or simulate any lights or official signage used to control traffic in accordance with the currently adopted edition of the Caltrans' Outdoor Advertising Act and Regulations.
- P8. The applicant shall be responsible for all graffiti removal on the billboard.
- P9. Identified existing mature trees to be maintained and not removed prior to construction of billboard. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- P10. Provide the City with contact information for a person who is available to be contacted at any time and who is able to turn off the display promptly should the sign malfunction, damage, or inappropriate display occurs.
- P11. If the City determines that the sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within twelve hours of request by the City, shall reduce the intensity of the display to an alternative setting that satisfactorily mitigates the specific impairment to the driver as determined by the City
- P12. In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find will stop and a qualified professional archeologist will examine the find. If the find is determined to be significant, treatment recommendations will be developed and implemented before earthmoving or construction activities can recommence within the designated resource area.

- P13. Native soil excavated from the upper two to three feet of the site and proposed for off-site disposal shall be appropriately tested for chemicals related to agricultural activities. If contamination is detected, soil materials will be disposed of in accordance with State regulations for hazardous waste.
- P14. If evidence of historic release of hazardous materials is discovered, work will be stopped in the immediate area and soil samples will be completed and analyzed by a qualified environmental professional to determine the type and extent of release and potential health effects to construction workers. The analytical results will be compared against applicable hazardous waste criteria, and if necessary, the investigation will provide recommendations regarding management and disposal of affected soil and groundwater. Any contaminated soil and/or groundwater found in concentrations above developed thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. Special health and safety measures and/or soil management procedures may also be required during project construction
- P15. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- P16. Applicant shall enter into a Billboard Relocation Agreement with the City consistent with the City's Billboard Relocation Policy and that the Applicant shall provide at least 10% of public service announcement use, free of charge to the City and nonprofit entities, of one full face of copy exposure based on daily use (e.g. 365 days per year), and at least 50% of such public service announcement use shall occur during the hours of 6:00 a.m. and 9:00 p.m. daily.
- P17. Pursuant to the City's Billboard Relocation Agreement Policy, prior to issuance of a Building Permit for the billboard, the advertiser shall pay the City \$70,000 for the new billboard face approved through the Billboard Relocation Agreement.

FIRE

- F1. Approved with no conditions.

POLICE

- PD1. Approved with no conditions.

PUBLIC WORKS

ENGINEERING

- E1. Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Obtain Caltrans approval for LED billboard facing US Route 101.

SILICON VALLEY POWER

- SVP1. To be determined.