

Conditions of Approval
PLN2017-12620 (Updated from PLN2011-08641)

GENERAL

- G1. 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.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. 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

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
- C2. 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, outdoor patio seating area design and landscaping, exterior lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C3. Developer shall be responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C4. Hours of business operation shall be limited to the following hours:

Monday – Thursday:	Noon to 10:00 PM
Friday:	11:00 AM to 11:00 PM
Saturday:	10:00 AM to Midnight
Sunday:	10:00 AM to 9:00 PM

- C5. Full menu food service shall be available during all hours that alcoholic beverages are served.
- C6. Live music or karaoke music entertainment is prohibited.
- C7. Upon commencement of sales of alcoholic beverages (ABC Type 41 License), the approved use permit will be subject to a six-month and one-year review by the Planning Commission.
- C8. The Director of Community Development may refer the use permit to Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved operational statement. In addition, if complaints are received by the City with respect to this use, staff shall schedule a review of the use permit by the Planning Commission within three months for consideration of revocation proceedings.
- ~~C9. (formerly P9.) Applicant shall obtain required permits from the City of Santa Clara Fire Department for installation of the toxic gas sensors.~~
- ~~C10. (formerly P10.) Activation of any toxic gas sensor will activate audible and visual alarms to alert building occupants and shut down the HVAC system. The applicant shall obtain permits from the City of Santa Clara Fire Department for installation of the alarm systems.~~

- C11. The applicant shall develop and implement an Emergency Preparedness Plan, including a Shelter in Place plan as specified in the Mitigated Negative Declaration. The Plan shall be exercised at least annually, and the applicant shall invite the Fire Department to observe each exercise. Detailed records of training and exercises shall be kept and available to the Fire Department.
- C12. Project is to continue to comply with mitigation measures identified in the Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program for the Santa Clara K1 Speed Karting Facility ongoing operations that were adopted on August 3, 2011. In conjunction with the Planning Commission's approval of the Use Permit (PLN2011-08641) on August 3, 2011, with the exception of Conditions' P9, P10, and mitigations' MM-AQ-2 and MM-AQ-3 pertaining to toxic gas sensors. Toxic gas sensors are no longer required. Instead, an alternative alert system shall be coordinated with the Fire Department prior to the operation of expanded business hours and/or the final of building permits for the proposed project improvements).

ENGINEERING

- E1. Obtain site clearance through Engineering 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 Engineering 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 Engineering 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. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E4. Provide a minimum of 1 Class I (bike lockers) per 30 employees and 4 Class II bicycle rack spaces at the main entrance and/or high visible areas.

FIRE

- F1. At the time of Building Permit application, submit Civil Drawings that denote existing and proposed locations of fire hydrants, underground sectional valves, fire department connections and post indicator valves for Fire Department review and approval.
- F2. Approved occupant loads for all assembly occupancies shall be posted in a conspicuous location.
- F3. Modifications to the fire sprinkler system will require a Fire Department permit.
- F4. Modifications to the fire alarm system will require a Fire Department permit.
- F5. If cooking (instead of reheating) takes place, then a Type I hood and fire protection will be required. This will require a Fire Department permit.
- F6. Rubbish containers: Containers that are 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within five feet of combustible walls, openings, property lines or combustible roof eave lines unless protected by approved fire sprinklers (2007 CFC 304.3.3). Exceptions may apply. If a roof over the trash enclosure is to be provided, then it shall be of non-combustible construction.
- F7. Construction materials shall not obstruct access to buildings, hydrants or fire appliances.
- F8. A Shelter-In-Place permit shall be required.

POLICE

- PD1. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. Consider illuminated numbers during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street. Where multiple units or buildings occupy the same property, each unit/building address shall be clearly visible. A monument sign, preferably at all entrances to the property, should be prominently displayed showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
- PD2. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the address shall be displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provided vehicular access, address numbers shall be clearly visible from that access.
- PD3. Businesses with rear alley entrance doors shall be numbered with the same address numbers or suite numbers as the front doors. Numbers that are a minimum height of 4" are recommended.
- PD4. For each individual address (unit, suite, etc.) phone company records (specifically "911" dispatch) shall reflect the actual address the phone is located at.
- PD5. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD6. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not be limited to, employee security during working hours, after hours security, disaster preparation, etc. For retail uses, especially where cash is on hand, robbery and cash security protocols should be established. Applicants are encouraged to contact the Santa Clara Police Community Services Unit at (408) 615-4859 for assistance.

STREETS

SOLID WASTE

- ST1. If cooking (instead of reheating) takes place, then pre-treatment devices and tallow bins shall be installed at all food establishments. Tallow bins shall be placed within a trash enclosure when possible. If enclosure is not sized to include the tallow bin(s), a separate dedicated enclosure with drainage to sanitary sewer shall be provided.

STORMWATER

- ST2. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.