

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

BUILDING DIVISION

1. Informational: Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.
2. Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.
3. Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP

Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page: <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/stormwater-pollution-prevention> and will be routed to a contract consultant for review.

4. Informational: no California construction code review is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis, including; proposed use and occupancy of all spaces (19' CBC Ch. 3), all building heights and areas (19' CBC Ch. 5), all proposed types of construction (19' CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (19' CBC Ch. 7), all proposed interior finishes fire resistance (19' CBC Ch. 8), all fire protection systems proposed (19' CBC Ch. 9), and all means of egress proposed (19' CBC Ch. 10). -Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.
 - During construction retaining a single company to install all fire rated penetrations is highly recommended.
 - The grade level lobbies shall be min. 1 hour rated all sides and above.
 - All stair shafts shall be min. 1 hour rated.
 - All elevator shafts shall be min. 1 hour rated.
 - All trash chute shafts shall be min. 1 hour rated.
 - Recommendation: provide a minimum of two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
 - Any trash rooms shall be min. 1 hour rated all sides and above.
5. Informational: The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.
6. Informational: Temporary Certificates of Occupancy will not be routinely issued, and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

PLANNING DIVISION

1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
3. The Director of Community Development may refer the Use Permit to the 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 project description. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the Use Permit to the Planning Commission within three months for consideration of revocation proceedings.
4. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.
5. The hours of operation shall be limited to the hours of 11:00 a.m. to 11 p.m., 7 days a week.
6. On-site consumption of alcohol shall be limited to within the restaurant and the designated patio seating area.
7. The Planning Commission shall review this Use Permit twelve (12) months from the date that applicant obtains an active Alcoholic Beverage Control (ABC) License Type 41. After six months from obtaining the ABC license, the City shall conduct an administrative review of any ABC violations and police service calls and shall report any significant occurrences to the Planning Commission.
8. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
9. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays and Sundays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 A.M. to 6:00 P.M. following on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. Construction activity shall not be allowed on recognized State holidays, as noted in Section 9.10.230 of the SCCC, as amended.
10. Minor changes to the project would be subject to Planning Division review and approval prior to issuance of building permits.
11. This Use Permit shall be automatically revoked and terminated if not used within two years of the original grant, or within the period of any authorized extensions in accordance with the terms of SCCC Section

FIRE

1. Fire apparatus access roadways shall be provided so that all portion of an exterior wall of the first story of the buildings are located more than 150 feet from

fire apparatus access as measured by an approved route around the exterior of the building. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building, or the project team will be required to mitigate the lack of compliance. If these conditions can not be met the project team will be required to complete an Alternative materials, design and methods of construction and equipment application. The required mitigation measure will be determined by the Fire Department.

2. At time of Building Permit application provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler system designed in accordance with California Fire Code § B105.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (or 1,000 gallons per minute for NFPA 13 fire sprinkler systems) minute for the prescribed duration.
3. At time of Building Permit application, the required number, location and distribution of fire hydrants for the building based on the California Fire Code, Appendix C, Table C102.1 shall be incorporated into the construction documents. The required number of fire hydrants shall be based on the fire-flow before the reduction.
4. At time of Building Permit application, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the Fire Prevention and Hazardous Materials Division.
5. Prior to the start of construction, fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.
6. At time of Building Permit application, construction documents for the fire department apparatus access roads are required submitted to the Fire Prevention and Hazardous Materials Division. Access roadways shall be provided to comply with all of the following requirements:
 - a. Fire apparatus access roadways shall be provided for every facility, building, or portion of a building hereafter constructed or moved when any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building.
 - b. Fire apparatus access roadways shall have a “minimum” width of a fire apparatus access roadway for Engines is 20 feet. The “minimum” width of roadways for aerial apparatus is 26 feet. Aerial access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building and the sides of the building requiring access shall be approved by the Fire Department. Trees, overhead wiring, etc. shall not conflict with any means of fire department access.

- c. Fire access roadways shall have a “minimum” unobstructed vertical clearance of not less than 13 feet 6 inches. Aerial apparatus access roads may require additional vertical clearance.
 - d. Fire access roadways shall All fire department access roadways shall be an all-weather surface designed to support the imposed load of fire apparatus with a gross vehicle weight of 75,000-pounds.
 - e. Fire apparatus access roadways shall have a “minimum” inside turning radius for fire department access roadways shall be 36 feet or greater.
 - f. Dead-end fire apparatus access roadways in excess of 150 feet in length shall be provided with approved provisions for turning around.
 - g. Traffic calming devices are not permitted on any designated fire access roadway, unless approved by the Fire Prevention & Hazardous Materials Division.
 - h. All Fire Department Access roadways shall be recorded as an Emergency Vehicle Access Easement (EVAE) on the final map. No other instruments will be considered as substitutions such as P.U.E, Ingress/Egress easements and/or City Right-of-Ways.
 - i. All gates installed on designated fire department access roads are required to electrically automatic powered gates. Gates shall be provided with an emergency battery power supply, or shall be a fail-safe design, allowing the gate to be pushed open without the use of special knowledge or equipment. To control the automatic gates a detector/strobe switch shall be installed to allow emergency vehicles (e.g., fire, police, ems) to flash a vehicle mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The gates shall be equipped with a TOMAR Strobe Switch or 3M OPTICOM Detector to facilitate this override. Said device shall be mounted at a minimum height of seven feet (7') above the adjacent road surface and is subject to an acceptance test witnessed by the Fire Department prior to final approval of the project.
7. Provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.
8. Prior to issuance of a Building Demo Permit, Steps 1 through 3 summarized below must be addressed during the planning phase of the project. Submit Phase II environmental documents:
- a. **Step 1** – Hazardous Materials Closure (HMCP): This is a permit is issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer’s due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported,

disposed of or reused in a manner that eliminates any threat to public health and environment.

b. **Step 2** – Site Mitigation: Site mitigation is the cleanup or management of chemical contaminants in soil, soil vapor or groundwater. The type and extent of contamination on site(s) governs which of the regulatory agencies noted below will supervise the cleanup.

- Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division (CUPA)
- Department of Toxic Substances Control (DTSC)
- State Water Resources Control Board
- Santa Clara County, Department of Environmental Health.

c. **Step 3** – Community Development, Building Division Demolition Application: For the majority of projects within the City of Santa Clara, Steps 1 and/or 2 described above need to be completed prior to proceeding to demolition application in order to avoid permit approval delays. The purpose of a demolition permit is to ensure that the parcel is clear of debris and other health hazard material (lead, asbestos, etc.) and that the utility connections have been plugged and sealed.”

If the project intends to contract with a State or County Agency for onsite/offsite environmental remediation activities the following documentation shall be provided to the Fire Prevention & Hazardous Materials Division prior to issuance of a Building Permit for demolition or grading:

- Oversight agency case number; and
- Oversight managers contact name, phone number.

POLICE

1. The business shall undergo a 6 month and a 1 year review, including a check for ABC violations and police service calls.

PUBLIC WORKS

ENGINEERING

1. 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.
2. 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 submitted within a Single Encroachment Permit to be reviewed and 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.

3. Submit public improvement/Encroachment Permit plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements directly to the Public Works Department. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of subdivision map and/or issuance of building permits.

Solid Waste

1. The applicant shall complete and provide the Post-Construction Solid Waste Generation Estimation and Collection Form, which includes the estimation of trash and recycling materials generated from the project. Use the City's Solid Waste Guidelines for New and Redevelopment Projects as specified by the development type. Contact the Public Works Department at Environment@santaclaraca.gov or (408) 615-3080 for more information.