

## **CONDITIONS OF REZONE AND USE PERMIT APPROVAL**

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

### **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.

### **PLANNING AND BUILDING INSPECTION**

- P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- P2. 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 proposal. 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.
- P3. Any modification to the approved proposal shall require an amendment to the Use Permit subject to Planning Commission review and approval prior to commencement of the proposed changes.
- P4. Submit plans for Architectural Committee 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, stormwater control, and signage. Changes to the plans, as required by conditions of approval contained herein, shall be provided as part of the architectural review plan set.
- P5. The ground floor plan and building elevations shall be revised on plans submitted for Architectural Review to remove the roll-up door along the Cecil Avenue frontage of the property that accesses the car wash/detail area and modify the floor plan so that internal site circulation to/from this area occurs on-site and not using the public street.
- P6. Pedestrian and roll-up doors opening onto Cecil Avenue should remain closed during operation, and be used for emergency ingress/egress, and to facilitate the collection of waste only and shall not be used as a primary entrance to or exit from the site, except as allowed for oil/fluid removal and supply, consistent with Condition P19 below. The roll-up door between the service area and Cecil Avenue should remain closed at all times, except in the event of emergency ingress/egress needs and to facilitate the collection of waste. ~~The roll-up door for the service area that faces east should remain closed except for vehicle ingress/egress in order to minimize noise disturbance to nearby neighbors,~~

- ~~consistent with the Illingworth & Rodkin noise study recommendations dated July 18, 2016.~~ Prior to approval of plans for Architectural Review, plans shall be revised to label doors opening to Cecil Avenue consistent with this condition, and plans shall note that signage will be posted on-site to inform employees and other users which doors are to remain closed during operations.
- P7. Prior to approval of the plans for Architectural Review, the landscaped setback along Cecil Avenue shall be increased to 10 feet, as required by the Zoning Ordinance for a “through lot” with two front property lines. Alternatively, the applicant shall submit for a minor modification, along with the justification therefor, and request that the building setback be reduced by a maximum of 25% to a minimum setback of 7 feet 6 inches along Cecil Avenue.
- P8. . Employees shall be directed to park within designated parking stalls on-site. The designated parking stalls shall be signed or stenciled “Employee Only”. Employees shall be strongly discouraged to park off-site.
- P9. Prior to approval of the plans for Architectural Review, the plans shall be revised to show the designated locations of all parking spaces required by the Zoning Ordinance to be provided for employees and customers. The Zoning Ordinance calls for 1 employee/customer space per 400 square feet of repair/showroom area (a total of 114 required parking spaces based on the proposed square footage) plus one space for every two non-auto-repair employees. The applicant shall identify the total number of non-auto-repair employees for the dealership as part of the architectural review application. Plans shall be labeled to identify whether parking stalls will serve retail customers, service/repair customers, or inventory purposes.
- P10. The operator shall manage vehicular stacking for the service area such that it does not create back-up onto Stevens Creek Boulevard or otherwise affect vehicular, bike, or pedestrian circulation.
- P11. All lighting shall be shielded to prevent any spillover onto adjacent properties. Developer shall adjust angle, shield, or dimming of the lights should there are spillover of lights onto adjacent properties. Bright white lighting for nighttime outdoor vehicle display shall not occur on the rooftop parking deck. Rooftop lighting shall be subdued and non-white in color (equivalent to low or high pressure sodium light) but adequate for safety as employee/customer parking and vehicle storage.
- P12. The use of announcement or paging speaker systems outside the building is prohibited.
- P13. Use of the 26-foot wide driveway exit to Cecil Avenue shall be minimized. Test drives shall use the Stevens Creek Boulevard driveway for ingress and egress. The solid gate across the 26-foot driveway to Cecil Avenue shall be closed at all times, except in the event of an emergency or in order to facilitate egress from the site by delivery or service trucks for which egress from the Stevens Creek Boulevard exit is problematic. Prior to approval of the plans for Architectural Review, the on-site circulation expected for vehicles and delivery trucks shall be identified.
- P14. The interior service door to the car wash (facing east) shall be closed when the vehicle washing equipment is in operation. The applicant shall present service door and automatic opening device details to the satisfaction of the Architectural Committee to demonstrate that carwash and service area noise impacts on adjoining residences are minimized.
- P15. The floors of the parking structure shall be textured or surfaced to minimize noise from vehicle tires in motion.
- P16. All mechanical equipment associated with the ventilation of this building shall be located within the building or on the rooftop, screened from public view, and designed so that building ventilation exhaust areas do not directly face neighboring residential properties. Auto wash area shall not be open toward residential properties when in operation, to the

- satisfaction of the Director of Planning and Inspection.
- P17. Hours of vehicle sales and service operation are restricted to 7:00 a.m. to 10:00 p.m. every day, including loading and receiving of materials and site circulation. All roll-up doors shall remain closed during these hours.
- P18. Parts and supply deliveries shall occur using the Stevens Creek Boulevard driveway, and not Cecil Avenue.
- P19. No loading, unloading, deliveries, vehicle staging, vehicle parking, vehicle/site service, or other site function shall occur on Cecil Avenue or other nearby residential streets, with the exception of oil and other fluid extraction and supply to the business may occur on Cecil Avenue between the hours of 8:00 a.m. to 5:00 p.m. ~~Oil and other fluid extraction and supply on Cecil Avenue shall occur no more than one time per week. The business operator shall maintain a log of activity for the oil and other fluid extraction and supply. Said log shall be furnished to the City upon request.~~
- P20. The use of portable-generator-powered equipment to wash display vehicles shall not occur before 7:00 A.M. on weekdays, and shall not occur before 8:00 A.M. on weekends.
- P21. Consistent with the Illingworth & Rodkin noise report dated July 18, 2016, utilize service bays furthest from the roll-up doors first, locate the noisier repair/service activities in bays furthest from the roll-up doors, limit sounding of horns and loud car radio use, and emphasize to all dealership staff the neighborhood's sensitivity to noise and the importance of minimizing operational noise impacts to neighbors.
- P22. Obtain Zoning Administrator Minor Modification for proposed building height (above 35 feet).
- P23. 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.
- P24. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- P25. It shall be the developer's responsibility through his engineer to provide written certification that the drainage design for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
- P26. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of Architectural Review approval. Post construction stormwater control measures must be certified for compliance with applicable Regional Water Quality Control Board requirements by a third-party certification body. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Division for incorporation into construction drawings and specifications.
- P27. The project site is located in Seismic Hazard Zone as identified by the State Geologist for potential hazards associated with liquefaction, pursuant to the Seismic Hazard Mapping Act (Div.2 Ch7.8 PRC), and the developer shall prepare and submit a geotechnical hazards investigation report acceptable to the City of Santa Clara Building

- Official prior to issuance of permits.
- P28. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
  - P29. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
  - P18. The Project shall comply with all mitigations identified in the Mitigation, Monitoring and Reporting Program for the project.
  - P18. This Use Permit will only take effect following the effective date of the City Council's rezoning of the associated easterly 0.28 acre portion of the site from A – Agriculture to CT – Thoroughfare Commercial (City file number PLN2016-11888). Should the City Council not approve the associated rezoning, the Planning Commission's approval of this Use Permit shall be null and void.

### **ENGINEERING**

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees prior to issuance of the Building Permit. 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, 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. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E4. After City Council approval of the Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. The City approved Parcel Map shall be recorded by developer prior to building permit issuance.
- E5. File and record Parcel Map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E6. 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.
- E7. Sanitary sewer (SS) cleanout shall be installed at or near property line per City standard detail SS-1 for proposed SS lateral.
- E8. Proposed trees shall be 5' minimum clear of sidewalks. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.

- E9. Storm drain and sanitary sewer laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk.
- E10. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E11. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E12. Remove existing driveways and replace with ADA compliant driveways along the property frontages per City standards.
- E13. With the requirement to install the "Boulevard Style" frontage improvements (4-foot park strip with trees, and 10-foot sidewalk) along Stevens Creek Blvd, property owner will be required to dedicate sidewalk and utility easements for portions of sidewalk and any public utility within private property and pay the easement preparation fee. For more information regarding the easement contact Nelson Damian at 408-615-3000.
- E14. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E15. All proposed walkway, sidewalk, driveways, and curb ramps shall be ADA compliant.
- E16. Show and comply City's Driveway Triangle of Safety requirement at all proposed driveways including the Parking Garage driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety areas.
- E17. Provide pedestrian ADA walkway from proposed buildings to public sidewalk.
- E18. Proposed driveways on Stevens Creek Blvd. and Cecil Avenue shall be per City standard detail ST-8.
- E19. On-street parking shall not be counted toward on-site parking requirements.
- E20. Provide 2 Class I and 8 Class II bicycle parking spaces at main entrance and/or high visible area.

### **ELECTRICAL**

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be overhead. See Electric Department Rules and Regulations for available services.
- EL4. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL5. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL6. Overhead services shall be installed per City of Santa Clara Electric Department standard OH-550, MS-G6, and MS-G7 latest revision.

- EL7. Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Std. MS-G7, Rev. 2.
- EL8. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL9. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL10. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL11. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL12. Any relocation of existing electric facilities shall be at Developer's expense.
- EL13. Electric Load Increase fees may be applicable.
- EL14. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at developer's cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL15. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Chapter 17.15, Appendix A (Table III)).
- EL16. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL17. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-261-5469 to facilitate plan review.

## **WATER**

- W1. The applicant shall maintain 12" of vertical clearance at water service crossing with other utilities, and all required horizontal clearances from water services: 10' from sanitary sewer utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 5' from gas utilities, and 10' from landscaping. If applicant installs root barriers, clearance from landscaping reduces to 5'.
- W2. Prior to issuance of Building Permits, the applicant shall provide details for a sanitary sewer manhole on the property line for sanitary sewer services greater than 6".
- W3. Prior to the issuance of Building or Grading Permits, the applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W4. Prior to the issuance of Building Permits, the applicant shall provide fixture unit counts so the Water Division can verify the appropriate size of all proposed water meters.
- W5. The applicant shall revise plans so that water meter and the back flow preventer are located behind the side walk in a landscaping area. Additionally, the proposed water and fire services layout shall comply with City Standards 11 and 16.
- W6. Prior to issuance of Building Permits, the applicant shall submit plans indicating that the proposed water utilities will be installed per City Standard Details 11 (water service with reduced pressure backflow prevention device), 16 (fire service with double check detector assembly), and 18 (fire hydrant assembly). The applicant shall include the applicable City Standard Details on the plans. Note that the standard details can be found on the City of Santa Clara website under Water and Sewer Utilities Technical Documents.
- W7. Prior to the issuance of building permit, applicant shall review the plan set, address discrepancies, and submit plans consistently showing the location of the proposed and existing utilities. Please note that there are several utility discrepancies between sheet L-2 (composite plan) and sheet C5.2 (utility plan).
- W8. The applicant shall label the sizes and type for the water main along Stevens Creek Boulevard. Additionally, the applicant shall label the sizes of the water laterals. Note that the applicant shall correct the discrepancies on sheet C5.2 (utility plan) involving callouts.
- W9. Prior to issuance of Building Permits, the applicant shall enlarge the scale of sheet L-2 (composite utility plan), such that utility conflicts can be identified. At its current scale, sheet L-2 is very difficult to read.

### **POLICE**

- PD1. The business operator shall strictly adhere to the business hours as stated in the use permit.
- PD2. The developer shall provide a minimum average illumination of one-foot candle in parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD3. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. The numbers shall be illuminated during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street.
- PD4. The entrance to the driveway and parking area should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California vehicle Code section 22658(a) for guidance.

- PD5. Developer shall provide trash enclosure fencing that is either see through or has a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these trash enclosures should remain locked.
- PD6. Landscaping should be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows to discourage criminal penetration.
- PD7. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD8. 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 limited to, employee security during working hours, after hours security, disaster preparation, etc. You may contact the Community Services Unit, Santa Clara Police Department, 601 El Camino Real, Santa Clara, CA 95050, Attn: CSU Sergeant, should you have questions or need advice on this matter.
- PD9. All business or commercial establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, vehicle parking area, etc. Contact Alarm Administrator at Santa Clara Police Department for further details (408) 4615-4700.

## **FIRE**

- F1. At time of Building Permit Application, submit documentation showing that the minimum required fire-flow in accordance with California Fire Code, Appendix B, and Table B105.1 can be met for the construction type and square footage of the building. A maximum reduction of 50% in fire-flow is allowed with the installation of an automatic fire sprinkler systems designed in accordance with California Fire Code. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration. From the hydrant flow data (current within one year) provide a hydraulic calculation that this fire flow can be met at a residual pressure of 20 psi.
- F2. At time of Building Permit Application, the Design Team shall submit an Alternate Means and Method Application (AMMA) Permit to mitigate the lack of fire department access. The mitigation shall include an increase in sprinkler density from 0.15 gpm/sq. ft. to 0.2 gpm/sq. ft. for all areas of the buildings and parking garage. Additional standpipe locations will also be required where deemed appropriate.

## **STREETS**

- ST1. Submit a solid waste collection plan to meet the requirements. Please contact Street Department at 408-615-3080 for guideline.
  - a. Solid Waste enclosure must provide a minimum unobstructed inside opening of 12' and have minimum inside dimensions of 18.5' by 10.5'.
- ST2. Developer must have 3<sup>rd</sup> party verification of C.3 packet and storm water management plan, 3<sup>rd</sup> party inspection of stormwater treatment devices at time of installation, and Inspection and Maintenance agreement with the Street Division (we provide boiler plate). Document must be printed single-sided and be notarized. For more information, call 408-615-3080.
- ST3. Projects with active building permits over 1 acre in size must maintain a SWPPP and are to be inspected once a month during the wet season (October – April) – fees, subject to change, are \$162.63 per inspection.

- ST4. Applicant to comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discards by the project during demolition and construction activities. No building, demolition or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. After completion of project, applicant shall submit a construction and demolition debris recycling report as stipulated by ordinance, or be subject to monetary, civil, and/or criminal penalties.
- ST5. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size to be determined by City Arborist.
- ST6. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.
- ST7. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).

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