

**Conditions of Approval**  
**PLN2018-13252 (Updated from U.1838)**

**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. Project shall continue to comply with Use Permit U.1838 Conditions of Approval.
- C4. Hours of operation shall be from 6:30 a.m. to 11:00 p.m. Sunday through Thursday and from 6:30 a.m. to 12 midnight on Fridays and Saturdays.
- C5. Maintain all existing mature trees north of the drive-thru to minimize impacts of drive-thru and exit lane on abutting residential properties.
- C6. Restaurant operator shall be responsible for policing of trash and debris within 500 feet of the property. A decorative trash receptacle shall be provided at each customer entry/exit from the building or other eating area.
- C7. Outdoor speaker boxes or other apparatus shall comply with the City's standards for the Noise Ordinance.
- C8. No parking lot sweeping or deliveries between 11:00 p.m. and 6:00 a.m.
- C9. Maximum of 110 interior seats and 20 exterior seats.
- C10. Allow a second drive-through lane as shown on the development plans dated September 21, 2018.
- C11. Provide new site lighting to optimize lighting levels and minimize spillage on the residents to the north. The lighting plan shall be incorporated into the building permit application and subject to review and approval by the planning division.

**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. All proposed sidewalk, walkway, and driveway(s), shall be per ADA compliant City standard.
  - E4. Show and comply with City's driveway vision triangle requirements at proposed driveway. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
  - E5. Provide ADA walkway connecting the proposed buildings to public sidewalk.
  - E6. All traffic striping, messages, and symbols shall be thermoplastic.  
Provide a minimum of 1 Class I bicycle locker space per 30 employees and 4 Class II bicycle rack spaces at the main entrance and/or high visibility area.

## **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.

## **WATER**

- W1. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities)
- W2. Approved backflow prevention device(s) are required on all potable water services. The applicant shall submit plans showing the location of the approved backflow prevention device(s). Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.

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