

## **Conditions of Approval**

### **CONDITIONS OF 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.

### **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, landscaping, exterior lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development. Project landscaping shall include larger Sycamore "Columbia" variety street trees along El Camino Real (initial 24-inch box planting size), incorporating root barriers against the City's sidewalk and underground utilities.
  - C3. Developer shall be responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
  - C4. 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.
  - C5. This Use Permit is primarily intended to allow for conversion of an auto service station building into a general retail convenience store use
  - C6. Hours of permitted operation for the convenience store (including retail beer and wine sales for off-site consumption) and potential restaurant operation(s) shall be limited to the same existing hours of operation for the service station - from 6:00 a.m. until 12:00 midnight every day.
  - C7. Seating shall be limited to no more than 3 seats per 200 square feet of gross floor area for the potential restaurant space within the building consistent with Section 18.74.020 (r)(2) of the City's Zoning Code.
  - 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
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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.

## **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 work within State right-of-way requires encroachment permit from Caltrans.
- E4. Encroachment permit required for ADA frontage improvements if building permit valuation is \$200,000 or greater, cumulatively within the past 3 years of building permit submittal. All driveways, curb ramp, and pork chop island shall be updated to current City standards.
- E5. On-street parking shall not be counted toward on-site parking requirements.
- E6. All proposed on-site driveways and paths shall accommodate fire truck/engine turning template.
- E7. Show and comply City's Driveway Triangle of Safety requirement at all existing and proposed driveways
- E8. All traffic striping, messages, and symbols shall be thermoplastic.
- E9. All proposed walkway, sidewalk, driveways and curb ramps shall be ADA compliant.
- E10. Proposed driveways shall be CSC ST-8 and comply with Driveway's Triangle of Safety. Dedicate sidewalk easement as required.
- E11. Close driveway on El Camino Real closest to the intersection and replace with curb, gutter, and sidewalk per ST-12.
- E12. Provide 1 Class I & 1 Class II bicycle parking (VTA Bicycle Technical Guidelines, Table 10-3).

## **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 underground. See Electric Department Rules and Regulations for available services.
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- EL4. 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.
  - EL5. 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 Standard MS-G7, Rev. 2.
  - EL6. 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).
  - EL7. 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.
  - EL8. 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.
  - EL9. Any relocation of existing electric facilities shall be at Developer's expense
  - EL10. Electric Load Increase fees may be applicable
  - EL11. 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 his 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)).
  - EL12. 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 Title 17 Appendix A (Table III)).
  - EL13. 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.
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- EL14. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- EL15. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- EL16. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- EL17. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics)  
EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- EL18. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.
- EL19. SVP does not utilize any sub-surface (below grade) devices in it's system. This includes transformers, switches, etc.
- EL20. All interior meter rooms are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- EL21. 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 408-615-6620 to facilitate plan review.

## **WATER**

- W1. If fire flow information is needed, applicant shall coordinate with Water Department at (408) 615-2000.
  - W2. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as built" drawings to the satisfaction of the Director of Water and Sewer Utilities.
  - W3. 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
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propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance (edge to edge) 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).

- W4. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and shrubbery) so that the Water Department can verify conflicts for proposed water service locations. The applicant must indicate the correct pipe material and the size of existing water and sewer main(s) on the plans.
- W5. The City recommends installing a new water service for the irrigation system, as it does not have sewer charge, unlike the domestic water service.
- W6. If fire service needs to be installed, the applicant shall coordinate with Fire Dept. to submit hydraulic calculation for the underground fire permit.
- W7. Existing 1" water service needs to be upgraded with approved above ground backflow prevention device per City standard detail #3.
- W8. If fire sprinkler is required, a dedicated fire service with RPDA backflow preventer must be installed.

## **POLICE**

- PD1. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.
  - PD2. Landscaping should follow the National Institute of Crime Prevention standards. That standard describes bushes/shrubs not exceeding 2' in height at maturity, or maintained at that height, and the canopies of trees should not be lower than 6' in height. Crime-deterrent vegetation is encouraged along the fence and property lines and under vulnerable windows.
  - PD3. Lighting for the project to be at the IES (Illuminating Engineering Society of North America) standards and include the features listed below:
    - White light source
    - Full cut-off or shoebox design
    - Tamperproof Housings
    - Pedestrian Scale
    - Unbreakable exterior
    - Wall mounted lights/10' highThese features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.
  - PD4. Any required enclosure fencing (trash area, utility equipment, etc.) would preferably be see-thru. If for aesthetic reasons prohibit that, the fencing should have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked
  - PD5. If the project includes any benches, these benches should not be longer than 5 feet in length, and should have arm rests at both ends. If the benches are longer than 5 feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends. This helps prevent unlawful lodging and/or skateboarding.
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- Another option to benches could be cubes, knee walls, or other creative types of seating possibilities.
- PD6. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism/damage to the wall from skateboarding or similar activities.
  - PD7. All exterior doors should be adequately illuminated at all hours with their own light source.
  - PD8. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls and interior hallways.
  - 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, company vehicle parking area, etc.
  - PD10. The installation and use of interior and exterior security cameras and recording devices is highly encouraged.

## **STREETS**

### **Solid Waste**

- ST1. Commercial, industrial, and multi-family residential buildings must have enclosures for SOLID WASTE and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated SOLID WASTE and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
- ST2. 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 accommodate the tallow bin(s), a separate dedicated enclosure with drainage to the sanitary sewer system shall be provided.

### **Stormwater**

- ST3. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST4. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST5. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.