

**CONDITIONS OF APPROVAL**  
**2800 Bowers Avenue**  
**PLN2020-14429**

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.

**ENGINEERING**

- E1. 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.
- 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 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.
- E3. On-street parking shall not be counted toward on-site parking requirements.
- E4. Provide a minimum of 1 Class I bicycle locker space and 7 Class II bicycle rack spaces at the main entrance and/or high visible areas of each building.
- E5. Protect in place all street signs and curb markings along the property frontage.
- E6. Show on site plan and comply with City's driveway triangle of safety requirements at all driveways and with City's intersection vision triangle requirements at Bowers Avenue/Mead Avenue. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways or intersection vision triangle in order to allow an unobstructed view of oncoming traffic.
- E7. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.

**FIRE**

- F1. At time of Building Permit application an AMMA (Alternate Means and Methods of Construction Application) is required to mitigate the lack of Fire Department access to include hose reach and aerial apparatus. The mitigations will be decided and approved by the Fire Marshal's Office.
- F2. All gates installed on designated fire department access roads are required to be 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.

- F3. 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
- F4. Nothing in this review is binding. Final configurations will be reviewed upon the Building Permit application.

### **PLANNING**

- PD1. Obtain Building permit for all work subject to Building Permit per City Administrative Code Chapter 15.05. Detailed review will be done at time of submittal for building and Building Inspection Division related permits such as Electrical, Mechanical and Plumbing.
- PD2. This project involves change of occupancy per the Building Code, from industrial use to Assembly Use. There are Building Code requirements that shall be determined by a California licensed architect or civil engineer.
- PD3. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- PD4. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits.
- PD5. Prior to a final certificate of occupancy, the applicant shall submit an Emergency Action Plan indicating safety measures for facility users and employees and shall be prepared to the satisfaction of the Director of Community Development. The objective of the Emergency Action Plan is to provide guidelines and procedures in the event of emergencies involving the release of toxic gases from proximate industrial uses and facilities.
- PD6. 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, all in accordance with City Code Chapter 9.10
- PD7. The Director of Planning may refer the Conditional Use Permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval area 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 provide a review of the Conditional Use Permit to the Planning Commission within three months for consideration of revocation proceedings.

### **STREETS**

- ST1. The applicant shall complete and provide the Solid Waste Management Report, 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](mailto:Environment@santaclaraca.gov) or (408) 615-3080 for more information.
- ST2. The applicant shall provide a site plan showing all proposed locations of solid waste containers, chutes, compactors, trash enclosures and trash staging areas. The site plan shall show the route or access for trash and recycling collectors (trucks) including vertical clearance, turning radius and street/alley widths. All plans shall comply with the City's Solid Waste Guidelines.
- ST3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard 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. Applicant shall create a Waste Management Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.
- ST4. This project is subject to the City's Accumulation, Transportation and Disposal of Solid Waste Ordinance (Chapter 8.25 of the Municipal Codes), which requires the handling and disposal of waste by authorized service haulers. Insert the General Notes for the Construction & Demolition (C&D) Waste Management into construction plans in accordance with the City's municipal codes prior to the issuance of a Building or Grading permit. Provide the Green Halo waste online tracking number to Building staff prior to the issuance of a demolition or building permit.
- ST5. Project applicant shall contact the Dept. of Public Works at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant may be required to use the City's exclusive franchise hauler and rate structure for solid waste services. Prior to the issuance of a Public

Works clearance, the project applicant shall complete and sign the Acknowledgement portion of the Solid Waste Management Plan for New Development and Redevelopment form noting the service haulers used for this project.

- ST6. Prior to obtaining a Temporary or Final Certificate of Occupancy, weight tickets for all materials generated for discard or reuse by the project during demolition and construction activities shall be uploaded to Green Halo and submitted for review and approval by Environmental Services. At a minimum two (2) weeks review time is required.
- ST7. Building must have enclosures for garbage, recycling and organic waste containers. The size and shape of the enclosure(s) must be adequate to serve the estimated needs and size of the building(s) onsite and should be designed and located on the property to allow ease of access by collection vehicles. 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.
- ST8. All refuse from all residential, commercial, industrial and institutional properties within the city shall be collected at least once a week, unless otherwise approved in writing (SCCC 8.25.120). Garbage service level required for residential developments (single-family and multi-family) as well as motels and hotels shall be no less than twenty (20) gallons per unit. All project shall submit to the Public Works Department the preliminary refuse service level assessment for approval.