

## **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**

BD1. None submitted.

#### **HOUSING & COMMUNITY SERVICES DIVISION**

H1. None submitted.

#### **PLANNING DIVISION**

- P1. Any modification to the approved statement of operations shall require an amendment to the use permit subject to Planning Commission review and approval prior to commencement of any new or modified business operation.
- P2. The legal non-conforming building located to the rear of the property shall be used only as an auxiliary building and not be used as a commercial storage.
- P3. Any new or existing lighting shall be adequately addressed in the interest of safety and sensitivity to nearby properties.
- P4. The existing landscape cover shall be maintained and supplemented with new ground cover/plants matching the existing. Additionally, the existing irrigation system shall be maintained, and necessary repairs shall be made to help sustain the ground cover on the property.
- P5. The business owner shall be responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P6. Rooftop equipment, if any, shall be screened.
- P7. 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 permits, including the disconnection of roof downspouts to drain over landscaped yards on site.
- P8. 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, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection. Lighting details shall be provided as part of the Architectural Review for the project and shall be designed and maintained to avoid light trespass and reflect away from residential properties and public streets.
- P9. 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.
- P10. A landscape buffer adjacent to the fencing and property lines abutting residentially zoned properties shall be maintained.
- P11. Provide trash enclosure, the location and design of which shall be approved by the Director of Planning and Inspection prior to issuance of any building permits. 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.

- P12. Use shall operate in a manner such that it does not create a public or private nuisance.
- P13. Outdoor playground use shall only occur during daylight hours between sunrise and sunset.
- P14. Construct and maintain a six-foot masonry wall along property lines abutting residential properties in accordance with Zoning Ordinance requirements to the satisfaction of the Director of Planning and Inspection.
- P15. Any future change exceeding the current proposal of 240 children at any given time would require review and approval from the Planning Department.
- P16. The new mobile prefabricated structure shall be removed with the cessation of the existing day care use, but not if the business merely changes hands.

## **FIRE**

- F1. The Fire Department's review was limited to verifying compliance per the 2019 California Fire Code (CFC), Section 503 (Fire Apparatus Access Roads), Section 507 (Fire Protection Water Supplies), Appendix B (Fire-Flow Requirements for Buildings) and Appendix C (Fire Hydrant Locations and Distribution) and City of Santa Clara Requirements.
- F2. To mitigate deficiencies noted during this review (**lack of meeting the 150 feet hose reach requirement**) the Design Team has the opportunity to submit an Alternate Means and Method Application (AMMA) Permit directly to the Fire Department, when substantially completed architectural plans are submitted for Building permits. **The AMMA will be reviewed in conjunction with the Building permit set. Any discussions regarding mitigations during the Planning phase are not binding.** A separate AMMA shall be required at the time of Building permitting.
- F3. 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.
- F4. 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.
- F5. 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.
- F6. 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.
- F7. 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:
- F8. Dead-end fire apparatus access roadways in excess of 150 feet in length shall be provided with approved provisions for turning around.
- F9. 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 (**Note: It appears the building does not meet the 150 feet hose reach**

**requirement. This has the opportunity to be mitigated in the form of an Alternate Materials and Methods during building permit application phase).**

- F10. 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 positioned parallel to one entire sides of the building. The side of the building shall be approved by the Fire Prevention and Hazardous Materials Division.
- F11. 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.
- F12. 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.
- F13. The grade for emergency apparatus access roadways shall not exceed 10 percent to facilitate fire-ground operations.
- F14. 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.
- F15. 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.
- F16. To mitigate deficiencies noted in this letter, the Design Team has the opportunity to submit an Alternate Means and Method Application (AMMA) Permit directly to the Fire Department, when substantially completed architectural plans are submitted for Building permits. The AMMA will be reviewed in conjunction with the Building permit set. Any discussions regarding mitigations during the Planning phase are not binding.
- F17. Nothing in this review is binding. Final configurations will be reviewed upon the Building Permit application.

## **PARKS & RECREATION**

- PR1. City Code Chapter 17.35 applies to anyone who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property. Since there is no residential component, this project is not subject to the Park and Recreational Land ordinance.

## **POLICE**

- PD1. None.

## **PUBLIC WORKS**

### **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. All work within State right-of-way requires encroachment permit from Caltrans.

- E4. Connect new building with 6" sanitary sewer lateral to existing 8" City sanitary sewer main at the rear of the property using "Tap-Tite" connection with an easement line cleanout.
- E5. Provide pavement arrow markings on-site to indicate one-way direction of traffic flow.
- E6. All proposed sidewalk, walkway, and driveway(s), shall comply with ADA requirements.
- E7. Provide ADA walkway connecting the proposed buildings to public sidewalk.
- E8. Dedicate reciprocal ingress and egress easement for both parcels.
- E9. Install "No Parking" signs along El Camino Real frontage.
- E10. Restricted parking zone along El Camino Real frontage shall be removed with the approval of the addition of the project.
- E11. A Transportation Impact Analysis (TIA) will be required in the future if the school pick-up/drop-off exceeds 129 students dropped off during the AM peak hour and 127 students picked up during the PM peak hour. The owner/applicant/tenant shall provide enrollment information as requested by the City within seven (7) calendar days of request. The City may request enrollment information at any given time, regardless of pending applications, and if the enrollment thresholds are exceeded a TIA will be required.
- E12. All proposed driveways shall be City Standard ST-8 and comply with driveway triangle of safety.
- E13. No loading/unloading of children shall be done along the project frontage.
- E14. For the current proposed site development, provide the following minimum bicycle parking spaces at the main entrance and/or high visible area: 1 Class I bicycle space and 4 Class II bicycle spaces.

## STREETS DIVISION

### Landscape

- L1. No cutting of any part of private trees, including roots, shall be done without securing prior approval of the City Arborist. Tree trimming/removal shall be done in accordance to the City of Santa Clara Tree Preservation/City Arborist specifications and with direct supervision of a certified arborist (Certification of International Society of Arboriculture).

### Solid Waste

- SW1. 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](mailto:Environment@santaclaraca.gov) or (408) 615-3080 for more information.
- SW2. 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 outside of normal business hours.
- SW3. All refuse from commercial 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.

### Stormwater

- ST1. The applicant shall 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 Building or Grading Permits. Include the [SCVURPPP Countywide Construction BMPs Plan Sheet](#) with the plans.
- ST2. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST3. 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.

## **SILICON VALLEY POWER**

- SVP1. Private Service conduits to be relocated if necessary. Older SVP estimate for this site was E35472 attached for reference.
- SVP2. Existing transformer to remain – currently it is an 112.5KVA 120/208V transformer. Load development fee may need to be paid.
- SVP3. 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.
- SVP4. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- SVP5. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- SVP6. 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.
- SVP7. 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.
- SVP8. 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).
- SVP9. If the “legal description” (not “marketing description”) of the units is condominium or apartment, then 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. If they are townhomes or single-family residences, then each unit shall have it’s own meter, located on the structure. 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.
- SVP10. 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 an 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.
- SVP11. 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.
- SVP12. Any relocation of existing electric facilities shall be at Developer’s expense.
- SVP13. Electric Load Increase fees may be applicable.
- SVP14. 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)).
- SVP15. 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)).

- SVP16. 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.
- SVP17. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- SVP18. 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.
- SVP19. 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.
- SVP20. 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.
- SVP21. 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.*
- SVP22. SVP does not utilize any sub-surface (below grade) devices in it’s system. This includes transformers, switches, etc.
- SVP23. All interior meter rooms at ground level 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.
- SVP24. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka “real dirt”) and cannot be supported on parking garage ceilings or placed on top of structures.
- SVP25. 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 & SEWER**

- W1. Protect existing public utilities in place. If any changes to water services are required at Building Permit, applicant shall work with the Water & Sewer Department to complete any public improvements.