

**RECEOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
12/5/2016**

Planning Application 2016-7127

760 E. El Camino Real

Miscellaneous Plan Permit to allow for architectural, lighting, landscaping, and parking lot modifications for New Seasons Market within an existing commercial retail site.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

<p>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</p>

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. PERMIT EXPIRATION:

The permit shall be null and void one year from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior

to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

GC-4. NOTICE OF FEES PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

GC-5. SIGNS

No signs are approved as part of this permit. Any proposed signage requires a separate sign permit, subject to review and approval of the Director of Community Development.

GC-6. OUTDOOR DISPLAY OF MERCHANDISE

No regular outdoor display of merchandise shall occur; however, temporary seasonal outdoor display of merchandise may be considered through review by the Director of Community Development through a separate Miscellaneous Plan Permit.

GC-7. LOUDSPEAKERS PROHIBITED

Out-of-door loudspeakers shall be prohibited at all times.

GC-8. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

GC-9. HOURS OF OPERATION & DELIVERY HOURS

The hours of operation are limited to 7:00 a.m. to 10:00 p.m. daily for standard hours of operation. Delivery hours shall not occur before 7:00 a.m. or after 10:00 p.m. Any proposed special events or extended hours shall be submitted for review by the Director of Community Development through a separate Miscellaneous Plan Permit.

GC-10. OUTDOOR SEATING:

As shown on the approved plans, the outdoor seating area is to be removed from the proposed project. If at a future date, outdoor seating is desired, a separate Miscellaneous Plan Permit shall be submitted for review and approval by the Director of Community Development. Such requests for outdoor dining area must be located away from the east side and/or southeast corner of the building closest to adjacent residential properties.

GC-11. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

GC-12. DUST CONTROL:

At all times, the Bay Area Air Quality Management District's CEQA Guidelines and "Basic Construction Mitigation Measures Recommended for All Proposed Projects", shall be implemented. [COA] [PLANNING]

PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT.

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall include the following:

- a) As shown in the plans, the back (south) side of the building will not be repainted and shall remain the same neutral color as the existing building.
- b) As shown in the current plans, wall sconce light fixtures along the east side of the building closest to the southeast corner are to be removed. All other light fixtures on the building shall be LED (10-watts) and be shielded towards the ground.
- c) As shown on the current plans, the canopy along the east side of the building, which spans the majority of the façade, is to be located at 12'-0" above the sidewalk.

- d) The exterior double door closest to the southeast corner of the building shall be modified to a single exit-only door. To reduce possible noise, the angled fence currently proposed to be located near the door at the southeast corner of the building shall be modified to a minimum 8-foot tall sound attenuating masonry wall. Final design details shall be included as part of the building permit plans.
- e) Up to three additional trees may be planted on the site, subject to review and approval of the City Arborist. Based on current conditions of the site, 15-gallon or smaller size trees can be considered with appropriate spacing. Any existing trees that are to be removed shall be replaced. Prior to building permit approval, provide a site plan indicating possible locations for new trees. Existing landscaping and trees shall be maintained in a healthy condition with proper irrigation and fertilization.

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA]
[PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA]
[PLANNING]