

## **Attachment – 1: Conditions of Approval (TUP22-006)**

### **PLANNING DIVISION:**

1. This temporary use permit approval is valid for a period of one (1) year. No operations shall be performed on the subject site after August 30, 2023, unless this permit is renewed, extended or a separate permit is approved by Planning Division. All costs associated with the renewed, extended, or new permit shall be the responsibility of applicant.
2. The Park hours of operation will be from 7am-8pm, Monday-Sunday
3. Approval of TUP22-006 (hereinafter “this permit”) is granted for approved plans in Attachment-B “Use and operations plans” on file with the Planning Division. Operations of the project shall conform to the plans, except as otherwise specified in these conditions. Any future adjustment or modification to the plans shall be considered by the Planning Manager, may require separate discretionary approval, and shall conform to all City, State, and Federal requirements, including subsequent City Code requirements or policies adopted by City Council.
4. Minor modifications to the approved plans or proposed uses which are generally consistent with the Planning Commission approval may be approved administratively by the Planning Manager. Any major changes, as determined by the Planning Manager, shall require review and approval from the Planning Commission at a new public hearing.
5. Failure to appeal this decision in a timely manner, or commencement of any activity related to the project, is understood to clarify Developer’s acceptance of all conditions and obligations imposed by this permit and waiving any challenge to the validity of the conditions and obligations stated therein.
6. If the applicant fails to comply with any of the conditions of this permit, the applicant, owner, or tenant shall be subject to permit revocation or enforcement actions pursuant to the City Code. All costs associated with any such actions shall be the responsibility of applicant, owner, or tenant.
7. The applicant shall obtain necessary permits prior to initiating any new construction or modifications authorized under this approval, including but not limited to encroachment permit and clearances from any State or local environmental agencies. The applicant shall pay all requisite fees in effect at the time of plan submittal and/or issuance, as applicable.
8. Graffiti from any building or wall surface visible from the public street shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the building or wall surface as most practically feasible. Building materials amenable to graffiti removal shall be used to the extent feasible.

9. The applicant shall defend, indemnify and hold harmless the city, its officers, agents, and employees from any liability or claims for damages due to the injury of any person, loss of life, or damage to property caused by, or arising out of activities authorized by Temporary Use Permit 22-006.
10. The site shall have adequate trash and recycling service bins. Trash storage areas (including recycling or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Litter and waste must be collected on-site daily.
11. The site shall be cleaned up within sixty (60) days of the permit issuance and maintained for the life of the project including but not limited to the removal of on-site debris, weeds, and graffiti.
12. Project landscaping shall comply with City of East Palo Alto and State regulations for water-efficient landscaping (WELO).
13. The applicant shall comply with any requirements of the East Palo Alto Building Division, the East Palo Alto Public Works Division, the Menlo Park Fire District, and the East Palo Alto Police Department. This requirement shall be acknowledged in writing by the applicant prior to the issuance of the temporary use permit.
14. All outdoor lighting shall be arranged so as to keep light directed only on the subject property. It is unlawful to create illumination exceeding 0.1 foot-candles on any adjacent property. It is unlawful to create or allow direct glare, whether from floodlights or from high temperature processes (e.g. combustion, welding, etc.) visible at the property line in violation of Section 18.34.110. If the city receives direct complaints on the lights from surrounding neighbors, the city reserves to right to request modifications on the lights and light structures.
15. A sign shall be posted on-site indicating a designated contact person and with contact information to address any neighbor complaints related to the operation of the Use Permit.
16. In the event of any type of emergency event impacting the site, the Developer shall cease operation immediately and may only continue operation after an assessment of the site has deemed safe for site usage by the Community Development Director or his/ her designee
17. As part of a security measures for the temporary park, surveillance cameras may be installed by the applicant to ensure safety and security of the park during operation and non-operation of the park. These cameras shall be managed by the applicant and/ or their private security company.

18. Developer shall acknowledge in writing all of the conditions of approval and must accept these conditions with full awareness of the responsibilities associated with each requirement prior to site usage.

### **BUILDING DIVISION:**

19. A soils investigation report shall be submitted containing design recommendations. Additionally, submit a letter from the Geotechnical Engineer or Civil Engineer who prepared the soil investigation stating the following (signed and stamped): a. The plans and specifications substantially conform to the recommendations in the soil investigation. b. The Geotechnical Engineer or Civil Engineer who prepare the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the City of East Palo Alto.
20. A digital copy of the plans must be submitted for building review; to include the digital submittal of all relevant supporting documents; structural calculations, energy compliance forms, soils report etc.
21. Plans submitted for building review must be designed to the 2021 California Building Codes. Projects submitted after January 1, 2021, will have to be designed to the 2022 California Building Codes. Please imprint the Conditions of Approval on the plans submitted for building permits.
22. Prior to final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading and associated site work substantially conform to the approved plans, specifications and investigations.
23. Please imprint, on the submitted plans, the Construction Best Management Practices. To access the standard plan, please visit: <http://www.flowstobay.org/construction>.
24. The applicant shall properly complete and incorporate the 2019 CAL Green Residential Mandatory Measures on the plans submitted for building permits. The link to access the form: <http://www.ci.east-palo-alto.ca.us/ArchiveCenter/ViewFile/Item/443>
25. The applicant shall properly complete and incorporate the 2019 CAL Green Non-Residential Mandatory Measures on the plans submitted for building permits. The link to access the form: <http://www.ci.east-palo-alto.ca.us/ArchiveCenter/ViewFile/Item/441>

26. Provide a note on the plans submitted for building permits: "At a minimum, 65% of the project waste stream shall be recycled; prior to final project approval, a receipt shall be provided to the building inspector to verify 65% recycling has occurred. Self-hauling is prohibited in the City of East Palo Alto; an authorized hauler shall be utilized.
27. All construction and demolition debris shall be contained on-site (not in the public right-of-way) in constantly covered bins, which include adequate service."
28. Approval of this Project does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable: c. Grading Permit and Improvement Plan d. Fire Permit e. School District Development Impact fee requirements
29. Please note on plan: The City of East Palo Alto Municipal Code Section 15.04.125 limits construction activity to the following hours: Monday through Friday: 7:00 AM to 6:00 PM Saturday: 9:00 AM to 5:00 PM Sundays and national holidays: No activity allowed

#### **PRIOR TO THE ISSUANCE OF THE PERMIT**

30. The installation of site construction trailers will require a separate building permit issued by the Building Division. Plans and specifications must be submitted for review and approval prior to the installation of such structure. Please contact the Building Division for additional information.
31. Prior to the issuance of building permits, the applicant/developer shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 65 percent of the total job site construction waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit.

#### **PRIOR TO THE FINAL/OCCUPANCY**

32. A minimum of 10 Days prior to anticipated occupancy, the applicant shall have scheduled final inspections by all Departments requiring conditions of approval.

#### **ENGINEERING DIVISION:**

33. The developer shall repair or replace any sidewalk, curb and gutter to the satisfaction of the City Engineer.
34. Any work proposed in the public right-of-way, blockages or partial closure of the sidewalk, including disposal bin storage and other temporary activities, will require an encroachment permit be obtained from the Engineering Division of East Palo

Also and applicable fees paid. Should any work be proposed in the public Right of Way details and sections for said work shall be provided. Work in public right of way shall at a minimum conform to San Mateo County Public Works Standards. Conducting work in the public Right of Way without a valid permit is subject to fine and required fees and may require removal of any unpermitted construction. Special provisions such as limitations on work hours, protective closures, or other means to facilitate public access in a safe manner may be required.

**POLICE DEPARTMENT:**

35. There should be uniform lighting without glare during all hours of darkness to enable good observation by neighbors and patrol units after hours.
36. Landscaping shall be well maintained and trimmed so that visual observation is not hindered:
  - Shrubs should be kept less than three feet in height and trees should be pruned to a height of 10 feet.
  - Walkways should be direct, follow natural pathways and avoid blind corners.
  - Walkways and access points to open space should be illuminated and visible.
  - Graffiti should be removed in a timely manner.
37. The security company needs to have a city business license and police permit, in addition to a state license.