

## **CONDITIONS OF APPROVAL**

### **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. Any easements, covenants or other legal instruments pertaining to the egress of all Phase 1 structures shall be recorded, prior to any occupancy being granted.

#### **PLANNING DIVISION**

- P1. The project shall comply with all applicable conditions of approval including mitigation measures identified in the Mitigation Monitoring and Reporting Program for the Related Santa Clara Project.
- P2. Developer shall obtain City approval for proposed new street names prior to City approval of Final Map.
- P3. An agreement between all entities within the parcels in DAP 1 shall be required to ensure that the access and availability of the underground garage is maintained.

### **FIRE**

- F1. Identified locations for Emergency Vehicle Access will be recorded as Emergency Vehicle Access Easements.
- F2. Egress and ingress pathways will continue to be evaluated under appropriate permits. Appropriate egress access easements will be recorded.
- F3. Fire water mains that cross parcels will be recorded as utility easements.

### **PARKS & RECREATION**

- PR1. Developer shall comply with the City's Park and Recreational Land Ordinance (SCCC Ch. 17.35), to the satisfaction of the Director of Parks & Recreation.

### **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. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a

Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of parcel map and/or issuance of building permits.

- E4. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E5. Dedicate, as required, on-site easements for new and existing utilities, new sidewalks, public access, traffic signal, etc. by Subdivision Map or approved instrument at time of development. Developer shall pay applicable easement preparation/processing fee.
- E6. Dedicate a sidewalk easement for the sidewalk and driveway portions within private property and pay the easement preparation fee. Sidewalk easement shall be 1' behind proposed back-of-walk if there is landscaping behind sidewalk and/or at the proposed back-of-walk with a cold joint if there is hardscape concrete behind sidewalk.
- E7. All non-City standard improvements within sidewalk and public utility easements, and public right-of-way shall require an easement encroachment agreement or included in the development wide maintenance agreement.
- E8. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction
- E9. After City Council approval of the Tentative Map, submit the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E10. Utility details are shown conceptually and are subject to approval of the encroachment permit process. If utility installations are unable to meet City standard clearances with the garage vertical parcel boundary as shown, the vertical parcel line may need to shift which may trigger an amendment to the TMAP.
- E11. The 3" buffer for waterproofing and slab area collection drains is a private facility and shall be privately maintained.

#### **SILICON VALLEY POWER**

- SVP1. All 12KV utility connection points terminate at the Customer Switchgear. UGEE easement up to the Customer Switchgear is required, along with an 18' drivable space. 10' working clearance is required in front of and behind the switchgear. 5' working clearance is required on the sides of the switchgear (with no panels). Customer 12KV Switchgear must be located outdoors on "real dirt" unless otherwise agreed upon with SVP. SVP owns and maintains the cable/conduit up to the customer switchgear. (Informational)
- SVP2. In events where electric service is provided at 120/208V or 277/480V the utility connection point is at the secondary compartment of SVP transformers. Customer owns and maintains the cable and conduits up to the SVP transformers. (Informational)
- SVP3. All SVP equipment shall be covered with an Underground Electric Easement ("UGEE"). Show all UGEE designations on final parcel map based on approved SVP developers work drawing.
- SVP4. All SVP pad mount transformers, switch vaults, & customer 12KV switchgear must be located on "real dirt" with appropriate clearances and drive-up access. All SVP switch vault doors must open towards the street. SVP pad mount transformers can follow clearance requirements outlined in UG1225. (Informational)
- SVP5. 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). (informational)

#### **WATER & SEWER**

- W1. DDW Approval: Pursuant to the exception to Section 64572(f), Title 22, CCR prohibiting the placement of potable water mainlines within 100 ft of a sanitary landfill, the project shall attain DDW approval of the proposed utility system prior to issuance of any permit for the construction of utilities for this project.

- W2. Operations and Maintenance Plan: Pursuant to the requirements of the exception to Section 64572(f), Title 22, CCR, the project shall submit an Operations and Maintenance plan (O&M Plan) for the proposed public water system. The O&M Plan shall be approved by the Water and Sewer Utilities Department and DDW prior to the issuance of any permit for the construction of utilities for this project.
- W3. Recycled Water Use: Pursuant to Chapter 13.15, Water, Article IV. Regulation of Recycled Water Service and Use, of the Municipal Code, the project is required to use recycled water for all non-potable uses where recycled water is made available and where provided for by Recycled Water regulations. This project is required to extend and connect to the City's existing Recycled Water System with this phase (Phase 1).
- W4. Recycled Water Applications: SBWR applications for all recycled water services within Phase 1 (Block WB, WC and WD) shall be submitted prior to issuance of building permits for each block.
- W5. Potable Water Redundancy: For all onsite industrial water use that requires uninterrupted service, the project shall provide a potable water back-up supply source that complies with all recycled water separation requirements.
- W6. Recycled Water Design: Each Recycled Water land use (irrigation, dual-plumbing, cooling system, industrial processes, etc.) shall have a separate metered service connection to the main. Applicant shall verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.
- W7. On-site Recycled Water Construction: Construction and installation of all on-site recycled water system equipment shall not begin until the Compliance Division of Water and Sewer Utilities has approved the on-site recycled water design. Please note on-site designs are generally not the same as the Building Permit plans. On-site recycled water plans require SBWR and California State Water Resources Control Board, Division of Drinking Water signatures for final approval.
- W8. On-site Recycled Water Inspection: Inspections are required at all on-site recycled water systems being installed prior to backfilling trenches or cover in walls and ceilings. Request a recycled water inspection by email [watercompliance@santaclaraca.gov](mailto:watercompliance@santaclaraca.gov) or call (408) 615-2002. Please provide the site location, SBWR project ID, and date and time preferences. These inspections are in addition to the Building Permit inspections.
- a. Need to verify separations between all potable/fire lines and recycled water lines, pipe type, pipe depths, equipment types, warning lids, tags and signs.
- W9. Recycled Water Main: The applicant shall install all new recycled water mains needed to connect Phase 1 improvements to the existing City recycled water system at Great America Parkway. All new recycled water mains shall be 12" DIP minimum. The recycled water system shall be connected to the City's existing recycled water system and active prior to occupancy of any building.
- W10. Sewer Design and Hydraulic Modeling: The design of the proposed sewer system is currently under discussion and has not been approved by the Water and Sewer Utilities Department (W&S). The applicant shall submit an application to the Department of Public Works to perform hydraulic modeling for the revised sewer design for W&S's review and approval. The proposed sewer system shall meet all City design criteria and standards unless otherwise approved by the Director of Water and Sewer Utilities.
- W11. Composite Utility Plan: The utility design shown in the utility plans shall be modified to comply with all the requirements of these conditions of approval, including the following items:
- a. All recycled water mains shall be 12" DIP mains
  - b. The new underground garage shall have a separate water service if a restroom is proposed within the garage.
  - c. No FHs, water services, and sewer laterals shall pass through or be placed within any storm water treatment areas.
  - d. All utility services shall meet all City and DDW vertical crossing and horizontal separations.
  - e. a potable water service redundancy for recycled water industrial use shall be added.
  - f. a Fats, Oil, and Grease (FOG) control facility shall be added for all buildings with kitchens or food preparation facilities.

- W12. Encroachment Permit: Prior to issuance of Building Permits, the applicant shall submit an encroachment permit application and design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.
- W13. Utility Design Plans: Utility Design Plans shall indicate the pipe material and the size of existing water, recycled water and sewer main(s). The plans shall show the nearest existing fire hydrant and the two nearest existing water main line gate valves near the project area. The plans shall show meter and backflow configurations to scale and per City of Santa Clara Water & Sewer Utilities Standard Details. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Std Detail 18. The plans shall provide the profile section details for utilities crossing water, sewer, or recycled water mains to ensure a 12" minimum vertical clearance is maintained.
- W14. Utility Separations: Applicant shall adhere to and provide a note indicating that all horizontal and vertical clearances comply with State and local regulations. 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 and electric utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance 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). No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer, potable water and/or recycled water utilities and easements.
- W15. Separate Services: Applicant shall submit plans showing proposed water, recycled water, sanitary sewer, and fire services connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water and recycled water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited. Approved backflow prevention device(s) are required on all potable water services.
- W16. City Standard Meters and Backflows: All proposed meters and backflows for all water services shall meet the current City of Santa Clara Water & Sewer Utilities Standard Details. Plans shall show meter and backflow configurations to scale.
- W17. Existing Services: The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
- W18. Fats, Oil and Grease (FOG): All food service land uses conducting commercial cooking operations including dishwashing activities and equipment cleaning that generate grease-laden wastewater are subject to review from the Water and Sewer Utilities Department, for FOG Control and grease interceptor installation requirements. All food service projects are required to have an approved stamp from the Santa Clara County Department of Environmental Health before plans can be accepted for review. Contact Compliance Division of the Water and Sewer Utilities at (408) 615-2002 for a Food Service Checklist to initiate the process. Items to address include: future maintenance agreements, identification of proposed plumbing and equipment, calculation for proposed grease control devise(s), identification of proposed grease control device(s), and waste/recycling/tallow storage.

- W19. On-Site Storm Drain Treatment: Prior to issuance of Building Permit, the applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.
- W20. Water Usage: Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned, and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W21. Prior to issuance of Building Permits, the applicant shall submit plan details for all water features (including but not limited to fountains and ponds) designed to include provisions for operating the system without City potable water supply and capable of being physically disconnected from source of potable water supply during City declared water conservation periods, to the satisfaction of the Director of the Water & Sewer Utilities. Decorative water features may be permanently connected to the City's recycled water supply.
- W22. Easements: Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.
- W23. Underground Fire Permit: Prior to issuance of Building Permits, applicant shall submit an underground fire permit unless otherwise waived by the Fire Department. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408)615-2000. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants. Fire service lines required for commercial and industrial use shall be sized appropriately per fire flow demand and code requirements.
- W24. Record Drawings: Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities Department.
- W25. Water Shortage Response Actions: Pursuant to the City of Santa Clara's Urban Water Management Plan, during times of drought or water shortage, the City implements water shortage response actions in accordance with the level of water shortage declared. All construction activities and all new irrigation connections are subject to the Water Shortage Response Actions in effect at the time of construction and connection of the irrigation service.
- W26. Water Shortage Response Actions for Stage 2 and higher include water use restrictions that limit the use of potable water such as:
- a. prohibiting the installation of new potable water irrigation services. new irrigation connections, construction, and dust control.
  - b. restrict the use of potable water used for construction and dust control if recycled water is available.

This project is subject to all the requirements and restrictions of the Water Shortage Response Actions in place or adopted during the duration of the project. For more information, visit the City of Santa Clara Water & Sewer Utilities website at [www.santaclaraca.gov/waterconservation](http://www.santaclaraca.gov/waterconservation).