

**CONDITIONS OF REZONING APPROVAL**  
**554 Saratoga Avenue**  
**PLN2018-13148**

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 applicant's new improvements, then the cost of said relocation shall be borne by the applicant.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

**ATTORNEY'S OFFICE**

- A1. The Applicant 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 applicant's project.

**COMMUNITY DEVELOPMENT**

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
- C2. 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 Community Development.
- C3. Comply with all requirements of Building and associated codes (the CBC, CEC, CMC, CPC, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.
- C4. Prior to issuance of a demolition permit, Applicant/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- C5. 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. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- C6. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays and Sundays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 A.M. to 6:00 P.M. following

on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. Construction activity shall not be allowed on recognized State holidays, as noted in Section 9.10.230 of the SCCC, as amended.

## **ENGINEERING**

- E1. Obtain site clearance through Engineering 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 Engineering 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 Applicant/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering 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.

## **WATER**

- W1. If fire sprinkler is required, the applicant shall abandon existing 5/8" water service and install a new 1" water service per City standard detail No. 1 to meet required fire sprinkler demand.
- W2. The applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W3. The applicant must indicate the correct pipe material and the size of existing water and sewer main(s) on the plans.
- W4. Applicant shall coordinate with Fire Department to submit hydraulic calculations for the sprinkler design and obtain an underground fire permit for the proposed fire service.
- W5. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. 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 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 (edge to edge) 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).
- W6. If fire flow information is needed, applicant shall coordinate with Water Department at (408) 615-2000.

## **PARKS AND RECREATION**

- PR1. Section 17.35.020 of Santa Clara City Code Chapter 17.35 requires every person who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property shall dedicate land, pay a fee in lieu thereof, or provide a combination of such dedication and fee for the purpose of

developing new or rehabilitating existing park or recreational facilities pursuant to the California Quimby Act and/or Mitigation Fee Act.

- PR2. This memo assumes the Mitigation Fee Act provisions will apply - the equivalent fee due in lieu of parkland dedication has been recalculated accordingly and is noted in the Conditions of Approval below. The applicant will not be submitting a tentative map or a parcel map for approval.
- PR3. The project will generate an estimated 3 new residents (2.9 persons/household x 1 unit).
- PR4. The City is will accept a fee in lieu of parkland dedication for this single unit development – the equivalent fee due is \$27,195.00.
- PR5. Any in lieu fees imposed under Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.
- PR6. A dwelling unit tax (DUT) is also due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project mix includes one 3-bedroom unit [(\$15 x 1 bedroom) + (\$5 x 2 bedrooms)] for a total DUT of \$25.00.
- PR7. Calculations may change if the number of units changes, if any areas do not conform to the Ordinance and City Code Chapter 17.35, if the fee schedule for new residential development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning, and/or if City Council makes any changes.

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